



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0810/F	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling	<b>Location:</b> Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road)
<b>Applicant Name and Address:</b> Mr M Hamilton, 50 Cookstown Road, Moneymore.	<b>Agent name and Address:</b> CMI Planning, 38 Airfield Road, The Creagh, Toomebridge, BT41 3SQ.
<b>Summary of Issues:</b>  This application has been presented before the Committee on three separate occasions and the applicant did not appeal the refusal of a concurrent application for a Certificate of Lawful development. The applicant has not demonstrated that a dwelling previously approved under policies contained in A Planning Strategy for Rural Northern Ireland dwelling was lawfully commenced within time. The application is now being considered under Planning Policy Statement 21 and the applicant has not demonstrated a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work under Policies CTY1 and CTY 7 of PPS 21 and therefore a refusal is being recommended.	
<b>Summary of Consultee Responses:</b>  <u>NI Water:</u> No objection  <u>Rivers Agency:</u> A Drainage Assessment is required if the area of hardstanding is greater than 1,000 sq.m. in accordance with PPS 15 Policy FLD 3. Approval is required to discharge storm water from the proposed development to the existing drains.	

**DfI Roads:**

No objections subject to the provision of visibility splays of 2.4m x 70m.

**Environmental Health Department:**

No objections subject to suitable arrangements and a suitable location of the proposed septic tank.

**Characteristics of the Site and Area:**

The site is located approximately 1.65km from Moneymore just a few hundred metres from the Coltrim Lane junction located along the main Moneymore to Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.

**Relevant planning history:**

I/2008/0347/RM - New dwelling and garage. Permission Granted 15/05/2009

I/2004/0201/O - New dwelling. Permission Granted 23/05/2005

**Representations:**

There was one neighbour notification letter sent out however no representations were received on this application.

**Description of Proposal**

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application, previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

**Deferred Consideration:**

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

**Relevant Planning Policy:**

Regional Development Strategy 2030  
Strategic Planning Policy Statement

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Access Standards

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

This application has been presented to the Planning Committee on three occasions with the following action resolved by Members:

- October 2017 it was deferred by Members for an office meeting with the Planning Manager which took place in October 2017;
- February 2018 it was deferred by Members to allow the applicant to submit an application for a Certificate of Lawful Development. This was submitted in April 2018 and was refused in June 2018;
- July 2018 it was deferred by Members to allow the applicant to appeal the refused Certificate of Lawfulness.

The applicant did not submit an appeal and it falls to the Council to make a decision on this application.

The Certificate of Lawfulness for the proposal was submitted together with an invoice, aerial photos, additional photos of the site and a letter from the previous owner of the site. The applicant and his representatives failed to demonstrate any material work carried out with regards to the previously approved dwelling. The letter from the site's owner failed to demonstrate the approved dwelling was commenced within time. The submitted invoice referred to a different address and therefore failed to demonstrate the site was commenced within time. Photos were submitted to show partial foundations for a garage but there was no accompanying evidence to confirm when these were completed and there is no evidence held by Building Control to confirm the works. The pre-commencement conditions have not been completed with regards to the vehicular access and sight lines and having considered all the information it was decided the site was not lawfully commenced and a notice of refusal was issued to the applicant in June 2018. The applicant is outside the time period allowed in legislation to appeal the decision and therefore a decision must be taken on this application.

Planning approval was granted for a dwelling under I/2004/0201/O and I/2008/0347/RM under policies contained in A Planning Strategy for Rural Northern Ireland. These policies have since been superseded by those contained in Planning Policy Statement 21. The applicant has failed to demonstrate the approved dwelling was lawfully commenced and also failed to prove a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work as previously addressed before the Committee and a refusal of this application is being recommended.

**Reasons for Refusal:**

1. The proposal is contrary to Policies CTY 1 and CTY 7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

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



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0810/F	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling	<b>Location:</b> Coltrim Lane Moneymore (approx. 220m from Junction with Cookstown Road)
<b>Applicant Name and Address:</b> Mr M Hamilton 50 Cookstown Road Moneymore	<b>Agent name and Address:</b> Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
<b>Summary of Issues:</b>  Refusal recommended - Contrary to CTY 1 and 7of PPS 21.	
<b>Summary of Consultee Responses:</b> No objections	
<b>Characteristics of the Site and Area:</b>  <p>The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore – Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.</p> <p>Relevant planning history I/2008/0347/RM – New dwelling and garage. Permission Granted 15/05/2009</p> <p>I/2004/0201/O – New dwelling. Permission Granted 23/05/2005</p> <p>Representations There was one neighbour notification letter sent out however no representations were received on this application.</p>	

**Description of Proposal**

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application (the previous approval has expired), previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

**Deferred Consideration:**

Relevant Planning Policy:  
Strategic Planning Policy Statement  
Cookstown Area Plan 2010  
Planning Policy Statement 3  
Planning Policy Statement 21

This application was previously presented before the Planning Committee in October 2017 and February 2018 with a recommendation to refuse. It was agreed by the Committee to defer the application to allow for the submission of a Certificate of Lawful Development and this application would be considered following a decision made on the certificate.

A Certificate of Lawfulness for the proposal was submitted together with an invoice, aerial photos, additional photos of the site and a letter from the previous owner of the site. Having considered the information the photos did not demonstrate any material work being done with regards to the planning approval. The letter from the site's previous owner did not demonstrate the site was commence within time. The invoice is dated within time for garage foundations but the address refers to Coltrim Road and not Coltrim Lane and this did not demonstrate the site was commenced within time. The applicant has submitted photos of partial foundations for a garage but there is no evidence to confirm when these were completed and there is no evidence held by Building Control to confirm the works. The pre-commencement conditions have not been completed with regards to the vehicular access and sight lines and having considered all the information it has been decided that the site has not lawfully commenced and a notice of refusal has been issued to the applicant.

Planning approval for a dwelling was granted under I/2004/0201/O and I/2008/0347/RM under policies that have been superseded in A Planning Strategy for Rural Northern Ireland by PPS 21. The applicant has failed to demonstrate the approved dwelling has lawfully commenced and has also failed to prove a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work as previously addressed before the Committee and a refusal of this application is being recommended.

**Reasons for Refusal:**

1. The proposal is contrary to Policies CTY 1 and CTY 7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

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



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Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0810/F	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling	<b>Location:</b> Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road).
<b>Applicant Name and Address:</b> Mr M Hamilton, 50 Cookstown Road, Moneymore.	<b>Agent name and Address:</b> CMI Planning, 38 Airfield Road, The Creagh, Toomebridge, BT41 3SQ,
<b>Summary of Issues:</b>  Refusal recommended - Contrary to CTY 1 and 7 of PPS 21.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore - Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.  <u>Relevant planning history</u> I/2008/0347/RM - New dwelling and garage. Permission Granted 15/05/2009  I/2004/0201/O - New dwelling. Permission Granted 23/05/2005	

### Representations

There was one neighbour notification letter sent out however no representations were received on this application.

### **Description of Proposal**

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application, previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

### **Deferred Consideration:**

Relevant Planning Policy  
Strategic Planning Policy Statement  
Cookstown Area Plan 2010  
Planning Policy Statement 3  
Planning Policy Statement 21

This application was previously presented before the Planning Committee in October 2017 with a recommendation to refuse. It was agreed by the Committee to defer the application for a meeting with the Planning Manager and this took place on 12 October 2017.

Following the meeting further information was submitted in support of the application by the agent which I will now consider as part of this report.

At the office meeting it was made clear by Dr Boomer that in order to satisfy Policy CTY 7 of PPS21 which addresses "Dwellings for Non-Agricultural Business Enterprises" states that *"planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work"*.

In my opinion the key facts in the supporting statement submitted by Manor Architects are as follows:

- Mr Hamilton has been working for J & K Coaches for c.2 years
- J & K Coaches have become more concerned about security and therefore the application site would be **advantageous** for supervision
- It is vital that Mr Hamilton is available on-call to maintain essential servicing
- The applicant lives some 300m from the house but there is no clear line of vision which would allow for supervision to occur.
- The previous approval was for the purposes of supervision and security but due to financial difficulties it was never implemented.
- The directors of J & K Coaches have written a letter stating that Mr Hamilton has been closely linked with the company in terms of the servicing of all vehicles, routine maintenance and emergency call outs. They have had cause for concern in relation

to the security of the bus park, especially during late hours. They accept Mr Hamilton lives close by but he does not have a visual link to the bus park and therefore ***this proposal would be ideal in providing casual supervision***

- Mr Hamilton has written to confirm he will reside at the new dwelling should it be approved.

In response to the key points I would comment as follows;

- Having visited the site it is clear at the entrance to the site there are signs giving warning there are security cameras in operation at all times;
- Although it is argued that Mr Hamilton must be available on call to maintain essential servicing, this is possible from his current dwelling, which I have measured to be c. 250m away
- Whilst there may be some intrusion to a clear line of vision from the applicant's current dwelling to the bus park the applicant and agent have failed to demonstrate why constant supervision is needed. It is neither reasonable nor feasible to believe that the applicant will be expected to provide constant supervision both day and night. There is an office on site for the day time hours and there are signs erected notifying the public of ongoing surveillance.
- The letter from the directors fails to demonstrate the need for a dwelling is essential, rather it would be ideal to have casual supervision for the bus park. No issue has been raised that Mr Hamilton has been prohibited from being on call for servicing the vehicles at the dwelling he currently resides in. Dr Boomer at the office meeting had requested a letter from the owners of the coach company to support Mr Hamilton's case but he also wanted the owners to acknowledge no other dwellings would be permitted should this application be approved as a dwelling associated with the business. The owners did not do this.
- Mr Hamilton made it clear at the office meeting that his house is too big for his family, he currently owns the karting track which is causing him stress and he wishes to have a smaller dwelling house with less hassle. This seems to be the real reason why a new dwelling house is being sought, rather than it being an essential need for the coach business, the directors of which have not demonstrated nor argued that it is essential.

The justification and amplification of CTY 7 states that applicants must provide sufficient information to show that there is a site specific need which makes it essential for one of the firm's employees to live at the site of their work, as against a general desire for a dwelling in association with the business. It is my opinion the applicant has failed to do so. The applicant does not work solely for J & K Coaches at present, he also operates the go-karting track beside his dwelling house.

It is my opinion that all parties concerned have failed to demonstrate the essential need for a dwelling in connection with the business as is the policy test of CTY 7 and I would recommend a refusal of the application.

### **Refusal Reasons**

1. The proposal is contrary to Policies CTY1 and CTY7 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 there is a site specific need



for the proposed dwelling that makes it essential for an employee to live at the site of their work.

**Signature(s):**

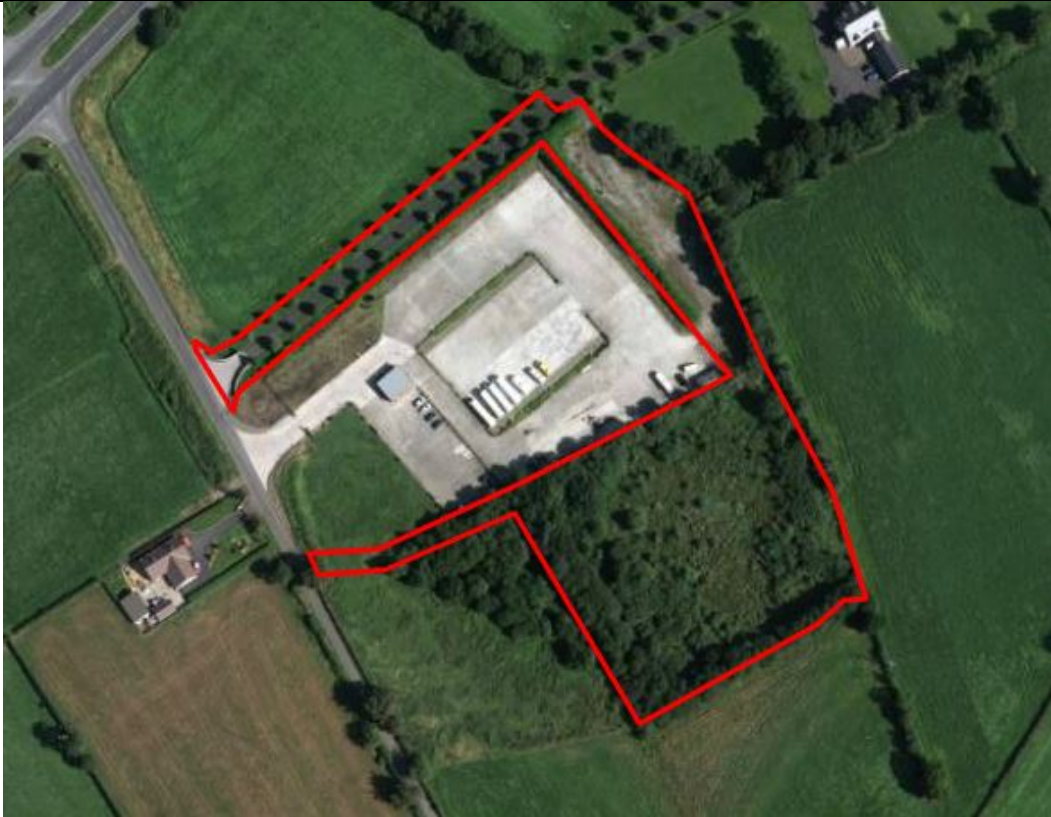
**Date**

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0810/F	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling	<b>Location:</b> Coltrim Lane Moneymore (approx. 220m from Junction with Cookstown Road)
<b>Referral Route:</b>  Refusal recommended – Contrary to CTY 1 and 7 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr M Hamilton 50 Cookstown Road Moneymore	<b>Agent Name and Address:</b> Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
<b>Executive Summary:</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

Refusal recommended - Contrary to CTY 1 and 7 of PPS 21.

## Characteristics of the Site and Area

The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore – Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.

### Relevant planning history

I/2008/0347/RM – New dwelling and garage. Permission Granted 15/05/2009

I/2004/0201/O – New dwelling. Permission Granted 23/05/2005

### Representations

There was one neighbour notification letter sent out however no representations were received on this application.

## Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application, previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

## Planning Assessment of Policy and Other Material Considerations

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

### Cookstown Area Plan 2010

#### Strategic Planning Policy Statement (SPPS)

#### PPS 21 Sustainable Development in the Countryside

Within the submitted Design and Access Statement it was stated that the proposal is in conformity with planning policies for development in the countryside set out in the planning strategy for rural Northern Ireland. Issue is that PPS 21 now takes precedence over this and therefore must comply under it, it was confirmed by the agent that they wish this to be considered under CTY 7 with regards to the operations of the adjacent Bus Park.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be

sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Policy CTY 7 states that the planning permission will be granted for a dwelling in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. Goes on to state that where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. And that planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.

The agent submitted a letter to confirm the reasoning for this is that there is a long established bus park immediately adjacent to the site. The development previously approved, accepted under a different policy but acceptable nonetheless in principle, is immediately adjacent to this business and accessed from it. With any rural business where there is significant value in machinery/ vehicles there is the need for control/ supervision. This more modest dwelling house seeks to monitor/access and assist with operation of the business.

There are a number of concerns in relation to this application, firstly after a phone conversation with the applicant in which he confirmed that he did not actually own the bus park which has raised concerns over the necessity of this application. The applicant's agent with regards to the ownership stated in a submitted letter that Mr Hamilton does not own the business, however, Mr Hamilton carries out all maintenance and security associated with the business around the site. As it has been confirmed that the applicant does not own the business I am of the opinion that there is still no site specific need for a dwelling. Reasoning for this as whilst I acknowledge that Mr Hamilton may carry out maintenance and security the issue is that he already lives in No.50 Cookstown Road which is located approximately 300m from the bus park, questioning as to why a dwelling is needed adjacent to the bus park. From this I am of the opinion that Mr Hamilton would be more than capable to continue carrying out maintenance and security from his own dwelling at No.50 Cookstown road and there has no site specific need for an additional dwelling. To reinforce this argument is the fact that the agent stated that this is a long established bus park which begs the question for the 'essential' need for a dwelling as the bus park has been able to operate without this new dwelling. In the same letter submitted by the agent and in the submitted supporting statement made reference to a historic planning approval however whilst this was considered, issue is that the permission has lapsed and no works were ever commenced confirmed by the agent. In addition it was approved under a different policy which has been superseded by PPS 21 therefore my opinion remains the same. Given the fact over concerns over ownership of the bus park, close proximity of the applicant's dwelling, from this I must recommend refusal as the application has failed under CTY 7 of PPS 21.

The proposal must comply with CTY 13 which states that the proposed development is able to visually integrate into the surrounding landscape and of appropriate design. As stated the site does benefit from existing vegetation on almost all boundaries with minimal views from the public road, this with the single storey nature of the dwelling means it won't be unduly prominent and will help integrate the dwelling into the landscape. I am content that a dwelling in this location would be capable of complying with CTY 13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. As stated I am content that this dwelling would not be unduly prominent in the landscape and would not result in a suburban style build-up of development. I am content that a dwelling would be able to comply with CTY 14.

Rivers Agency were consulted as a portion of the site was affected by surface water flooding however in their response stated that with regards to the new hardstanding it should be determined by the Planning Service should determine if the change of use from existing Greenfield new area of hardstanding is greater than 1000m<sup>2</sup>. However it is worth noting that the application is proposing the change of use from area of hardstanding to Greenfield not that stated by Rivers Agency that it is felt that a drainage assessment is not needed. Final note is that during the site visit it was noted that there was a large area of hardstanding present on the site however from a history search there does not appear to be any permissions for this and is therefore deemed as unlawful which has been passed to the enforcement team pending a decision on this application.

Consultations were also sent to Transport NI, NI Water and Environmental Health however all have returned with no objection subject to conditions and informatives.

I have ecological or residential amenity concerns.

On balance and despite the fact that the dwelling may be able to visually integrate, the proposal has failed under CTY 7 in displaying the essential need for a dwelling in association with the Bus Park and from this failure under PPS 21 I therefore must recommend refusal.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal is recommended

**Conditions/Reasons for Refusal:**

**Refusal Reasons**

1. The proposal is contrary to Policies CTY1 and CTY7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	14th June 2017
<b>Date First Advertised</b>	29th June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Coltrim Lane, Moneymore, Co Derry	
<b>Date of Last Neighbour Notification</b>	26th June 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0810/F Proposal: New Dwelling Address: Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road), Decision: Decision Date:  Ref ID: LA09/2016/1259/F Proposal: Variation of Condition No's 3 and 4 of Planning Approval I/2000/0565/F Address: Adjacent to 46 Cookstown Road, Moneymore, Decision: PG Decision Date:  Ref ID: I/2008/0347/RM Proposal: New dwelling + garage Address: Coltrim Lane, Moneymore (approximately 220m from junction with Cookstown Road) Decision: Decision Date: 15.05.2009  Ref ID: I/2002/0208/F Proposal: Reduction in the area of car parking area from that originally approved under planning permission I/2000/0565.	

Address: Cart Track, adjacent to No 46 Cookstown Road Moneymore

Decision:

Decision Date: 23.12.2002

Ref ID: I/2001/0619/F

Proposal: Office and Store

Address: Adjacent to 46 Cookstown Road Moneymore

Decision:

Decision Date: 13.01.2004

Ref ID: I/2000/0565/F

Proposal: Use of land for cart track

Address: Adjacent to 46 Cookstown Road Moneymore

Decision:

Decision Date: 18.06.2001

Ref ID: I/1999/0490/O

Proposal: Dwelling house

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 14.04.2000

Ref ID: I/2000/0334/F

Proposal: Dwelling

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 08.11.2000

Ref ID: I/2006/0356/O

Proposal: New Dwelling

Address: Coltrim Lane, Moneymore (approx 240m from junction of with cookstown Road)

Decision:

Decision Date: 07.12.2006

Ref ID: I/2004/0201/O

Proposal: New Dwelling

Address: Coltrim Lane, Moneymore (Approximately 220 M from Junction with Cookstown Road)

Decision:

Decision Date: 23.05.2005

Ref ID: I/2001/0257/F

Proposal: Bus parking area with ancillary facilities including small building - office,WC and canteen

Address: 120 metres south east of Coltrim Cross Roads Coltrim Lane Moneymore

Decision:

Decision Date: 01.10.2002

Ref ID: I/2004/0081/F

Proposal: Amendment to previous condition 03 on Planning Permission I/2000/0565 for the approval of 2No Karts (Rotax Leisure Kart) as tested and evaluated in accordance with guidelines agreed with statutory bodies

Address: Adjacent to no. 46 Cookstown Road, Moneynore

Decision:

Decision Date: 01.07.2004

Ref ID: I/2000/0190/F

Proposal: Use of land for cart track

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 20.12.2000

Ref ID: LA09/2016/0016/F

Proposal: Proposed temporary staff room / office

Address: 4 Coltrim Road, Moneymore,

Decision: PG

Decision Date: 26.02.2016

Ref ID: LA09/2016/0322/F

Proposal: Proposed ECO-Wash waste water treatment system (to allow for the washing of company vehicles)

Address: 4 Coltrim Road, Moneymore,

Decision: PG

Decision Date: 20.05.2016

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Type:  
Status: Submitted

Drawing No. 03  
Type: Existing and Proposed Floor Plans  
Status: Submitted

Drawing No. 02  
Type: Site Location Plan  
Status: Submitted

Drawing No. 04  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 01  
Type: Block/Site Survey Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



### Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/1373/0	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and Garage.	<b>Location:</b> 55m East of 32a Mulnavoo Road Moneyneany Road Draperstown.
<b>Applicant Name and Address:</b> Michael Bradley Esq 30 Mulnavoo Road Moneyneany Draperstown	<b>Agent name and Address:</b> R M Finlay 350 Hillhead Road Knockloughrim Magherafelt
<b>Summary of Issues:</b>  This proposal had failed to comply with CTY 1, CTY8 & CTY14 of PPS 21. It was subsequently deferred for an office meeting and following re-assessment has been recommended for refusal for the reasons previously given.	
<b>Summary of Consultee Responses:</b>  No objections.	
<b>Characteristics of the Site and Area:</b>  The application site is located approximately 2km North West of the development limits of Draperstown within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as located 55m East of 32a Mulnavoo Road, Draperstown. The red line covers	



approximately half of a larger agricultural field. The site is bounded A mix of residential and agricultural land uses defines the surrounding area. I note that the residential properties located adjacent to the site are all set back off the Mulnavoo Road.

### **Description of Proposal**

Proposed site for an outline dwelling and garage

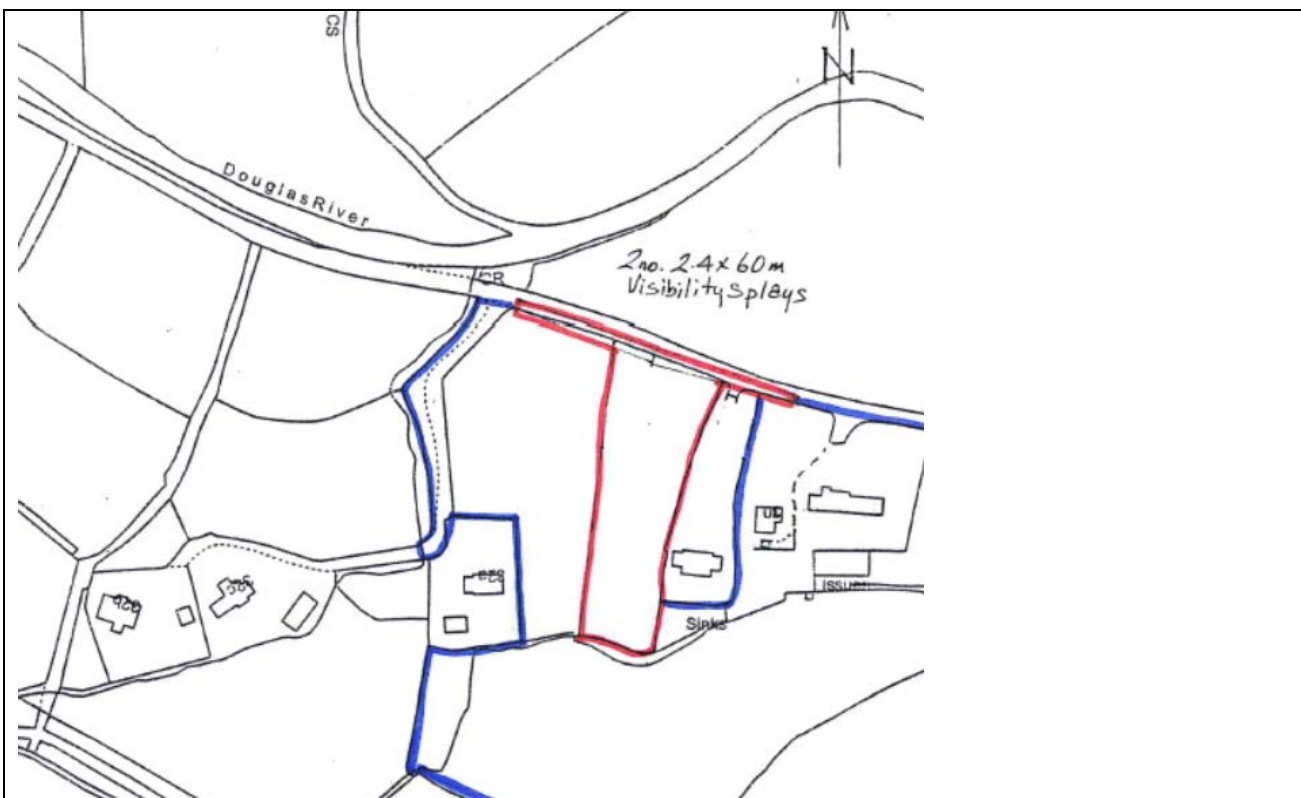
### **Deferred Consideration:**

This application was presented to Planning Committee as a refusal for the following three reasons ;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would, if permitted, create a ribbon of development along Mulnavoo Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, in that the building would, if permitted create a ribbon of development resulting in a suburban sprawl and result in the loss of the visual break, as such would represent a detrimental change to the rural character of the countryside.

The application was subsequently deferred for an office meeting which was held with the Area Planning Manager on 10<sup>th</sup> September 2020. It was agreed the site would be re-visited and a re-assessment carried out.

Following a site visit on 16<sup>th</sup> October 2020, I would be in agreement with the original recommendation that the proposal does not meet the criteria for an infill under CTY8.



The main issue with the 'continuous and built up frontage' being relied on here is with No.32a to the west of the site. The other dwellings to the east, No, 30a, 30 & 32 are not questioned as having a frontage to the Mulnavoo Road. In front of No.32a is an agricultural field and the access runs along the boundary of this roadside field. Although the top half of this 2 storey dwelling can be viewed from along Mulnavoo Road it does not have a road frontage and so cannot be counted as part of the continuous and built up frontage under CTY8.



Taken from the site with No.32a in background.



Access of No.32a and agricultural field in front of the dwelling.

In terms of CTY14, this site represents an important visual break along this part of the road. A dwelling here will cause a detrimental change to the character of the area by adding to ribbon development, so the proposal is contrary to this policy as it is failing to respect the existing character.

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.

A refusal is therefore recommended for the reasons given below.

**Refusal reasons:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not amongst the range of developments which are considered in principle to be acceptable in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation of ribbon development along Mulnavoo Road and also adversely impact on the rural character of this area of countryside.
3. The proposal is contrary to Policy CT14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling, if permitted would create a ribbon of development and result in the loss of this visual break and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s):**

**Date**





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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1373/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and Garage.	<b>Location:</b> 55m East of 32a Mulnavoo Road Moneyneany Road Draperstown.
<b>Referral Route:</b>  Refusal- Contrary to Policy CTY1, 8 & 14 of PPS 21	
<b>Recommendation:</b> Refsual	
<b>Applicant Name and Address:</b> Michael Bradley Esq 30 Mulnavoo Road Moneyneany Draperstown BT45 7LR	<b>Agent Name and Address:</b> R M Finlay 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

For comment  
subject to  
suggested  
changes.

19/8/2020

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Three neighbour notifications were sent out and at the time of writing two objections have been received.

Contrary to CTY 1, 8 and 14 of PPS 21.

#### Summary of objections:

- Issue that the site does not meet the policy stated under PPS 21.
- The proposal would add to ribbon development along with No. 30 & 32 Mulnavoo Road.
- Cannot be considered a gap site as No.32a to the west does not share the same frontage as the proposed site and No. 30 & 32.
- CTY 13 opinion the site will be prominent in the skyline and will rely on new landscaping for integration
- CTY 14 the proposal will create a suburban style build-up of development when viewed with existing and approved buildings.



### Characteristics of the Site and Area

The application site is located approximately 2km North West of the development limits of Draperstown within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as located 55m East of 32a Mulnavoo Road, Draperstown. The red line covers approximately half of a larger agricultural field. The site is bounded A mix of residential and agricultural land uses defines the surrounding area. I note that the residential properties located adjacent to the site are all set back off the Mulnavoo Road.

### Description of Proposal

This is an outline application for an infill site for a dwelling and detached garage, located 55m East of 32a Mulnavoo Road, Draperstown.

### Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015  
Mid Ulster Local Development Plan 2030- Draft Plan Strategy  
Strategic Planning Policy Statement (SPPS)  
PPS 21- Development in the Countryside  
PPS 3- Access, Movement and Parking

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

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

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

In terms of the continuous and built up frontage, I note that to the east of the site there are three detached dwellings, Nos. 30A, 30 & 32 Mulnavoo Road with associated outbuildings, which all share a frontage onto the Mulnavoo Road. To the West of the site is a detached dwelling and garage at 32A Mulnavoo Road however this is accessed via a private laneway which also serves access to 32c & 32b Mulnavoo Road. The site at 32a has an agricultural field between the front of the site and the Mulnavoo Road and therefore, I do not believe it has a frontage onto the road. As such, I am not satisfied that the proposed site is a gap site between a substantial and continuously built up frontage. From this I am of the opinion that the application fails under CTY 8.

This application is located on the same site as a previous application LA09/2019/0849/O which was refused for being contrary policy CTY 8 in that it was determined the proposal does not



represent a gap site within a substantial and continuously built up frontage and would create a ribbon development. It should be noted that although this application is on the same site, it has a much bigger red line and the access to the site has been changed and proposes a new access from the Mulnavoo Road. However, it is my opinion that the proposed site is not a gap site and that the change in access does not make

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. Any reserved matters application should require additional planting to take place, therefore, a landscape plan should be submitted as part of the Reserved Matters application. The ridge height should be restricted to 7.5m above finished floor level.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of the area. I am content that a dwelling in this location would not be a prominent feature in the landscape and a well-designed dwelling would respect the pattern of development. As previously noted the proposal fails under policy CTY 8 in that I do not consider this a gap site between a substantial and continuously built up frontage and a result it not only would lead to forming ribbon but also result in a change to the rural character. In my view the site represents an important visual break in relation to the other houses.

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

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

The main points raised in the objection letters received are that the proposed site would create a ribbon development. I note that the concerns have been addressed above.

The objector has raised issues that the proposal would be contrary to the policy contained within the Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy. However, this document was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

The objector and the agent also raised comments regarding the previous planning application LA09/2019/0849/O which was refused at planning committee; it is claimed by the agent that Dr Boomer stated that had this site fronted the road, it would have been approved. The objector questions this and claims there is no record, verification or inference that the Planning Manager would be in support of an application with a road frontage. In fact the situation is that Dr Boomer explained the policy which relates to frontages and did not offer any commitment at this site. However, this application is being considered under relevant policy considerations and a recommendation has been based on the planning policy and relevant material considerations.

#### Neighbour Notification Checked

Yes/No

#### Summary of Recommendation:

Refusal

**Reasons for Refusal**

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

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development along the Mulnavoo Road.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development resulting in a suburban sprawl and result in the loss of this visual break, as such would represent a detrimental change to the rural character of the countryside.

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

19/08/2020



ANNEX	
<b>Date Valid</b>	17th October 2019
<b>Date First Advertised</b>	29th October 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 30a Mulnavoo Road Draperstown The Owner/Occupier, 32 Mulnavoo Road, Draperstown, BT45 7LR The Owner/Occupier, 32a Mulnavoo Road Draperstown Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/1373/O Proposal: Dwelling and Garage. Address: 55m East of 32a Mulnavoo Road, Moneyneany Road, Draperstown., Decision: Decision Date:  Ref ID: LA09/2019/0849/O Proposal: Dwelling and garage Address: 55m East of 32a Mulnavoo Road, Draperstown, Decision: PR Decision Date: 11.09.2019  Ref ID: LA09/2019/0846/O Proposal: Dwelling and Garage Address: 30m east of 32a Mulnavoo Road, Draperstown, Decision: PR Decision Date: 11.09.2019	

Ref ID: H/2002/0744/F

Proposal: Dwelling and Garage

Address: 250m W of 32 Mulnavoo Road, Draperstown

Decision:

Decision Date: 21.01.2003

Ref ID: H/2002/0349/F

Proposal: Dwelling & Garage.

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

Decision:

Decision Date: 27.01.2003

Ref ID: H/2002/0454/F

Proposal: Dwelling and Garage

Address: Mulnavoo Road, Mullaghnamaragh, Draperstown

Decision:

Decision Date: 18.10.2002

Ref ID: H/1991/0036

Proposal: DWELLING

Address: MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1998/0012

Proposal: SITE OF DWELLING

Address: TO REAR OF 30 MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1989/0012

Proposal: ALTS AND ADDS TO HOUSE

Address: 30 MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1998/0253

Proposal: DWELLING

Address: ADJACENT TO 30 MULNAVOO ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1993/0004  
Proposal: ALTS AND ADDS TO DWELLING  
Address: 30 MULNAVOO RD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/2004/0786/F  
Proposal: Replacement dwelling and garage.  
Address: 30 Mulnavoo Road, Draperstown.  
Decision:  
Decision Date: 16.03.2005

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b>	
<b>Application ID:</b> LA09/2019/1387/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Infill site for dwelling & domestic garage	<b>Location:</b> Site approx 10m South of 11 Reenaderry Road
<b>Applicant Name and Address:</b> Sean Robinson 11 Reenaderry Road Coalisland BT71 4QN	<b>Agent name and Address:</b> McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
<b>Summary of Issues:</b> Need to consider if the building and business for training greyhounds located to the south of the proposed site constitutes development for the purposes of infill under the exception to CTY8 – Ribbon Development.	
<b>Summary of Consultee Responses:</b> Geological Survey – no records of mines DFI Rivers - no flooding concerns DFI Roads – sight lines of 2.4 x 70 and 2.4x 80 required and achievable SES - The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.	
<b>Characteristics of the Site and Area:</b>  The site is in the countryside and is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is rural in character with agricultural fields, farm complexes and dispersed single dwellings. There is development pressure in this area as there are a number of single detached dwellings on both sides of this road and surrounding roads.	



The application site is a cut-out of an agricultural field abutting the southern boundary of No. 11 Reenaderry Road. The field has a flat topography and a roadside frontage. To the south of the site a portion of the field has been sectioned off into a number of dog run pens with a blockwork dog kennel in each. There is a hawthorn hedgerow along the roadside boundary of this field and a small wooden fence at the boundary with No. 11. There is a hedgerow along the rear northwest boundary of the field.

**Description of Proposal**

This is an outline application for a dwelling and domestic garage on an infill site.

**Deferred Consideration:**

Members are advised this application was before them in February 2020 where it was deferred for an office meeting. Since then the applicant has obtained a Certificate Of Lawfulness of Existing Use or Development on 28<sup>th</sup> May 2020. LA09/2020/0341/LDE certifies that Lands, pens and kennels for existing dog (greyhound) breeding, rearing, training and runs at Lands 50m South West of 11 Reenaderry Road Coalisland are lawful.

**CTY 8 – Ribbon Development**

Along this stretch of road at 50m north of the site is a dwelling at No. 9 and abutting the northern boundary is No.11. Both dwellings have a roadside frontage along the road. As shown in Figure 1 and 1a below, abutting the southern boundary are dog kennels and a dog run. The certificate of lawfulness has established that the dog kennels have a common frontage with the public road.



Fig 1.





Fig 1A

Abutting the southern boundary of the site the field is divided into separate dog runs and each area has a kennel as shown in figure 2 below.



Figure 2



Figure 3

As shown in figure 3 above within each dog run there is a dog kennel, which is constructed in blockwork, and metal sheeting on the roof.



Figure 4

The dog kennels are not individually of significance, however, as can be seen in Figure 4 there are a number of these as well as the fences associated with the dog pens. Now that it has been established the dog kennels and runs have a frontage to the road, these buildings, albeit small in size do, in my opinion represent buildings for the purposes of the policy. The proposed site is a gap between a line of 3 buildings and as such I consider it meets with the exception to CTY8 as an infill opportunity that would be capable of allowing one dwelling to be sited within it.

There are varying plot frontages along this public road with 20m at No. 9 and 40m at No. 11. The application site has a roadside frontage of 30m and the remaining portion of field

south of the site has a roadside frontage of 40m. I am satisfied the size, scale and plot size is acceptable in relation to the other frontages along this side of the public road.

There is a single storey dwelling at No. 11, a 2 storey dwelling at No. 9 and single storey dwellings further north of the site. However, given the open nature of the site I consider it is appropriate to restrict any dwelling on this site to a 6.0m ridge height to sit below the level of the dwelling adjacent to it. As this is an outline application no design has been submitted and this may be Reserved for further consideration.

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy ended on 24<sup>th</sup> September 2020 and is now open for counter representation. In light of this, the Draft Plan cannot be given any determining weight at this time.

### **Recommendation:**

In light of the above it is my recommendation to the committee that planning permission is granted with the conditions outlined below.

### **Conditions:**

1. Application for the approval of 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 the 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 (herein thereafter called the “Reserved Matters”, shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 70m in a south-westerly direction and 2.4m x 80.0m in a north-easterly direction shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

4. The proposed dwelling shall have a ridge height of no greater than 6 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public and in which case a full explanation shall be submitted to Mid Ulster District Council.

Reason: To ensure the development integrates into the countryside.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

**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> 04/02/2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1387/O	<b>Target Date:</b>
<b>Proposal:</b> Infill site for dwelling & domestic garage	<b>Location:</b> Site approx 10m South of 11 Reenaderry Road
<b>Referral Route:</b> <ol style="list-style-type: none"><li>1. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would add to ribbon development.</li><li>2. 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> Sean Robinson 11 Reenaderry Road Coalisland BT71 4QN	<b>Agent Name and Address:</b> McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> The proposal does not meet the criteria in CTY 8 for a substantial and common frontage of 3 or more buildings in a row. The dog kennels to the south of the site do not have a frontage with the road. There are 2 dwellings to the north and no other buildings to the south; hence, there is not the 3 buildings to demonstrate a gap site.	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Rivers Agency	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 site is in the countryside and is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is rural in character with agricultural fields, farm complexes and dispersed single dwellings. There is development pressure in this area as there are a number of single detached dwellings on both sides of this road and surrounding roads.

The application site is a cut-out of an agricultural field abutting the southern boundary of No. 11 Reenaderry Road. The field has a flat topography and a roadside frontage. To the

south of the site a portion of the field has been sectioned off into a number of dog run pens with a blockwork dog kennel in each. There is a hawthorn hedgerow along the roadside boundary of this field and a small wooden fence at the boundary with No. 11. There is a hedgerow along the rear northwest boundary of the field.

### **Description of Proposal**

This is an outline application for a dwelling and domestic garage on an infill site.

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

#### **Planning History**

No recent planning history

#### **Representations**

The proposal was neighbour notified and advertised in the press and no representations have been received.

#### **Planning Policy Consideration**

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

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

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

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

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

#### **PPS 21 Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. As this is an application for a dwelling on an infill site CTY8 – Ribbon Development is the relevant policy, which will apply.

#### **CTY 8 – Ribbon Development**

The application site has a roadside frontage along a public road. Along this stretch of road at 50m north of the site is a dwelling at No. 9 and abutting the northern boundary is No.11.

Both dwellings have a roadside frontage along the road. As shown in Figure 1 below, abutting the southern boundary are dog kennels and a dog run. These are part of the agricultural field which is the proposed site and do not have a frontage to the public road. Whilst no CLUD has been submitted to demonstrate the lawfulness of these, ortho imagery does appear to indicate they existed for more than 5 years.



Figure 1

I am not content this is a gap site is within a substantial and continuously built up frontage, which includes a line of 3 or more buildings along a road frontage. Abutting the southern boundary of the site the field is divided into separate dog runs and each area has a kennel as shown in figure 2 below.





Figure 2



Figure 3

As shown in figure 3 above within each dog run there is a dog kennel, which is constructed in blockwork, and metal sheeting on the roof. Even though there are buildings south of the application site, they do not have a common frontage with the public road. In addition, there are no other buildings south of the site along this stretch of road, which would constitute 3 or more buildings in a row. Due to the small size of the dog kennels I am not satisfied they are building which can be effectively bookend development here.

There are varying plot frontages along this public road with 20m at No. 9 and 40m at No. 11. The application site has a roadside frontage of 30m and the remaining portion of field south of the site has a roadside frontage of 40m. I am satisfied the size, scale and plot size is acceptable in relation to the other frontages along this side of the public road.

There is a single storey dwelling at No. 11, a 2 storey dwelling at No. 9 and single storey dwellings further north of the site. Hence, I consider a one or two storey dwelling is acceptable on this site. As this is an outline application so design has been submitted and this is considered at the Reserved Matters Stage.

On balance, I do not consider the proposal is an infill site and will add to a ribbon of development.

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

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design.

The site has a roadside frontage onto the public road with a flat topography. The proposed dwelling is in a field south of a row of dwellings at No. 9 and No. 11. There are no dwellings in the immediate area south of the site along this stretch of road. The site is just after a bend in the road. Travelling in a southerly direction there are no long distance views of the application site due to existing trees and other vegetation. However, the trees are not within land, which is under the applicant's control. From a northerly direction, there are minimal long distance views of the site due to No. 9 and No. 11 blocking any direct views. I am content the proposal will not be a prominent feature in the landscape and there are only views of the proposed dwelling when directly at the site.



Figure 4 – Views travelling from southerly direction

There is established trees and vegetation along the rear boundary of the site and a wooden fence between the northern boundary and No. 11. There is a wooden fence along the roadside boundary. As this site is, a portion of an existing field new planting would be needed along the southern boundary and more planting along the northern boundary to protect the amenity of No. 11. I am content the proposal does not rely on new planting for integration.

The proposed access will be directly from the public road and I am content the proposal will integrate into the landscape. It is preferable that a new access runs alongside the boundaries of the site but this access will be for a short distance so I consider it is acceptable. A new garage is stated in the description but as this is an outline application, the design is considered at the Reserved Matters Stage. I am content a garage can be integrated at the site.

As this is an outline application the design of the dwelling is considered at the Reserved Matters Stage. I am content either a 1 or 2 storey dwelling can be integrated into the landscape as the dwelling will read with the dwellings at No. 9 and No. 11 in long distance views.

There are no existing buildings on the site to provide a backdrop but there are established trees along the north west boundary.

The case of dwelling on a farm is not applicable in this case.

#### **CTY 14 – Rural Character**

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Again, I consider the proposed dwelling would appear not unduly prominent in the landscape. There are no long distance critical views in both directions due to other dwellings and vegetation blocking direct views.

I am content the proposed dwelling will not result in a suburban style build-up of development, as there already is development on this stretch of the public road. There are a number of single detached dwellings on both sides of the road and surrounding roads. There is a lot of development pressure in this area so I consider this dwelling will not exacerbate the situation.

I am content the proposal could accommodate a 1 or 2 storey and this will be considered at the Reserved Matters Stage.

I consider this dwelling is ribbon development as the dog kennels and dog runs to the south of the site do not have a common frontage with the public road as previously discussed in the assessment.

I am content the proposed access will not damage rural character.

#### **Planning Policy Statement 3 – Access, Movement and Parking**

A consultation was sent to DFI Roads for comments, in their response confirmed that they had no objections to the proposal subject to informatives and conditions.

#### **Other considerations**

There is flooding along the roadside boundary of the site but consultation with Rivers Agency confirmed the proposal lies adjacent to the flood plain. Therefore I have no concerns about flooding at the site.

The site immediately adjacent to Lough Neagh and Lough Beg Ramsar Site and consequently Shared Environmental Services were consulted. They responded stating due to the proximity to the Ramsar a Habitats Regulation Assessment is needed. As the proposal does not meet the policy in CTY 8 I do not consider it necessary to ask for one.

Geological Survey confirmed the site is not within the vicinity of any abandoned land mines.

The agent has confirmed there is no farming case under CTY 10 at the site and no dwelling at the site, which would be eligible for replacement.

I discussed concerns with the agent about the application and it was argued that similar cases to this one had been approved and LA09/2019/1054/O was mentioned. In this approval, to the south of the application site there is a shed constructed in corrugated metal. However, this shed is substantially larger than the dog kennels in this application, and there is an access and gravelled area to the roadside. I consider the frontage in LA09/2019/1054/O has a common frontage with the public road.

<b>Neighbour Notification Checked    Yes</b>
<b>Summary of Recommendation:</b> The proposal is recommended for refusal as it is contrary to CTY 8 and CTY 14 in PPS 21.
<b>Reasons for Refusal:</b>  <ol style="list-style-type: none"><li>1. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.</li><li>2. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character as a result of the creation of ribbon development.</li></ol>
<b>Signature(s)</b>  <b>Date:</b>



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/0194/0	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and Domestic Garage.	<b>Location:</b> 100m SW of 4 Moboy Road Pomeroy Dungannon BT70 2SG.
<b>Applicant Name and Address:</b> Dean McNally 4 Moboy Road Pomeroy Dungannon	<b>Agent name and Address:</b> CQ Architects 23 Dunamore Road Cookstown BT80 9NR
<b>Summary of Issues:</b>  Following the deferral of the above application, the issues remain and refusal is recommended as previously.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 1.9km south east of the development limits of Gortacladdy, in which the site is located within the open countryside as per defined by the Cookstown Area Plan 2010. The site is identified as 100m SW of 4 Moboy Road, Pomeroy, in which the site is accessed via an existing agricultural access onto the Moboy Road. There are remnants of an old building within the field. Within the middle of the site is a mix of mature trees and hedging that also surround all boundaries of the larger agricultural field. The immediate area is defined by a mix of development inclusive of agricultural and residential with the wider being defined by predominately agricultural land uses with a scattering of residential properties.	

### **Description of Proposal**

The applicant seeks outline planning approval for a dwelling and garage

### **Deferred Consideration:**

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

### **Refusal Reasons**

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY 1 and CTY 10 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 dwelling is visually linked (or sited to cluster with an established group of buildings on the farm or that there have been 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.

It was subsequently deferred for an office meeting with the Area Planning Manager and a meeting was held on 13/08/2020.

It was agreed the site would be re-visited to consider its siting, taking into account the existing vegetation and some old building remains, which potentially could be viewed as the location of a farm building.

At the time of the site visit on 11<sup>th</sup> Sept 2020, the remains of the buildings were difficult to see due to overgrown mature vegetation. The agent helpfully provided photographs after this date (from 5<sup>th</sup> Oct 2020) when the vegetation had been cut back in an attempt to uncover more of the building remains. These images are shown below;





However, although these are clearly the remnants of an old building on the site, the policy states under CTY10 that permission for a dwelling on a farm should be granted where 'the new building is visually linked or sited to cluster with an established group of buildings on the farm', and what does currently exist on the site could not be considered as such so therefore fails on part c of the criteria. This site would not be seen as clustering with an existing group of buildings on the farm.

A more suitable site on field 1 of the farm land, had been identified by the original case officer and I would be agreement this would be a better integrated and less prominent site, as well as being able to cluster with the existing farm building and therefore meeting the criteria it fails on with the current site.



Images of Field 1.

The agent has been offered this as an alternative but the applicant does not want to build here as he feels a new dwelling would impact on the residential amenity of the neighbouring dwelling and add to ribbon development. However I am of the opinion that a modest dwelling in the lower part of field 1 would meet all the criteria for CTY10 and ensure adequate separation from the existing dwelling. Any new dwelling within this field would front on to the laneway rather than Moboy Road so would not share a common frontage with the existing dwelling nor extend ribbon development.

The agent has failed to demonstrate sufficient reasons for the siting away from the farm grouping and so it fails under CTY10. As the proposal does not meet the policy requirements of PPS21, Refusal is being recommended for the reasons given below.

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



**Refusal Reasons**

1. The proposal is contrary to the SPPS ad Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY 1 and CTY 10 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 dwelling is visually linked (or sited to cluster with an established group of buildings on the farm or that there have been 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.

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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0194/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and Domestic Garage.	<b>Location:</b> 100m SW of 4 Moboy Road Pomeroy Dungannon BT70 2SG.
<b>Referral Route:</b>  To Committee – Refusal – Contrary to CTY 1 and 10 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Dean McNally 4 Moboy Road Pomeroy Dungannon BT70 2SG	<b>Agent Name and Address:</b> CQ Architects 23 Dunamore Road Cookstown BT80 9NR
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

For committee  
decision



7/7/2020

## 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
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	NIEA	Advice

### Representations:

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

### Summary of Issues

To Committee - Refusal - Contrary to CTY 1 and CTY 10.

### Characteristics of the Site and Area

The site is located approximately 1.9km south east of the development limits of Gortacladdy, in which the site is located within the open countryside as per defined by the Cookstown Area Plan 2010. The site is identified as 100m SW of 4 Moboy Road, Pomeroy, in which the site is accessed via an existing agricultural access onto the Moboy Road. I note that the red line covers a portion of a much larger agricultural field in that it appears to be the remnants of some sort of building in the middle of the site but the building is almost completely destroyed. Within the



middle of the site is a mix of mature trees and hedging that also surround all boundaries of the larger agricultural field. I note that the immediate area is defined by a mix of development inclusive of agricultural and residential with the wider being defined by predominately agricultural land uses with a scattering of residential properties.

#### Representations

Two neighbour notifications were sent out however no representations were received in connection with this application.

#### Description of Proposal

This is an outline application for a new dwelling and garage located 100m SW of 4 Moboy Road, Pomeroy.

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

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 - Dwellings on Farms

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane. Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-



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

With respect to (a) a consultation was sent to DAERA with regards to the Farm Business, in their response confirmed that the farm business identified in the P1C was established in 1991 and went to confirm that the farm business has made claims in the previous six years. I note that DAERA made reference that on the P1C the name of address of active farm business refers to a member in the Business ID quoted at Q1 (d)(i) and not the Named Head of the Business in Trading title. I note the agent confirmed that the applicant is a nephew of the registered farmer. In terms of this I am content that the business is established and active as per the guidance.

With respect to (b) and upon a history of the farm business, I am content that it does not appear that there were any development opportunities approved or sold off the farm in the previous 10 years.

With respect to (c), it is noted the registered farm address is located approximately 280m from the site and at this location it is clear that there is an established existing group of buildings on the farm. In comparison to that with the site I note that there are no buildings on the site, despite the fact there may have been a building at some time on this site but I am of the opinion that it is in such poor shape that it no longer constitutes as a building. From this I am of the opinion that any farm site should be situated beside the existing group at the registered farm address to be able to cluster or visually link with these buildings. Upon review of the farm maps it is clear that lands (fields 1,3,6 and 4) are owned around these buildings which would comply with this part of the policy. I note that the agent has provided a response to these concerns, however I first note that none of such have been in regards to health and safety.

In the agent's response, the main argument is that the policy describes a situation in which permission will be granted, however it is silent on those situations where a particular criterion cannot be met, and there is no direction or, suggestion, that in such situations the proposal should be refused. The agent noted that it would appear that there is some flexibility in those situations where one or more of the criteria cannot be met. This argument derives from the failure of the proposed site to be able to visually link or cluster with buildings on the farm and that a site beside the farm group would fail the requirements of CTY 13,14 and 16. The agent in their design and access statement tried to rule out the fields around the farm holding as unsuitable; in which they have stated that a dwelling within fields 1 and 3 would add to an existing ribbon of development and subsequently would fail under CTY 8 but also fail CTY 14 as it would undermine the rural character. In addition, it is noted that a dwelling within field 1 would require filling and in doing so would result in the dwelling becoming a prominent feature in the landscape and would fail CTY 13 and 14. With regards to field 6, would undermine the residential amenity of the neighbouring property.

I acknowledge the comments made by the agent, but after further consideration of the lands around the farm holding and after another site visit I am of the opinion that the site should still be located in the lands around the farm holding. I am of the opinion that a dwelling should be located within the front portion of field 1 along the existing laneway of 4 Moboy Road. Reasoning for such, is firstly, the dwelling would comply with all the relevant criteria under CTY 10. In addition, I hold the opinion that a dwelling in this field would be able to visually integrate into the landscape, given the site sits on lower ground than that of No. 04 that an appropriately sized dwelling would not be overly prominent. In addition, I hold the opinion that the dwelling would read as part of the farm holding when viewed from further afield such as from the Cavanoneill Road, where the existing dwelling and farm buildings would act as a backdrop when travelling along the Moboy Road aiding integration. With regards to the opinion that field 1 would fail under CTY 8 in that it would extend a ribbon of development, I note that any dwelling with this field would front directly onto the private laneway and not the Moboy Road therefore it would not share a common frontage as perceived by the agent. From this, I am of the opinion that the



agent has failed to demonstrate sufficient reasons for the siting away from the farm and fails under CTY 10. To date the agent has tried to provide justification as to why the proposed site still complies under this policy however whilst I acknowledge this, I am of the opinion that this is not sufficient to change my opinion over the siting and I must recommend refusal.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted, however I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. As much of the existing landscaping should be retained as much as possible however given the nature of the red line new landscaping will be required along new boundaries, therefore a landscaping plan will be necessary in any reserved matters application. Due to the surrounding landform and surrounding development existing and proposed I feel it necessary to restrict any dwelling on the site to have a ridge height of no more than 6.0m above the finish floor. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. I am content that a dwelling in this location is unlikely to lead to further development through infilling. From all of this it has been agreed that the application is able to comply with CTY 14 on balance.

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 September for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

I have no flooding, ecological or residential amenity concerns.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, does not offer an objection to the conditions as per the attached RS1 form being complied with at the Reserved Matters stage. From this, I am content that a safe access could be provided if all conditions are complied with.

I have no ecological or residential amenity concerns.

As the application has failed under CTY 10 I must recommend refusal.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY 1 and CTY 10 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 dwelling is visually linked (or sited to cluster with an established group of buildings on the farm or that there have been 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.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	13th February 2020
<b>Date First Advertised</b>	25th February 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 20 Cavanoneill Road Pomeroy Tyrone The Owner/Occupier, 4 Moboy Road Pomeroy Tyrone	
<b>Date of Last Neighbour Notification</b>	20th February 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2020/0194/O Proposal: Dwelling and Domestic Garage. Address: 100m SW of 4 Moboy Road, Pomeroy, Dungannon, BT70 2SG., Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Submitted  Drawing No. 02 Type: Block/Site Survey Plans Status: Submitted	



**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/0484/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed offsite replacement dwelling garage	<b>Location:</b> Approximately 60m North East of 18 Ballynakilly Road Cookstown County Tyrone BT80 9BX
<b>Applicant Name and Address:</b> Seamus Nugent 5 Rockdale Close Dungannon BT70 3PX	<b>Agent Name and Address:</b> Trevor Hutton T/A T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
<b>Summary of Issues:</b>  The proposal is for a replacement dwelling and garage which will be located off site in the adjacent field. The applicant has stated the dwelling will be off-site to provide a distance from the poultry sheds across the road and not create an unacceptable impact on their amenity. An objection has been raised by an adjoining property that the proposed dwelling would affect the enjoyment of their property and that development is not in accordance with the design guide and there is a better location on the applicants land.	
<b>Summary of Consultee Responses:</b> DFI Roads – access to be in accordance with RS1 form Environmental Health Department – advise the site is close to a poultry farm where there may be odours	

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

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character and is characterised by agricultural fields, farm complexes and detached dwellings on single plots. There is minimal development pressure in this immediate area for the construction of single dwellings in relation to other rural areas within Cookstown. Abutting the southern boundary of the application site is a large 2-storey dwelling, No. 18 Ballynakilly Road. The access road to No. 18 runs along the southern boundary of the site. Across the public road and to the east of the site is an agricultural shed and 3 no. poultry houses.

The application site is a large irregular shaped plot, which comprises of portions of 2 agricultural land and is 1.7 hectares in size. At the north of the site are the remains of a derelict building which has no roof on it and the stonework is up to the top of the window level with both gables up to the peaks. The building has a direct frontage onto the Ballynakilly Road with its own access and curtilage. To the south of the buildings is an agricultural field where the topography slopes downwards from the public road towards the northeast boundary. There is 2m high-established hedgerows along the roadside and southern boundary with No. 18. Along the northeast boundary of this field are a row of established trees and there is a row of trees through the middle of the field. To the north, the site includes a cut-out of another agricultural field and the topography slopes downwards from the row of trees to the north east boundary of the application site. There are established trees along the southern boundary with No. 18.

### **Description of Proposal**

This is an outline application for an off-site replacement dwelling and garage 60m north east of No. 18 Ballynakilly Road, Cookstown.

### **Deferred Consideration:**

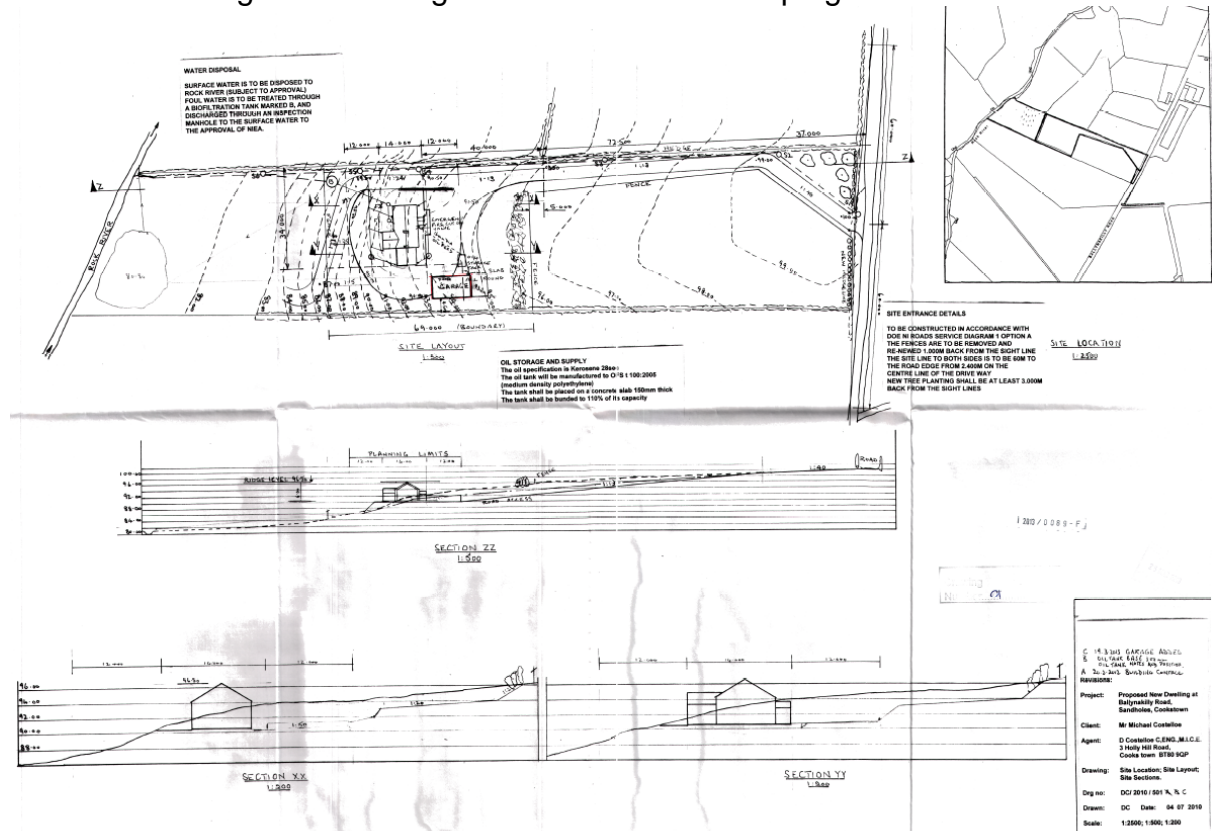
This application was before the Planning Committee in October 2020 with a recommendation to approve, it was deferred to allow further consideration of the siting and the access for the proposed dwelling.

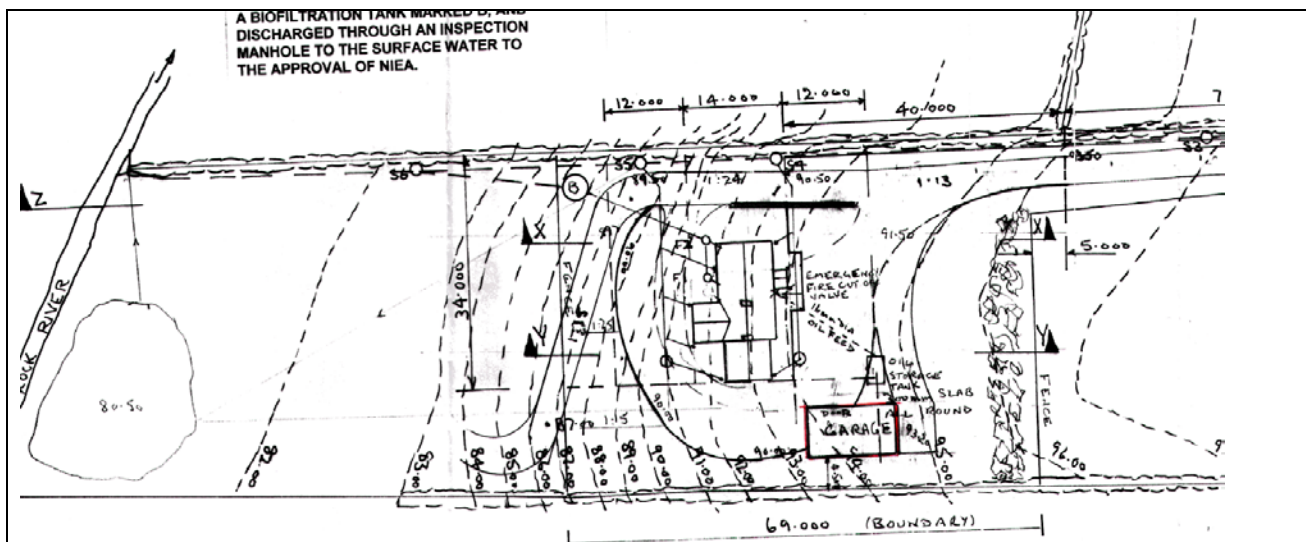
Further correspondence was received on behalf of the neighbouring property and explains they are concerned a new house in the position shown will harm their privacy and the sense of separation/isolation they currently enjoy. It recognises the desire to site away from the poultry houses and offers alternative sites to the north that will not impact them and is, in their opinion a better site in terms of selection criteria. It is stated the proposed site is steeply sloping and at odds with building on tradition guidance and there is no local culture of choosing steeply sloping sites.

It is noted on the opposite side of the local valley there is a farm building which is located on a sloping site and is typical of how development is carried out in this drumlin landscape.

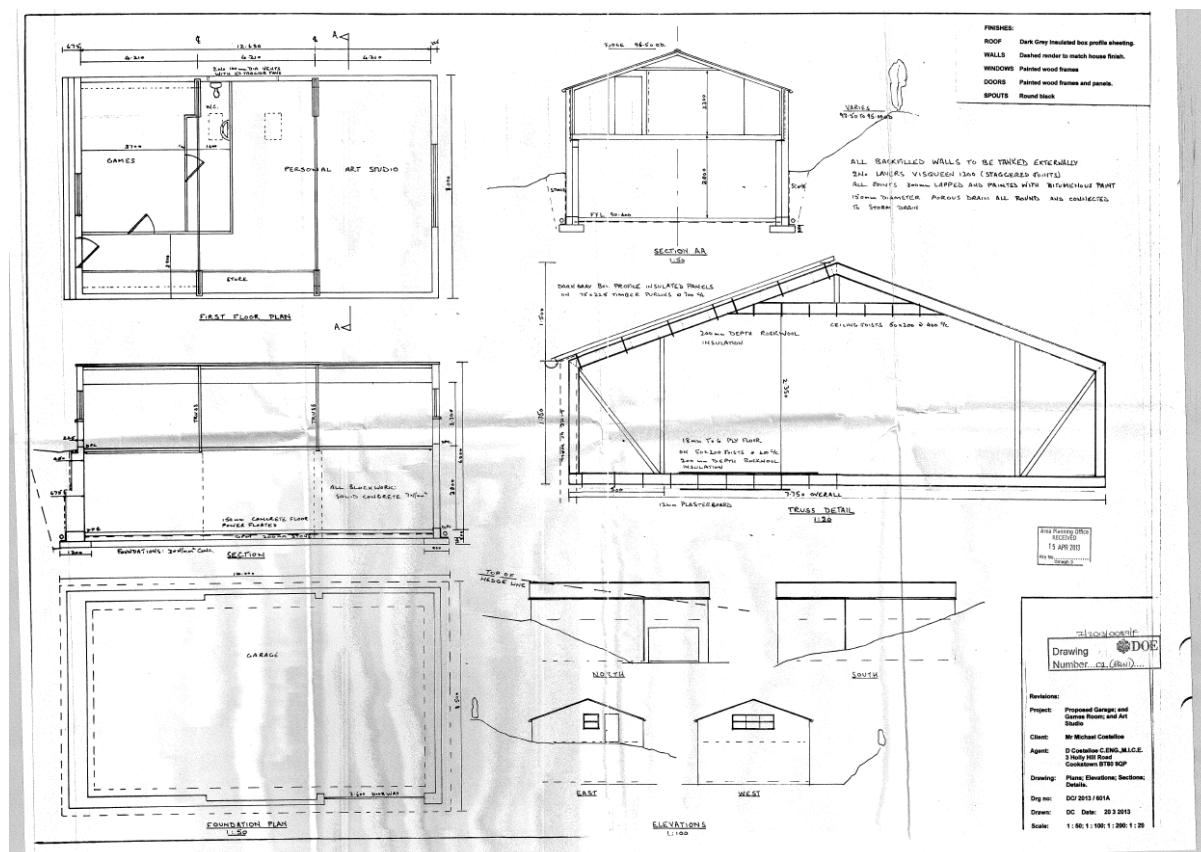


The objector obtained planning permission for a 2 storey domestic garage, with first floor games room and personal art studio under ref I/2013/0089/F. As can be seen from the attached drawings this building is also located on a sloping site.





Zoomed view of neighbouring site, note contours that indicate the steepness.



The applicants were asked to consider an amended siting away from the south west boundary of the site. They have advised they do not intend to cause distress to the objector through this proposal, however they are of the opinion that the proposal is not detrimental to their privacy or the enjoyment of their amenity. They reiterate the siting was chosen as it is the optimum location to limit the risk of noise, odours and air emissions for health and safety reasons from the poultry units. It is recognised this is an outline application and therefore does not involve full design drawings. They intend to retain and augment a substantial tree lined hedge between No18



and the Proposed Site. The sloping site will be utilised to provide Upper and Lower Ground Floors this results in a similar effect to a single storey dwelling being located here. And will not impose on the neighbouring property. It is proposed to position a garage between the proposed dwelling and the adjoining site also providing a buffer. MUDC Planning and the council at Reserved Matters Stage has authority to ensure the design fulfils policy and in particular privacy concerns of the objector.

As already discussed in the previous report, a dwelling on the site will be visible from the north, as indicated by the objectors, however I do not consider it will be prominent as it is approx. 480metres from the viewpoint and will have mature trees as a backdrop. I consider a dwelling here would satisfactorily integrate and this can be seen below.



View from Rockdale Road approx 480metres from the site



Zoomed View



Access to the proposed site will follow an existing mature tree lined boundary and as such I consider this is appropriate and a condition may be attached requiring landscaping along the new boundary of the lane.

In consideration of the impact on the amenity of the neighbouring property, members are asked to note:

- the neighbouring property is approx. 16m from the boundary with the application site and the applicant has indicated any new dwelling will be approx. 45m from the existing and will have a garage building between them, though this is subject to reserved matters determination
- there is a hedge line between the 2 properties, as can be seen below, it is not so dense as to screen views between the 2 properties, though it may be augmented to prevent views between the sites and address overlooking and this can be conditioned and agreed at RM stage



- the objectors are located in a very secluded area, their dwelling is approx. 150m from the public road and the nearest neighbour is approx. 300m to the north with properties on the opposite side of the road approx. 350 m to the south. This is a very fortunate position and there will be noise from the proposed dwelling as well as an awareness of it. That said, members must consider the planning policy in CTY3 which allows an off site replacement dwelling '*where it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits*'.

In this case it is accepted there is a building which meets the replacement criteria and is it is located close to poultry houses. There is an amenity benefit to the applicant to move away from the poultry houses, a dwelling could be well integrated as could its access lane which will position it away from public views. The access is along a mature treelined boundary and DFI Roads have not raised any concerns about the safety of the access.

I have sympathy for the neighbour as they will perceive loss of the enjoyment of their property, however I do not consider a dwelling here is likely to generate more noise or disturbance than any other private dwelling in the countryside would have such a

detrimental impact on their amenity as to warrant refusing planning permission. My recommendation is therefore that it is approved.

Conditions:

1. Application for the approval of 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 the 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 (herein thereafter called the "Reserved Matters", shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 60m in both directions shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

4. The proposed dwelling shall have a ridge height of no greater than 8 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public and in which case a full explanation shall be submitted to Mid Ulster District Council.

Reason: To ensure the development integrates into the countryside.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

8. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01 date stamped 16 APR 2020 is demolished, all rubble and foundations have been removed (and the site restored in accordance with a scheme to be submitted to the Council and approved in writing / in accordance with the details on the approved plans.)

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

9. The proposed dwelling and garage, excluding the access shall be sited in the area indicated green on the approved plan 01 date stamped 16 APR 2020.

Reason: To ensure the development is integrated into the landscape.

**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

## Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0484/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed offsite replacement dwelling garage	<b>Location:</b> Approximately 60m North East of 18 Ballynakilly Road Cookstown County Tyrone BT80 9BX
<b>Referral Route:</b> Objection from a third party.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Seamus Nugent 5 Rockdale Close Dungannon BT70 3PX	<b>Agent Name and Address:</b> Trevor Hutton T/A T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
<b>Executive Summary:</b> The proposal is for a replacement dwelling and garage which will be located off site in the adjacent field. The applicant has stated the dwelling will be off-site to provide a distance from the poultry sheds across the road and not create an unacceptable impact on their amenity.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

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

#### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character and is characterised by agricultural fields, farm complexes and detached dwellings on single plots. There is minimal development pressure in this immediate area for the construction of single dwellings in relation to other rural areas within Cookstown. Abutting the southern boundary of the application site is a large 2-storey dwelling, No. 18 Ballynakilly Road. The access road to No. 18 runs along the southern boundary of the site. Across the public road and to the east of the site is an agricultural shed and 3 no. poultry houses.

The application site is a large irregular shaped plot, which comprises of portions of 2 agricultural land and is 1.7 hectares in size. At the north of the site are the remains of a derelict building which has no roof on it and the stonework is up to the top of the window

level with both gables up to the peaks. The building has a direct frontage onto the Ballynakilly Road with its own access and curtilage. To the south of the buildings is an agricultural field where the topography slopes downwards from the public road towards the northeast boundary. There is 2m high-established hedgerows along the roadside and southern boundary with No. 18. Along the northeast boundary of this field are a row of established trees and there is a row of trees through the middle of the field. To the north, the site includes a cut-out of another agricultural field and the topography slopes downwards from the row of trees to the north east boundary of the application site. There are established trees along the southern boundary with No. 18.

### **Description of Proposal**

This is an outline application for an off-site replacement dwelling and garage 60m north east of No. 18 Ballynakilly Road, Cookstown.

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

#### **Planning History**

I/2013/0089/F - Two-storey domestic garage with first floor games room and personal art studio (amended proposal) - Ballynakilly Road, Sandholes, Cookstown – Permission Granted 20<sup>th</sup> May 2013.

I/2010/0070/F - Single dwelling house - 375m SW of 24 Ballynakilly Road, Cookstown, Townland: Ballynakilly – Permission Granted 26<sup>th</sup> January 2011.

The above approvals relate to the dwelling immediately south of the application site at No. 18 Ballynakilly Road.

#### **Planning Policy Consideration**

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

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

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22<sup>nd</sup> February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at **10am on the 25th March** and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at **5pm on 24<sup>th</sup> September 2020**.

In light of this the draft plan cannot currently be given any determining weight.

#### **Cookstown Area Plan 2010**

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Cookstown Area Plan 2010.

#### **SPPS – Strategic Planning Policy Statement for Northern Ireland:**



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 – Sustainable Development in the Countryside CTY 3 – Replacement Dwellings**

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 this instance, the application is for a replacement dwelling and as a result, it must be considered under CTY 3 of PPS 21.

The building to be replaced is single storey and has a long rectangular shape. There is no roof on the building however, both gables are up to the ridgeline and it is obvious this was a single storey building. The gables are substantially intact and the side walls are up to nearly the head level of the windows. I am satisfied that the external walls are substantially intact as shown in figures 1 to 6 below. . There is a space to the front of the building where the doorway would have been and there are window openings on both sides of the building. Inside there are the remains of a chimney at the southern end of the building. I am satisfied this and the window fenestration would suggest this building was a dwelling. Therefore, I am content the building meets the criteria to be considered for replacement.





Figure 1



Figure 2



Figure 3





Figure 4



Figure 5





Figure 6

I consider the dwelling is a non-listed vernacular building as it has a long rectangular form and the depth of the house is less than 6m. There is small opening for a door on the front elevation and the windows are primarily on the front and back walls. There are critical views of the building on both directions along this stretch of the Ballynakilly Road but as the building is already half derelict I am content it is not reasonably capable of being made structurally sound and does not make a significant contribution to the character or heritage of the area. Therefore, I do not consider it is necessary to be retained.

The proposed replacement dwelling and garage is not sited within the defined curtilage of the existing dwelling. There are 3 poultry sheds approximately 18m south and across the road from the dwelling to be replaced. When I completed my site visit, I was aware there is a strong odour from these buildings and if the replacement dwelling was sited on the footprint of the dwelling to be replaced there is potential for odour issues. The applicant has proposed to site the replacement dwelling 120m across the road and west of the poultry houses. The proposed location is sufficient distance from the poultry houses for there not to be issues with odour from the buildings. I consulted Environmental Health and in their consultation response dated 4<sup>th</sup> August 2020 they noted the poultry houses may give rise to offensive conditions and a resulting impact upon the amenity enjoyed by the proposed development due to odour.

The existing curtilage of the dwelling to be replaced is also restricted and would not accommodate a modern family sized dwelling with access and amenity space. So some form of extension of curtilage or off-site replacement is needed at the site. The proposed replacement dwelling and garage is sited along the same building line as No. 18 and there is a row of established trees that will block any direct views along the Ballynakilly Road in both directions.

The agent submitted a supporting statement dated 15<sup>th</sup> July 2020 to demonstrate the case for siting the proposed dwelling 120m away from the poultry houses and existing building. The agent states if the proposed dwelling was sited on the footprint of the existing dwelling it is 18m from 5 poultry houses which are in total just over 6750m<sup>2</sup> in floorspace. Although 2 of these sheds are set back from the public road in a southeast direction. It is stated that the proposed dwelling is sited 100-150m away from the poultry houses for amenity benefits. There are a number of odours and emissions from the poultry houses such as ammonia and hydrogen sulphide. In addition, the agent states there is a prevailing wind and the proposed site of the dwelling is as close to the 'upwind' of the poultry farm as possible. I accept the reasoning why the proposed dwelling has been sited off site for amenity benefits.

In the supporting statement, it is claimed there is also landscape benefits to siting the proposed dwelling in the corner of the field northeast of No. 18 Ballynakilly Road. The dwelling is sited behind a row of mature trees, which will be retained as shown in figure 3 below. There are no critical views of the site in both directions along Ballynakilly Road. Along the Rockdale Road, there are long distance views of the proposed dwelling cut into the hill but the dwelling will only be visible when directly in front of the site. In addition, the dwelling is visible in long distance views from 3 fields back from the Rockdale Road.





Figure 7 – view of the site from the Ballynakilly road and dwelling sited behind row of trees

On balance, I am satisfied there are landscape and amenity benefits to siting the dwelling in the proposed location.

As this is an outline application, no floor plans or designs have been submitted. At the location of the proposed replacement dwelling and garage, the topography of the site falls away from the row of established trees along the southeast boundary. At the trees, the existing level is 89m and towards the northern boundary, the existing level is 81.5 that is a drop of nearly 8m. On drawing 03 date stamped 16 APR 2020, a section is shown through the site with a dwelling of a ridge height of 8m. I am content a 2-storey dwelling could be accommodated at the site without being a prominent feature in the landscape. Even-though the dwelling to be replaced is a single storey dwelling and the proposed dwelling is 2-storey I am satisfied this is acceptable. There is already a large 2-storey dwelling at No. 18 and as there are minimal critical views I am content the dwelling will not be prominent.

A new access runs through the middle of an agricultural field and runs along a row of established trees, which are within the applicant's control. It is a long access lane to the site but No. 18 has an access with a similar distance so I do not consider it will detract from the character of the surrounding area.

Overall, I am content the proposal complies with all the listed criteria in CTY 3.

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

The proposed dwelling and garage is set back from Ballynakilly Road by approximately 100m. The topography of the site slopes downwards from the public road towards the row of established trees along the southeast boundary of the siting of the dwelling. There are no critical views of the dwelling and garage in both directions along Ballynakilly Road as shown in figure 9. Along Rockdale Road, the dwelling will be visible in long distance views but only when in front of the site as shown in figure 8 below.

Figure 8 – long distance views from the Rockdale Road

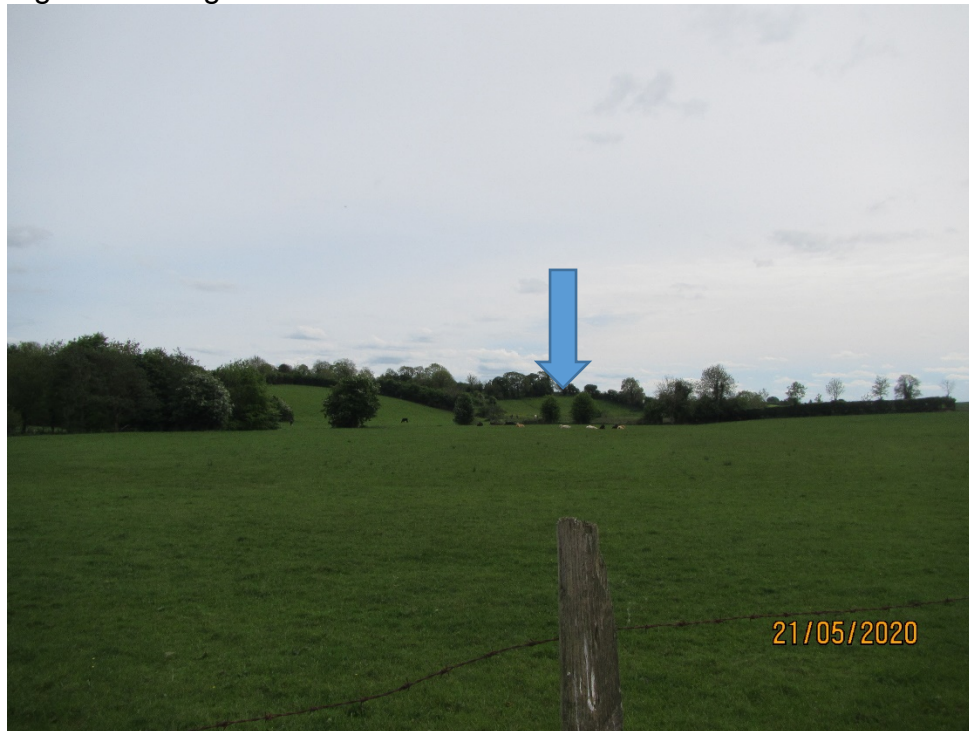




Figure 9 – view from the entrance of No. 18 along Ballynakilly Road

There is a row of established trees along the southeast boundary of the site which will be retained as shown on drawing No 01 date stamped 16 APR 20. There is also a hedgerow between the boundary with the site and No. 18. There are no other natural boundaries at the site as it is a portion of an agricultural field. I would recommend more landscaping along the remaining boundaries to assist with integration and protect neighbour amenity.

As discussed previously in the assessment of CTY 3 I consider a 2-storey dwelling can be accommodated at the site.

#### **CTY 14 – Rural Character**

I am content the proposal will not be a prominent feature in the landscape as there are will be no views along the Ballynakilly road and only long distance views from Rockdale Road. I am content a 2-storey dwelling can be accommodated at the site. It will not add or create a ribbon of development. A new access is proposed but I consider it will not damage rural character.

#### **Planning Policy Statement 3 – Access, Movement and Parking**

A new access is proposed through the middle of the site and DFI Roads were consulted and had no issues subject to visibility splays of 2.4m x 60m. The applicant can achieve this as the land is within their control. There is a row of established trees along the northern

boundary of the access lane that I will be retained and will assist in integration of the new access lane.

### **Representations**

The proposal was advertised and neighbour notified and at the time of writing 1 representation has been received.

An objection letter was received from the neighbouring property to the site of the proposed dwelling at No. 18 Ballynakilly Road. The letter was received on 2<sup>nd</sup> July 2020 and the letter was submitted by an agent on their behalf.

The objector stated the proposal is contrary to the SPPS, CTY 3 and CTY 13 of PPS 21 and there is no justification for the proposed off-site location. As stated in the assessment I am content the existing building has external walls that are substantially complete and has the features of a dwelling. I consider there is an acceptable case for siting the dwelling off-site to mitigate against unacceptable odour from the poultry houses.

The objector also raised issues about the impact of the ground works and the visual impact of the proposed dwelling and driveway. The critical views from the Rockdale Road are long distance and there are minimal views from the Ballynakilly Road. The proposed laneway will run alongside an existing row of trees within the applicant's control.

The proposal will involve some cutting and infilling into the slope but this is mitigated against by existing trees and there are only long distance views of the dwelling. In discussions it had been proposed to site the dwelling in the field where the access will run but the topography of the field slopes downwards and will still involve cutting and filling in the landscape.

Finally, the objector raised issue with the increase in curtilage size. I acknowledge the curtilage will be increased from the existing site but the dwelling at No.18 has a similar curtilage so this proposal will not be out of character for the area.

### **Other Considerations**

I am content there are no NED, HED or flooding issues at the site.

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

The proposal is recommended for approval as it complies with policies CTY 3, CTY 13 and CTY 14 in Planning Policy Statement 21.

### **Conditions**

1. Application for the approval of 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 the 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 (herein thereafter called the "Reserved Matters", shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 60m in both directions shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

4. The proposed dwelling shall have a ridge height of no greater than 8 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public and in which case a full explanation shall be submitted to Mid Ulster District Council.

Reason: To ensure the development integrates into the countryside.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

8. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01 date stamped 16 APR 2020 is demolished, all rubble and foundations have been removed (and the site restored in accordance with a scheme to be submitted to the Council and approved in writing / in accordance with the details on the approved plans.)



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

9. The proposed dwelling and garage, excluding the access shall be sited in the area indicated green on the approved plan 01 date stamped 16 APR 2020.

Reason: To ensure the development is integrated into the landscape.

**Informatives**

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land necessary to carry out the proposed development.
3. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.
4. Any new or existing septic tank unit being a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
5. A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.
6. 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.
7. Planning department receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same.

**Signature(s)**

**Date:**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/0499/0	<b>Target Date:</b>
<b>Proposal:</b> Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	<b>Location:</b> Approx 51m South East of No 86 Iniscarn Road Keenaght
<b>Applicant Name and Address:</b> Emmet O'Hagan 86 Iniscarn Road Keenaght Desertmartin	<b>Agent name and Address:</b> CMI Planners 38b Airfield Road Toomebridge BT41 3SQ
<b>Summary of Issues:</b>  This proposal had failed to comply with CTY 1 and CTY8 of PPS 21 in that it had not met all criteria for an infill opportunity. Following a deferral and re-assessment of the proposal, refusal is being recommended.	
<b>Summary of Consultee Responses:</b>  No objections.	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 3km west of the settlement of Desertmartin, in the countryside as defined by Magherafelt Area Plan (MAP) and within the AONB.  The site fronts onto the Iniscarn Road and is served by what appears to be an agricultural access but which was closed on the day of my visit and which is not proposed to be used for the proposal.  The site is an agricultural field, located on the inside of a gentle bend in the road. Immediately north of the site, there is a 2 bay shed which appears to be in use for car repair, given the prevalence of car tyres lying around the shed during my visit. Immediately	

north of the shed there is a bungalow which is no. 86 Iniscarn Road. To the south, of the site there is a river and small glen which is heavily treed. The land rises upwards from this river to another residential dwelling which is sited on a larger plot than no. 86 and is no. 82 Iniscarn Road.

The area is rural in nature with a considerable presence of residential dwellings. The existence of a grade B listed building (church) as well as the heavily treed nature of the small glen, part of which is included in the eastern portion of the site, add a considerable degree of character to the area.



### **Description of Proposal**

Proposed site for an outline dwelling and garage

### **Deferred Consideration:**

This application was presented to Planning Committee as a refusal for the following two reasons ;

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Cookstown Road and will also adversely impacting on the rural character of this area of countryside.

The application was subsequently deferred for an office meeting which was held with the Area Planning Manager on 10<sup>th</sup> September 2020.

Following a site visit on 16<sup>th</sup> October 2020 , I would be in agreement the proposal does not fully meet the criteria for an infill under CTY8, as the shed relied on does not have road frontage, which is required to be part of the continuously and substantially built up frontage. The shed clearly has its own curtilage and the field in front separates it from the Iniscarn Road preventing any road frontage.

At the deferred meeting the agent put forward the argument of CTY2a – New dwellings in Existing Clusters, stating here is a Church directly opposite the site, which could serve as a focal point.

Aerial photos were submitted by the agent to show the mature vegetation at the site and to show the relationship between the existing buildings, include the Church, and how they could be viewed as a cluster of development.



However this is only one criteria of 6 under the policy CTY2a. The policy states permission will only be granted at an existing cluster of development provided **all** the following criteria are met.

The cluster should lie outside of a farm and consist of four or more buildings, of which at least 3 are dwellings. In this case it is outside a farm, however there are only 2 dwellings which could be included.

The cluster should appear as a visual entity in the local landscape. As stated in the first point I do not feel there is a 'cluster' of development which can be relied on.

The cluster should be associated with a focal point. There is a church on the opposite side of the road as shown in the images above.

The site should provide a suitable degree of enclosure and is bounded on two sides with other develop in the cluster. It is not bounded on at least two sides with development in the cluster.

The development of the site can be absorbed into the existing cluster through rounded off and consolidation and will not significantly alter the existing character or visually intrude into the open countryside. As previously stated there is no acceptance of a cluster, however a carefully designed low storey dwelling with any vegetation removal required for infilling or splays to be replanted and augmented, would not significantly alter the character of the area here.

The development would not adversely impact on residential amenity.

Neither the criteria of CTY8 nor CTY2a are fully met with this site, so it fails under both policies.

HED (Historical buildings) requested further information in order to consider the impact of the proposal on the existing St. Patricks RC Church (Grade B). They require indication of the scale, massing and position of the dwelling, sections to show it in context with the Church and a landscape proposal showing how existing views from the Church and its setting will be maintained. It is because the Church has special architectural and historic interest and is protected by section 80 of the Planning Act (NI) 2011.

Although this is only outline stage these details would usually be requested for HED to make a substantive response, but were not asked for in this case as it was being recommended for a refusal.

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.

A refusal is therefore recommended for the reasons given below.

**Refusal reasons:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not amongst the range of developments which are considered in principle to be acceptable in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Cookstown Road and will also adversely impacting on the rural character of this area of countryside.
3. The proposal is contrary to Policy CT2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that at the site, there is no cluster of development, the cluster therefore does not appear as a visual entity in the landscape, the site is not bound on two sides with other development in the cluster, and it cannot be absorbed into the existing cluster.
4. The proposal is contrary to SPPS and PPS6, in that insufficient information has been provided to demonstrate that the proposal does not have a detrimental impact on listed building (Grade B) St. Patricks RC Church on Iniscarn Road.

**Signature(s):**

**Date**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 1 <sup>st</sup> September 2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0499/O	<b>Target Date:</b> 6th August 2020
<b>Proposal:</b> Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	<b>Location:</b> Approx 51m South East of No 86 Iniscarn Road Keenaght Desertmartin BT45 5NJ
<b>Referral Route:</b> Refusal	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Emmet O'Hagan 86 Iniscarn Road Keenaght Desertmartin BT45 5NJ	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

For committee consideration

19/8/2020

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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



### Summary of Issues

No issues raised by any third parties.

More information required from NIEA regarding impact on listed building immediately to the east.

### Characteristics of the Site and Area

The site is located approximately 3km South East of Draperstown along the Iniscarn Road.

The site is slightly elevated above the Iniscarn Road, which dips into a bend at this point. Immediately north of the site is a small bungalow, no 86 Iniscarn Road and immediately west of the site is a shed, which is within the curtilage of no 86 Iniscarn Road and is separated from the site by a D-Rail Fence. The shed appears to be used for some sort of car repair, given its larger scale and the prevalence of car tyres/wheels lying in close proximity. The site can be accessed via an access, which is already in place from the Iniscarn Road, or via no 86 Iniscarn Road.

Immediately south of the site is a well-treed gorge with a small stream. Beyond this is no 82 Iniscarn Road, which is a larger bungalow, elevated above the road and accessed via a sweeping uphill driveway.

Directly opposite the site is the old St. Patricks RC church, which is a grade B listed building.

The area is undulating landscape with rolling hills rising towards Slieve Gallion to the west. There are a considerable amount of single dwellings along this stretch of Iniscarn road, some of which have associated farmyards/farm buildings. The character of the area is predominantly rural in nature.

### Description of Proposal

The proposal is for an infill dwelling and domestic garage based on CTY 8.

### Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21 Sustainable Development in the Countryside
- CTY1 (PPS21) - Development in the Countryside
- CTY 8 (PPS 21) - Ribbon Development
- CTY 13 (PPS 21) - Integration and Design of Buildings in the Countryside
- CTY 14 (PPS 21) - Rural Character
- PPS15 – Planning and Flood Risk
- PPS 2 – Natural Heritage – NH 6 Areas of Outstanding Natural Beauty
- PPS 6 – Archaeology and the Built Heritage - BH 11 - Development affecting the setting of a Listed Building
- PPS 3 - Access, Movement and Parking
- MUDC Local Development Plan 2030 draft Plan Strategy



**Magherafelt Area Plan 2015 (MAP)**

The site is located in the countryside and should be assessed as such.

The site is also located within the AONB and therefore PPS 2 – NH6 should be considered in relation to this proposal.

**SPPS**

The SPPS provides a regional framework of planning policy that will be taken into account in the preparation of the MUDC draft Plan Strategy document (DPS). The DPS has not been adopted and therefore the transitional arrangements in the SPPS will apply. These transitional arrangements require the Council to take account of the SPPS and existing planning policy documents with the exception of PPS1, PPS5 and PPS9. Section 6.73 of the SPPS relates to development in the countryside and makes provision for a new dwelling in a small gap site in a substantial and continually built up frontage. Section 6.77 states that 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.

**PPS 21 – Sustainable Development in the Countryside**

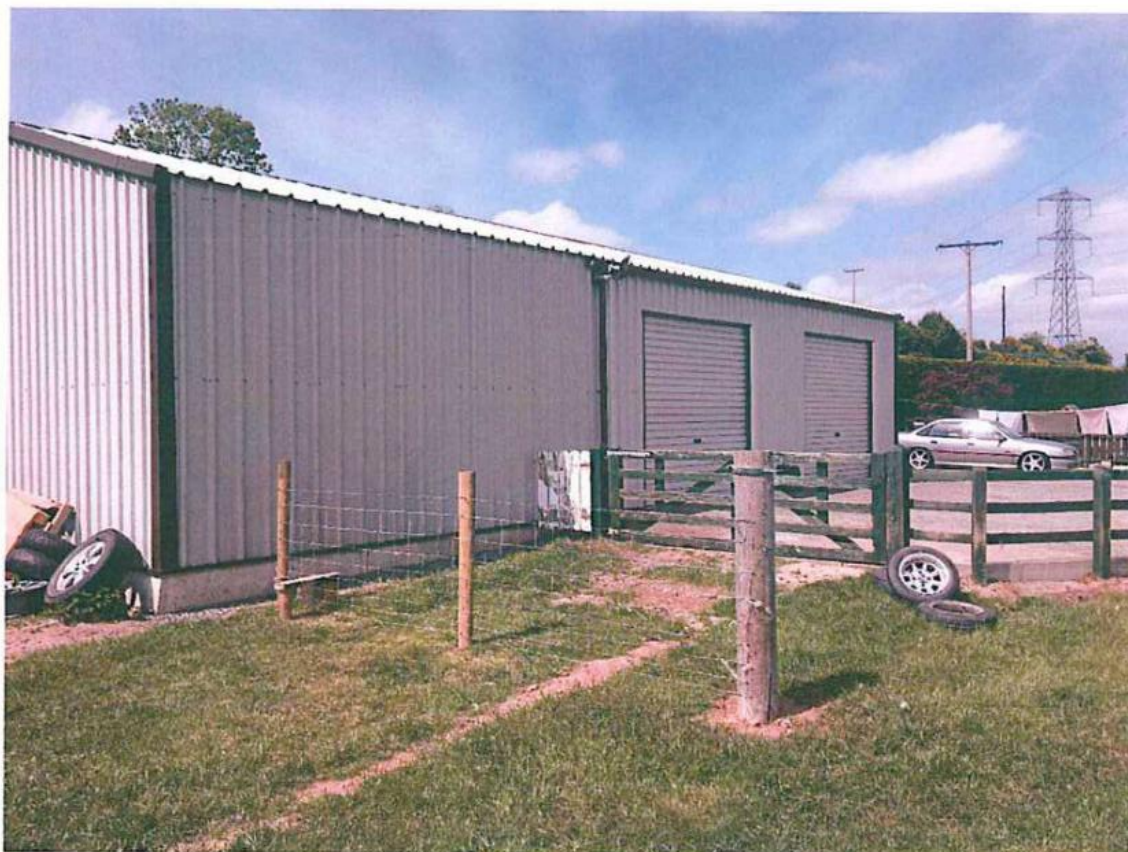
CTY 1 of PPS 21 sets out which types of development will be acceptable in the countryside and under which policy they should be considered. In this scenario, the application is for an infill dwelling and therefore must be assessed under CTY 8.

CTY 8 states that planning permission will be refused for a building which adds or creates to a ribbon development. An exception will be made however for the development of a small gap site sufficient to accommodate a maximum of 2 dwellings within a substantial and continuously built up frontage, providing this respects the development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built up frontage is defined as a line of three or more buildings along a road frontage without accompanying development to the rear.

To the immediate north of the site there are two buildings in the form of 86 Iniscarn Road and the aforementioned large 2 bay shed. It is my view that this shed may well be used for some form of car repair and is not exclusively a domestic shed. However, regardless of use it is still a substantial building. The shed does not benefit from any planning permission but I have reviewed aerial photography of the site and it appears to have been in existence as far back as December 2014, which would make it lawful.

However, the shed does not have a road frontage. The shed and the hardstanding surrounding it are bounded by a D-Rail Fence and then immediately beyond this fence is a portion of the field that includes the site proposed for the dwelling. It is therefore not possible to claim that the shed is situated "along a road frontage" in accordance with CTY 8. The following images illustrate how the shed in question is located behind a separate fence which defines its curtilage and which separates it from the larger part of the site, resulting in it not having a frontage onto the Iniscarn Road.







To the immediate south of this site is no. 82 Iniscarn Road, which appears separated from the site by the area of trees, which has been alluded to above and appears separate from the other two buildings by virtue of the bend in the road.

Para. 5.33 of CTY 8 states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. It is not my opinion that no 82 is visually linked with no. 86 nor indeed with the shed beside no 86. When approaching the site from the north along the Iniscarn Road, the northern gable of no 86 and the old Church building are the only buildings that are apparent. When approaching from the south, at no. 82, the bend in the road and the dense vegetation in the gorge make it impossible for there to be any visual linkage between no. 82 and the other buildings.

The image below shows the view towards the site from the south when approaching from no. 82 Iniscarn Road – there is no visual linkage with the site in question;



The following image shows the view when approaching from the north towards no 86 and how there is also not a clear visual link between all the relevant buildings from this perspective;





Given all of the above, I am of the view that the criteria for a infill opportunity within an existing ribbon of development has not been met for the following reason;

- There is no common road frontage between the three buildings, as the shed adjacent to no 86 does not have a road frontage.
- There is no visual linkage between the three buildings.

With regards **CTY 13 and CTY 14**, I am content that a dwelling on this site would integrate into the landscape and would not have a detrimental effect on rural character. The rising land from to the south west and the matures trees immediately south of the site and also within the eastern portion of the site, provide an adequate backdrop to aid integration. I feel a dwelling with a ridge height of no greater than 6m would be in keeping with the dwellings in the immediate vicinity and would integrate satisfactorily on the site.

#### **PPS 15 – Planning and Flood Risk**

The southern boundary of the site is located adjacent to but not within the 1 in 100 year fluvial flood plan according to the Strategic Flood Map. DFI Rivers have been consulted as a precautionary measure but have raised no issue in relation **FLD 1** of PPS 15.

In relation **FLD 2**, DFI Rivers require a 5m maintenance strip to be maintained along the boundary with the adjacent watercourse. This is something which can be addressed as part of any Reserved Matters application.

Polices **FLD 3**, **FLD4**, and **FLD 5** are not applicable to this site.



**PPS 6 – Archaeology and the Built Heritage**

St Patricks Old RC Church is a grade B listed building, located immediately to the east of the site and is viewed in conjunction with no.86 when approaching from the north along Iniscarn Road. Policy **BH 11** states that planning permission will not normally be granted for a development, which adversely affect the setting of a listed building. I have consulted Historic Environment Division in relation to the impact of this proposal on the setting of the listed building. They have requested additional information before they can provide a substantive response.

The site is immediately adjacent to a historic bridge, which is a scheduled monument. HED (Historic Monuments) have stated that on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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

DFI roads have no objection to this proposal subject to the imposition of conditions.

**MUDC Local Development Plan 2030 draft Plan Strategy**

A re-consultation process was launched on 25th March 2020 in relation to the draft Plan Strategy of the MUDC Local Development Plan 2030. This re-consultation will run until the 18th September 2020. I see nothing in this proposal, which would prejudice the contents of the DPS, but in any case, given the current stage of preparedness of the document, it cannot be given determining weight.

**Neighbour Notification Checked****Yes****Summary of Recommendation:**

I am of the opinion that this proposal does not constitute an exception to policy CTY 8. Therefore, refusal is recommended.

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

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not amongst the range of developments which are considered in principle to be acceptable in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Cookstown Road and will also adversely impacting on the rural character of this area of countryside.

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

ANNEX	
Date Valid	23rd March 2020
Date First Advertised	26th May 2020
Date Last Advertised	26 <sup>th</sup> May 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 82 Iniscarn Road Desertmartin Londonderry The Owner/Occupier, 85 Iniscarn Road, Desertmartin, BT45 5NJ The Owner/Occupier, 86 Iniscarn Road Desertmartin Londonderry	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	N/A
<b>Planning History</b>  Ref ID: LA09/2020/0499/O Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8 Address: Approx 51m South East of No 86 Iniscarn Road, Keenaght, Desertmartin, BT45 5NJ, Decision: Decision Date:  Ref ID: H/1986/0020 Proposal: 2 NO BUNGALOWS Address: SITES 2 & 3 GLEN ROAD, MAGHERA Decision: Decision Date:  Ref ID: H/1988/0014 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 86 MONEYSHARVAN ROAD MAGHERA Decision: Decision Date:  Ref ID: H/1989/0330 Proposal: MOBILE HOME Address: 86 INISCARN ROAD DRAPERSTOWN	



Decision:  
Decision Date:

Ref ID: H/1986/0366  
Proposal: SITE OF BUNGALOW 86 INNISCARN ROAD, DESERTMARTIN.  
Address: 86 INNISCARN ROAD, DESERTMARTIN.  
Decision:  
Decision Date:

Ref ID: H/1989/0218  
Proposal: BUNGALOW  
Address: 86 INNISCARN ROAD DESERTMARTIN  
Decision:  
Decision Date:

### Summary of Consultee Responses

DfI Roads – No objection subject to conditions

DfI Rivers – Adjacent to but not within the Strategic Flood Plain. 5M maintenance strip required in relation to adjacent watercourse.

NIEA HED – Further information required regarding the impact on the neighbouring listed building. No objection in regards to impact on historic bridge within site.

### Drawing Numbers and Title

Drawing No. 01  
Type: Location Map  
Status: Submitted

Drawing No. 02  
Type: Location Map  
Status: Submitted

### Notification to Department (if relevant)

Date of Notification to Department:  
Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/0564/0	<b>Target Date:</b>
<b>Proposal:</b> Proposed storey and a half dwelling and garage	<b>Location:</b> Lands between 121 & 127 Thornhill Road Pomeroy BT70 3EG
<b>Applicant Name and Address</b> Cathal Hayden 127 Thornhill Road Pomeroy Dungannon	<b>Agent name and Address:</b> Michael Herron Architects 2nd Floor Corner House 64-66a Main Street
<b>Summary of Issues:</b>  Following a deferred office meeting and re-assessment the proposal is still recommended as a refusal based on CTY8 and 14 and PPS3.	
<b>Summary of Consultee Responses:</b>  DFI Roads have requested 2.4 x 70m sightlines. The agent has only provided 2.4 x 60m so therefore it cannot be accepted as a satisfactory means of access has not been shown.	
<b>Characteristics of the Site and Area:</b>  The application site is located on lands between No.121 and No. 127 Thornhill Road, Pomeroy. The site lies within the rural area outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The surrounding area is characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes.  The site comprises a rectangular portion of a large, roadside agricultural field, the topography of which is relatively flat on land slightly lower, approximately 0.5 metres, than that of the ground level of the road. The site is currently accessed via an existing agricultural gate on to Thornhill Road. A mature deciduous hedge boundary defines the	



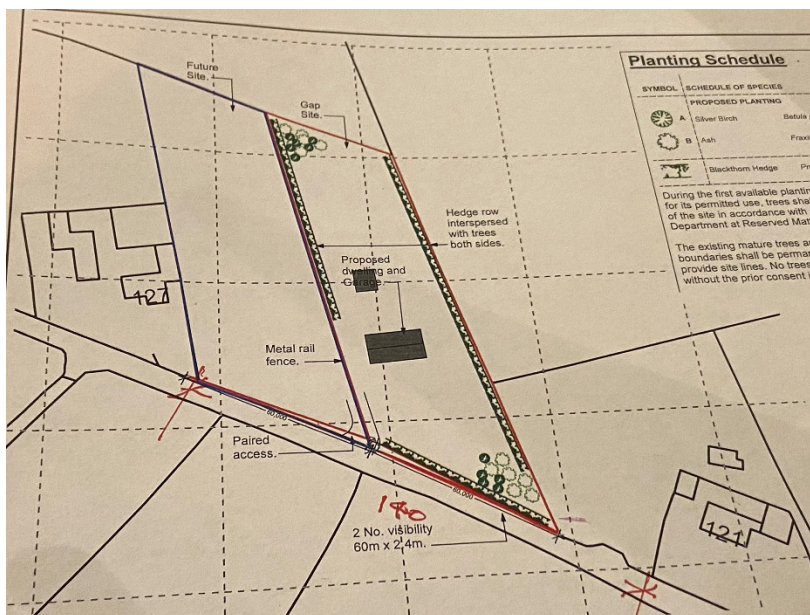
northern and southern boundary. The eastern boundary is defined by established trees and hedging and the western boundary is currently undefined.

## Description of Proposal

This is an outline planning application for a storey and a half dwelling and garage located on lands between 121 and 127 Thornhill Road, Pomeroy. The dwelling is being applied for as a gap site for infill development, an exception under Planning Policy Statement 21, Policy CTY 8 Ribbon Development

## Deferred Consideration:

This application was previously presented as a refusal to Planning Committee in August 2020 under CTY1, 8, 14 and PPS3, and following a deferral by Committee members, an office meeting was held on 13<sup>th</sup> August 2020 with the Area Planning Manager. It was agreed the site would be re-visited and re-assessed, taking into particular account the land to the west of No.121 and if it would be viewed as part of its curtilage or not.



CTY8 states permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

In this case, the site is part of a larger agricultural field with road frontage. To the west of the field is a detached single storey dwelling (No.127 Thornhill Road) and an outbuilding. To the east of the site is a single storey dwelling (No.121). Between the site and No.121, there is a field, which as previously seen by the case officer, stored hard fill and round bales on a further site visit on 11<sup>th</sup> Sept 2020. The boundaries of this field are well defined with tall mature trees and hedging to the west and mature hedging defining the eastern

boundary, which clearly separates it from No.121 and its curtilage, and it is viewed as a field in its own right.



The evergreen hedging shown here clearly separates the dwelling No.121 and the adjacent land to its west.

It is my opinion this field could accommodate a dwelling, and that the proposal does not constitute a small gap site sufficient to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

At the office meeting the agent submitted 3 approved location plans in an attempt to support their infill argument. I have researched these applications and conclude as follows;

LA09/2019/1154/O – 2 infill dwellings, 100m South of 24 Derrylaughan Road, Dungannon, the boundary shown on the map doesn't exist on the ground and it clearly is part of the curtilage of No.24.

LA09/2020/0045/O – Proposed dwelling and detached domestic garage (Infill site under CTY8 of PPS21) - Approx 25m North East of 12 Murnells Road Pomeroy - the area of land in front of No.15 is part of its front garden, and there are two accesses into the dwelling.

LA09/2020/0123/O Erection of Dwelling and Domestic Garage in a gap site under CTY 8 of PPS 21, Land between No's 29 & 35 Tullyglush Road, Ballygawley – this is the side garden of No. 31 and not a separate field.

All 3 of these examples had an area of land which was clearly part of the exiting curtilage of an existing dwelling and therefore would not have been seen as a gap which could accommodate a third dwelling. These are not the same as is with this case, where the gap would accommodate up to 3 houses and therefore would not meet policy criteria of CTY8 as the others did.

CTY14 is a relevant consideration and it states that permission will be granted for a building where it does not cause detrimental change or further erode the rural character of the area. As detailed above, given the adjacent field to the east, the small does not represent a small gap site within a line of 3 or buildings within a common frontage, sufficient to accommodate up to a maximum of two houses. The proposal would however add to a ribbon of development which is detrimental to the surrounding rural character of the area contributing to build-up and therefore remaining contrary to CTY14.

As previously, DFI Roads recommended sight lines of 2.4 x 70m in both directions. 2.4 x 60m have been shown on the plans are again amendments have not been requested as the proposal is being recommended as a refusal. If an approval was being recommended it would need to be shown that these splays can be achieved.

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.

#### **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.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap is sufficient to accommodate more than two dwellings and the proposal would, if permitted, add to ribbon development along Thornhill Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would further erode rural character as a consequence of a build-up of dwellings.

4. The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

**Signature(s):**

**Date**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0564/O	<b>Target Date:</b> 01/09/20
<b>Proposal:</b> Proposed storey and a half dwelling and garage	<b>Location:</b> Lands between 121 & 127 Thornhill Road Pomeroy BT70 3EG
<b>Referral Route:</b>  Recommended refusal – contrary to PPS21 Policy CTY8	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Cathal Hayden 127 Thornhill Road Pomeroy Dungannon	<b>Agent Name and Address:</b> Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



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

are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. In this instance, the application is for a dwelling on an infill site and as a result, the development must be considered under CTY 8 of PPS 21.

PPS21 - CTY 8 states planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case, it is my opinion that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

The application site comprises the eastern portion of an existing agricultural field with a roadside frontage along the public road. To the west of the agricultural field, adjacent to the blue line there is a detached single storey dwelling (No. 127 Thornhill Road) and outbuilding. Approximately 40 metres to the east of the application site there is a detached single storey dwelling (No. 121 Thornhill Road). Between the proposal site and No. 121 Thornhill Road, there is a field which on the date of site inspection appeared to be used for the storage of round bales with some hardfill present at the access. The boundaries of this field are well defined with established tall trees and hedging defining the western boundary and mature hedging of approximately 4 metres defining the eastern boundary separating the field from the curtilage of No. 121 Thornhill Road. The adjacent field to the east of the proposal site provides a visual break, therefore in my opinion the proposal site does not constitute a continuously built up frontage.

Furthermore, if the proposed dwelling where to be permitted it could potentially provide an infill opportunity to the adjacent field to the east which would result in more than two houses along the road frontage reinforcing a built-up appearance in this rural context and adding to ribbon development.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The application site is located along the roadside frontage on land with flat topography. Given the existing, established vegetation to the northern, eastern and southern boundaries, I consider the proposal site could provide a suitable degree of enclosure for a dwelling and garage without appearing as an overly prominent feature in the landscape. The design of the proposed dwelling would be a matter for consideration at the Reserved Matters stage, however I consider a maximum ridge height of 6 metres



would be appropriate and in keeping with the existing built form to ensure integration into the setting.

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

#### Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site.

It was identified a small portion in the south-eastern section the site is within a surface flood zone. Given the minimal amount of site within floodplain and that this is an outline application it was not considered necessary to consult DfI Rivers in this instance, however should permission be granted it may be appropriate to condition the siting of the proposed dwelling.

DfI Roads were consulted and have recommended sightlines should be 2.4 x 70 metres in both directions. Drawing No. 01 proposes 2.4 x 60 metre sightlines. Amendments reflecting the sightlines required by DfI Roads has not been requested by the Planning Authority at this stage in the processing of the application as I am recommending the proposal for refusal. However should permission be granted this will need to be addressed and the vehicular access standard required by DfI Roads in the RS1 Form should be conditioned.

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

The proposal is recommended for refusal, as it does not comply with CTY8 and CTY 14 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.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to ribbon development along Thornhill Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if



permitted would further erode rural character as a consequence of a build-up of dwellings.

4. The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

**Signature(s)**

**Date:**



## Case Officer Report

### Site Location Plan



### Consultations:

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

### 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 on lands between No.121 and No. 127 Thornhill Road, Pomeroy. The site lies within the rural area outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The surrounding area is characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes.

The site comprises a rectangular portion of a large, roadside agricultural field, the topography of which is relatively flat on land slightly lower, approximately 0.5 metres, than that of the ground level of the road. The site is currently accessed via an existing agricultural gate on to Thornhill Road. A mature deciduous hedge boundary defines the



northern and southern boundary. The eastern boundary is defined by established trees and hedging and the western boundary is currently undefined.

### **Description of Proposal**

This is an outline planning application for a storey and a half dwelling and garage located on lands between 121 and 127 Thornhill Road, Pomeroy. The dwelling is being applied for as a gap site for infill development, an exception under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

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

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

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

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

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25<sup>th</sup> March for 8 weeks. The re-consultation period will close on 5pm on 24<sup>th</sup> September 2020. In light of this the draft plan cannot currently be given any determining weight.

#### **Representations**

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

#### **History on Site**

I/2006/0517/O - 100m South East of 127 Thornhill Road, Pomeroy - Proposed dwelling – Permission Refused

I/2001/0394/O - 90m North West of 121 Thornhill Road, Pomeroy – Permission Refused

I/2000/0164/O - Approx 220 M South East of 127 Thornhill Road, Pomeroy - Dwelling House and Domestic Garage – Application Withdrawn

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

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

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