

Title of Report:	Planning Committee Report – LA01/2025/0573/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22 nd April 2026
For Decision or For Information	For Decision – Referred Application by Cllr Steven Callaghan
To be discussed In Committee YES/NO	No

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Estimated Timescale for Completion	
Date to be Completed	

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2025/0573/O **Ward:** Greysteel

App Type: Outline

Address: Lands 120m North of 55 Craigbrack Road, Eglinton

Proposal: Outline planning application for a farm dwelling

Con Area: N/A **Valid Date:** 10/06/2025

Listed Building Grade: N/A

Agent: Lee Kennedy Planning. 2 Templetown Park, Maydown

Applicant: Laura Feeney McGarrigle. 39 Roe Mill Gardens, Limavady, BT499AT

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

Executive Summary

- Outline planning permission is being sought for a dwelling on a farm.
- The site is located within the countryside being outside any defined settlement development limits and is not subject to any notable designations or zoning.
- Consultation was undertaken with DFI Roads, DAERA and Environmental Health Department in relation to the proposal with no objections being raised.
- The principal of development is considered unacceptable in terms of paragraph 6.73 of the SPPS 2nd Edition and Policy CTY10 of PPS 21 in that the farm business has not been active and established for six years and as there are no buildings at the site, a dwelling at this site would not be visually linked or sited to cluster with an established group of buildings on the farm
- The application fails to comply with paragraph 6.70 of the SPPS and Policy CTY 13 of PPS 21 in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate and would rely primarily on new planting in order to integrate into the landscape.
- No letters of support and no letters of objection have been received in relation to this application.
- This application is recommended for Refusal.

Drawings and additional information are available to view on the Planning Portal:

<https://planningregister.planningssystemni.gov.uk/simple-search>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** outline planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site as delineated by the red line extends to approximately 0.4Ha and comprises a the south-eastern corner of an agricultural field, at the roadside. The eastern roadside boundary is defined by an approx. 1.2m hedgerow and post and wire fencing, while the southern boundary comprises more established mature trees approx. 4m in height. The northern and western boundaries are undefined and open to the surrounding agricultural land. This section of Craigbrack Road rises sharply when approaching from the north, with the rise beginning to level off at the application site, which only rises slightly towards the south across the site.
- 2.2 The site is located on the western side of Cragbrack Road, approximately 1 mile SW of the settlement development limits of Greysteel. The surrounding area is rural in character, comprising of single residential dwellings and agricultural land.
- 2.3 As defined in the Northern Area Plan, the site is located outside any defined development limits and is therefore designated as being within the countryside.

3 RELEVANT HISTORY

- 3.1 There is no relevant planning history at the application site.
- 3.2 Immediately south of the site:

B/2012/0075/O – Site for farm dwelling
Permission refused 22nd August 2012
Applicant: Peter Casey

4 THE APPLICATION

4.1 This application seeks outline planning permission for a farm dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: The application was advertised on 9th July 2025

Neighbours: No neighbours were identified for notification

No letters of support or objection were received in relation to this application.

5.2 Internal

DFI Roads: No objections

DAERA: Advice provided

Environmental Health: No objections

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- The Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) Edition 2, 2025 is a material consideration. As set out in the SPPS 2nd

edition, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS) Edition 2 (2025)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the Principle of development, Integration and Rural Character, Access and Habitats Regulations Assessment.

Principle of development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS 2nd edition, and PPS policy documents specified above.
- 8.3 Paragraph 6.73 of the SPPS and Planning Policy Statement 21 - Sustainable development in the Countryside, Policy CTY 1 notes that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. As the proposal relates to a dwelling on a farm it falls to be considered under Policy CTY10 of PPS21.

8.4 Paragraph 6.73 of the SPPS and Policy CTY10 of PPS 21 outline 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 must be currently active and has been established for a minimum of 6 years;
- b) no dwellings or development opportunities out-with settlement limits have been sold off or transferred 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 dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding and where practicable, access to the dwelling should be obtained from an existing lane.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

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

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

8.5 The Farm Business ID was allocated on 24th April 2021, as confirmed by the agent and in consultation with DAERA. The agent advised that the applicant has a lifelong background in farming and worked in conjunction with her father. Herd and flock numbers associated with the applicant have also been provided. DAERA confirm that the herd and flock numbers were allocated to the applicant on 3rd November 2021, and advise that herd and flock numbers cannot be allocated without a Farm Business ID.

8.6 In order to demonstrate that the farm business has been established for six years, it needs to be evidenced from as early as June 2019, six years before the date the application was submitted. A variety of items were submitted by the agent, including invoices for lamb nuts, calf nuts, calf pencils, garlic buckets, medicines, hooks, drill bits, cement, batteries and vet records. All these records are addressed to the applicant.

- 8.7 The key issue is whether the farm business is active and established for the requisite period, not whether a person has been involved in agricultural activity over that period. While many of the invoices refer to agricultural activity, they also pre-date the establishment of the applicant's farm business (April 2021) and merely demonstrate agricultural activity carried out under a separate agricultural business. This matter is clarified within the agent's planning statement which confirms that prior to the applicant's Farm Business ID being allocated, they worked in conjunction with their father and relied on her father's farm at Highmoor Road for the management of livestock.
- 8.8 While the farm business is currently active, it is evident that it has not been established for at least 6 years. Any activities of the applicant prior to their farm business ID allocation would have been in conjunction with another farm business and contributed to the activities and function of that business and its livestock, not the applicant's farm business. The proposal fails Paragraph 6.73 of the SPPS and criterion (a) of CTY10.
- 8.9 This is supported by PAC Decision 2025/A0057 (**Appendix 1**), which highlights in paragraph 9 that the six year test is applied to the farm business, not whether the Appellant has been involved in agricultural activity. Similar to the subject application, the Farm Business ID was allocated in November 2022, with the original planning application being submitted in December 2023. While additional information such as herd numbers, receipts and account statements were provided, there was no persuasive evidence that these activities which predated the allocation of the Business ID represented a farm business. The PAC concluded that as the farm business had not been established for at least 6 years, it did not represent acceptable development in the countryside, failing CTY1 and CTY10.
- 8.10 The applicant's farm maps contain lands within Causeway Coast and Glens Borough Council, Derry City and Strabane District Council and Fermanagh and Omagh District Council areas. A check of all planning histories confirmed no development opportunities being sold off in the last 10 years, and this has also been confirmed by the relevant councils. The proposal meets the requirements of criterion (b) of CTY10.
- 8.11 The application site comprises the SE corner of a wider field, immediately north of a small area of dense trees. There are a number of dwellings close to the site, with the closest located approx. 105m to

the south of the site. None of the dwellings in the surrounding area are under the ownership of the applicant, who lives in Roe Mill Gardens, Limavady. As there are no buildings associated with the applicant or farm business at or adjacent to the site, a dwelling in this location would not cluster with or be visually linked to an established group of buildings on the farm. The application site and wider field is the only parcel of land that the applicant owns, with the rest of the farming operations carried out on land taken in conacre. The proposal fails Paragraph 6.73 of the SPPS and criterion (c) of CTY10.

- 8.12 The agent presented a case that CTY10 is very restrictive as it excludes the upcoming generation of farmers from establishing homes on their own land and requested that the application be assessed under CTY1.
- 8.13 As the application has been described as 'outline planning application for a farm dwelling', it should be assessed as such. In addition, CTY1 outlines the types of sustainable development which can be achieved when they complies with certain policies, including CTY10. However, CTY1 advises that development may be permitted where there are overriding reasons why the development is essential.
- 8.14 The agent contends that the development is essential as the applicant has a long-term plan to secure a stable and permanent base for her business, is an established and ongoing farm business and operates on a full-time basis. While the applicant may be genuine in their intentions for long term farming, it is not sufficient to set CTY10 aside in this instance. The purpose of Planning Policy Statement 21 and echoed in the SPPS is that development in the countryside should be sustainable. As the farm business has not been established for at least 6 years and a dwelling on this site would not visually link to or cluster with an established group of buildings on the farm and is therefore not a suitable or sustainable form of development.
- 8.15 According to the farm maps, this field on Craigbrack Road is the only parcel of land in the farm business that is within the Causeway Coast and Glens Borough Council area (approx. 1.63Ha out of the applicant's total 55.96Ha farm holding). As the lands at the application site account for a small portion of the farm holding, it cannot therefore be concluded that this is a site-specific need for a dwelling at this location, as all other farmlands are a distance from this site and would account for the majority of the agricultural activity.

- 8.16 As no further overriding reasons have been presented as to why the proposal is necessary at this particular site, and therefore the proposal fails to comply with Paragraph 6.73 of the SPPS and Policy CTY1 of PPS21.

Integration and Rural Character

- 8.17 Provided a dwelling of a modest scale is proposed, it would not be a prominent feature in the landscape, however, the proposal would largely rely on new planting to integrate. The site location plan indicates that approx. 110m of existing roadside hedgerow requires removal in order to achieve the visibility splays. While this hedgerow would be replaced behind the splays, it would take a number of years for this to be established and would further increase views to an already open site. The remaining northern and western boundaries are currently undefined and would require a large amount of planting (approx. 135m) in order to assist in integrating the site. Given the removal of the roadside hedgerow and lack of established boundaries to the north and western boundaries the application site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 8.18 The existing mature trees to the south of the site would provide a sufficient backdrop to the dwelling to avoid unacceptable prominence when approaching from the north, and, would assist in screening views of the site when approaching from the south. Design of the dwelling would be a consideration for reserved matters stage.
- 8.19 Notwithstanding, the proposal is not visually linked with to sited close to an established group of buildings on the farm. The proposal fails criteria (b), (c) and (g) of CTY13.
- 8.20 A dwelling at this site would not be unduly prominent in the landscape, would not result in the suburban style build-up of development when viewed with existing and approved buildings, and would respect the traditional pattern of development. The proposal would not create or add to a ribbon of development and ancillary works would not damage rural character. The proposal would comply with CTY14.

Access

- 8.21 The application seeks to use the existing field access. DfI Roads offer no objection to the proposal and have provided a condition. As Roads

do not object, the proposal is not considered to prejudice road safety or significantly inconvenience the flow of traffic along Craigbrack Road. As Craigbrack Road is not a protected route and therefore assessment under AMP3 is not required. The proposal complies with Policy AMP2 of PPS3.

Habitats Regulation Assessment

- 8.22 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

9 CONCLUSION

- 9.1 The proposal fails to comply with the relevant planning policies. The farm business has not been established for at least six years and the proposed site would result in a dwelling which is not visually linked or sited to cluster with an established group of buildings on the farm. The site lacks sufficient existing enclosure to enable satisfactory integration. The proposal does not fall within any of the permissible forms of development in the countryside, and the reasons raised by the agent do not justify a dwelling at this location. The application is contrary to Paragraphs 6.70 and 6.73 of the SPPS 2nd edition and Policies CTY 1, CTY 10, CTY 13 and CTY 14 of PPS 21. Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (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.

2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Criteria (a) and (c) of Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business has not been established for at least 6 years and that there is no established group of buildings on the farm for the new building to visually link or sited to cluster with.

3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and criteria (b), (c) and (g) of CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is unable to provide a suitable degree of enclosure for the building to integrate, will rely primarily on the use of new planting for integration and is not visually linked or sited to cluster with an established group of buildings on a farm.

Site location Map



Referral Request

Dear Madam,

Following the placing of this application on the Contentious Delegated Decision List for the Week Commencing 18th August 2025, and my request for deferral.

I understand the concerns of the planning department regarding the planning reasons for referral, but I believe sufficient planning grounds have been given from the outset for the referral of this planning application.

The failure to refer this application to the planning committee would prejudice the case of this young farmer and constituent when the clear objectives of PPS 21 are to sustain, retain and renew rural communities by keeping people like Ms Feeny in this rural area.

Firstly, It needs to be recorded. I did not say this application didn't comply with Policy CTY 10, I clearly expressed in my correspondence that.... "The case officer's concerns focus on noncompliance with CTY10 due to the formal business being established in 2021 and the absence of existing buildings to cluster with". I clearly expressed at Bullet Point 1 that.....The farm business is active, viable, and contributes to the local rural economy.

In respect of the proposed refusal reasons and your request for further comments, please find additional comments below:-

Refusal Reasons 1:

I have reviewed this planning application on the planning portal and noted that the applicant's agent has a detailed planning submission detailing how this application complies with planning policy. I've also been made aware that a further submission (dated 9th July) was emailed (copy attached) to the case officer outlining the submission on the exceptional matters of this application. The agent's submission addresses the potential refusal reason on the overriding and exceptional nature of this planning application.

In addition to the agent's detailed analysis of the application, I believe this application fully complies with Policy CTY10. However, I express that the unique circumstances of this case provides overriding reasons as set out in Policy CTY1:

- The applicant has verifiable evidence of continuous farming activity from 2017/18 through to the present, predating her DAERA registration.
- She has recently purchased this land to establish a permanent farm base, marking a transition from reliance on family land and conacre to independent operations.
- She has now started to acquire lands in her ownership as finances and matters permit.
- The absence of existing buildings reflects the undeveloped nature of the holding, not inactivity.

As a young female farmer, her case contributes directly to PPS21's strategic objective to sustain and renew rural communities and secure generational renewal in agriculture.

Precedent:

Approval in this case would not set an undesirable precedent because:

- The supporting evidence is fact-specific and independently verifiable.
- The application complies with the objectives with PPS 21 in sustaining rural communities.
- Future applicants would only be able to rely on similar reasoning if they could demonstrate comparable levels of documented farming activity over multiple years.

Refusal Reason 2:

After further discussions with the applicant, she has now acquired further evidence of an active and established farm business for more than the required 6-year period. Ms. Feeney McGarrigle confirms that while she formally registered with DARD in 2021, the farm business was well established and operational since 2017 / 2018, albeit stock was originally purchased through her father's account, which is standard practice in farming communities for young farmers getting established in the industry. Substantial additional evidence is attached demonstrating the following:

- During this period, she maintained livestock under her father's herd and flock numbers before obtaining her own DAERA registration in 2021.
- Independent farm supply receipts from suppliers confirming regular agricultural purchases

and active management during this period. (Copies attached)

- This demonstrates a continuous and genuine farming enterprise extending well beyond the years formally recorded by DAERA.

Refusal Reason 3:

CTY13(c) requires integration with an established group of buildings “where practicable.” In this case, there are no farm sheds because the applicant has only recently purchased the land. The absence of sheds does not equate to inactivity; it reflects the undeveloped nature of the farm holding. The policy should not penalise new entrants simply because they have not yet constructed farm buildings.

The site is located within a loose cluster of existing dwellings and rural outbuildings in the immediate area. Mature hedgerows and natural enclosure ensure that the proposed dwelling would visually read as part of the existing rural fabric, not an isolated new build.

The proposal can be satisfactorily integrated with landscaping and boundary retention in accordance with CTY13 and CTY14. The dwelling is not prominent in long views, is not on elevated ground, and is consistent with local settlement patterns.

The intent of SPPS 6.70 is to prevent sporadic and harmful development in the open countryside. This proposal does not create or contribute to ribbon development, nor does it open up the countryside to further pressure. Instead, it provides a home for a genuine, full-time farmer within her own holding, consistent with PPS21’s strategic aim of sustaining a working countryside.

Conclusion:

This statement provides clear and acceptable reasoning why this referral should be granted on planning grounds. The applicant has provided clear, dated, and verifiable evidence of continuous farming since 2017/18. To refuse referral would prejudice her ability to have these unique and fact-specific circumstances considered openly.

This is a finely balanced application that engages both CTY10 compliance and CTY1 exceptional circumstances. It raises important issues of succession, generational renewal, and the application of PPS21 in practice.

Accordingly, I respectfully request that this application be referred to the Planning Committee for full consideration.

Kind regards,
Cllr Callaghan

Appendix 1 – Appeal 2025/A0057



Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2025/A0057.
Appeal by:	Mr. Arthur McConville.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Erection of farm dwelling and garage.
Location:	Lands immediately south of 58 Ballygorian Road, Hilltown, Newry, BT34 5TD.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2024/0060/O.
Procedure:	Written Representations with Commissioner's site visit on 25 th November 2025.
Decision by:	Commissioner Kieran O'Connell, 15 th December 2025.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal would be acceptable in principle in the countryside, lack integration, and create ribbon development.
3. Section 45(1) of the Planning (Northern Ireland) Act 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that, where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Banbridge, Newry and Mourne Plan 2015 (BNMAP) operates as the LDP for the area in which the appeal site is located. In BNMAP, the appeal site lies in the countryside and within the Mourne Area of Outstanding Natural Beauty. The plan policies relevant to the countryside are now outdated and have been overtaken by regional policies for rural development. As such, no determining weight can be attached to them. There are no other provisions in the plan that are material to the determination of the appeal.
5. On the 11th December 2025, the Department for Infrastructure published the Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2), which includes new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS2, makes clear that all other policy provisions within the former SPPS are

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unchanged. The SPPS2 is material to all decisions on individual planning applications and appeals. The SPPS2 retains policies within existing planning policy documents until such time as Plan Strategies for the whole of the Council areas in NI have been adopted. No Plan Strategy has been adopted for this Council area. The SPPS2 sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS2. Consideration of the relevant policies are set out below.

6. Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) is a retained policy. No conflict arises between the provisions of the SPPS and retained policy insofar as they relate to this appeal proposal. The retained PPS 21, therefore, provides the policy context for assessing the appeal proposal. Supplementary planning guidance for buildings in the countryside is set out in the document 'Building on Tradition' – A Sustainable Design Guide for Northern Ireland Countryside (BoT).
7. Policy CTY 1 of PPS 21 is titled 'Development in the Countryside'. It states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling on a farm in accordance with Policy CTY 10.
8. The appeal site is located on the southwestern side of Ballygorian Road in Hilltown, encompassing agricultural land adjacent to the bungalow at No.58. Access is intended through an existing laneway serving No.58. The appeal site is bisected by a post and wire fence. The site's topography slopes from west to east. The northern boundary is primarily defined by a sizable wall along the common boundary with No.58, becoming undefined towards the east. There is an enclosed rectangular area containing a trampoline, and goal posts linked to No.58 adjacent to the northern boundary. The western and southern boundaries are defined by post and wire fencing and a hedgerow around 1.3m high. The eastern boundary, bordered by similar fencing, provides access to agricultural sheds, a cattle crush, and a silage store located to the northeast, each with direct access to Ballygorian Road.
9. Policy CTY 10 states that permission for a dwelling house on a farm will be granted where three criteria are met. The Council concerns centre on criterion (a), which requires that *'the farm business is currently active and has been established for at least 6 years'*. The test therefore to be applied is whether *'the farm business'* (*emphasis added*) is currently active and has been active and established for at least 6 years not whether the Appellant has been involved in agricultural activity. There is no dispute that the Appellant's farm business is currently active; however, the Council disputes whether the farm business has been established for at least 6 years.
10. Paragraph 5.38 of the justification and amplification text to Policy CTY10 states that the applicant will be required to provide the farm's business identification number along with other evidence to prove active farming over the required period. The provision of a business ID number is a preferred means of demonstrating compliance with criterion (a). However, there may be certain instances, in the

absence of the Appellant having a Business ID Number, where other evidence is provided to demonstrate that there is an active and established farm business.

11. The Council alleges that another farm business has claimed the field where the appeal site is located. However, no evidence to that effect has been provided. Notably, DAERA's consultation response merely states that the '*field has not been claimed by any business in 2023*', whilst the Appellant maintains that he is unaware of claims having being made on his land. Given the paucity of information supporting the Council's position, I am not persuaded that this matter taken in isolation is determining in this case.
12. The Appellant's application form indicates that the farm business was established in January 2012 and provided a farm business number. DAERA confirmed this business number relates to a Category 3 farm business allocated on 25th November 2022. DAERA also confirmed that a Category 3 farm is not entitled to claim land payments. In the absence of farm maps, the Appellant provided undisputed title deeds to demonstrate the extent of his farm holding. These verify that the Appellant owns just under two acres of land and the farm buildings adjacent to his son's house at No.58 Ballygorian Road. The Appellant's evidence also indicates that he has a Herd Number.
13. The Appellant contends that while his Business ID number was allocated on 25th November 2022, this is not determinative and provided other evidence to demonstrate active farming from 2012 to the present day. The Appellant's evidence comprises a DAERA Herd List for each of the years from 1st January 2012 and 22nd April 2022, indicating animal movements. The Appellant also provided details of a DAERA Herd List dated 11th December 2023, indicating that he had an animal count of five. This document does not contain the Appellant's personal details or the date issued. However, it contains the same Herd Number used from 2012-2022, which includes the Appellant's details. The Appellant also provided several receipts and account statements from an agricultural supplies store for animal feeds, bales, pest control, sewer rods, amongst other things, for the years 2021-2025. Additionally, at the appeal stage, the Appellant provided what he says is a herd list for 2024-2025. This document indicates an Animal Group Number which appears to be the same as his Herd Number, and that he has 11 animals. However, this information is not on official DAERA headed paper, nor is it officially stamped by DAERA, unlike the Appellant's other evidence. As such, it is of limited assistance.
14. The Council argue that the appeal development would be similar in principle to appeal decision 2024/A0025. However, from the Appellant's evidence I do not consider it to be directly comparable to this appeal. Each appeal falls to be assessed on its own site-specific merits and within its own evidential context which in this instance is different to the aforementioned appeal case.
15. Notwithstanding the level of activity associated with the Appellant's farm business, it nonetheless meets the low bar definition of agricultural activity' as defined by Article 4 of the European Council Regulations (EC) No 1307/2013. Taken in the round, the evidence suggests that the Appellant has engaged in agricultural activity since approximately 2012. This information relates largely to the keeping and breeding of livestock. However, the policy test also requires that the farm business has been established for at least 6 years. I have no persuasive evidence

that the farming activities undertaken prior to the allocation of the Category 3 Business ID number in November 2023 represented a farm business. For example, no supporting information such as, business bank account details, tax returns or other information, to verify that the Appellant's activities were part of a farm business from 2012 to 2022 rather than for hobby or other purposes. Consequently, it has not been demonstrated that the farm business has been established for the requisite 6 years. The Council's concerns in this regard are sustained.

16. Policy CTY 13 of PPS 21 titled, 'Integration and Design of Buildings in the Countryside' 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. It specifies several instances where a new building will be unacceptable. The Council third reason for refusal raised concerns relating to criteria: (b) the site lacks long-established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; (c) it relies primarily on the use of new landscaping for integration.
17. The Council identified one short-range critical view of the appeal site as being from the eastern approach adjacent to No.50 Ballygorian Road on the crest of a hill. From here, they contend that the appeal site is visually open and is not enclosed by established boundary planting. As a result, they contend that a dwelling would be perceptible in the landscape and require additional landscaping on at least two boundaries in order to assimilate into the receiving landscape.
18. From my on-site observations, the roadside boundary along the southern side of Ballygorian Road, from around No.50 towards the access to the appeal site, is defined by a recently trimmed hedgerow standing approximately 1.5-2 meters high. The Appellant's farm buildings are not readily discernible from the identified viewpoint due to their siting on a lower slope within the broader undulating landscape. In contrast, No.50, due to its elevated position, is evident, as would any dwelling located adjacent to and directly south of it.
19. Notwithstanding, the appeal proposal is for outline planning permission where no specific position for a dwelling and garage has been proposed. A modest-sized dwelling and garage sited in the location indicated within the Council's suggested conditions on the lower part of the appeal site and adjacent to the Appellant's farm buildings would ensure that they would broadly cluster with the agricultural buildings. These buildings, along with No.58 to the northwest and the rising ground beyond, would provide some enclosure and a backdrop to the appeal site ensuring that it would be adequately integrated into the landscape. As such, whilst additional landscaping may be required along the sites undefined boundaries, I am not persuaded that the proposal given its set back location from Ballygorian Road, intervening vegetation and topography would primarily rely on new landscaping subject to a siting condition for integration purposes. Nor would its lack of long-established boundaries given my overall integration conclusions merit the refusal of planning permission for the reasons given. The Council's integration concerns and, therefore, its third reason for refusal based on Policy CTY 13 and the related provisions of the Strategic Planning Policy Statement are not sustained for the reasons given.

20. The Council argue that the appeal proposal would create/contribute to a ribbon of development that is contrary to Policy CTY 8 and criterion (d) of Policy CTY 14 of PPS 21. Policy CTY 8, states that planning permission will be refused for a building that creates or adds to a ribbon of development. Paragraph 5.32 of the policy says that ribbon development is detrimental to the character, appearance, and amenity of the countryside. Further, paragraph 5.33 states that a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. 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. Policy CTY 14 of PPS 21 'Rural Character' further states that a new building will be unacceptable where it creates or adds to a ribbon of development.
21. The Council's evidence provides scant detail of its concerns; however, they do state that the proposed dwelling, when viewed with the Appellant's existing farm buildings and No.58 Ballygorian Road, would result in a linear form of development, thereby 'creating or contributing to ribbon development'. Whilst the Council do not identify where the alleged ribbon of development would be viewed from, I must infer given their integration concerns they relate to the viewpoint identified travelling west from around No.50. Having regard to the topography, angle and orientation of the road and the intervening vegetation, I am not persuaded that a dwelling sited as suggested within the Council's conditions would draw out development in a linear manner to any significant extent or read as a ribbon of development with No.58 or the Appellant's farm buildings. Furthermore, from my observations on site, any views of a dwelling and garage would be minimal and would read as part of a group of buildings in the countryside that would not be dissimilar to other farm groupings along Ballygorian Road. As such, I am not persuaded that the appeal proposal would result in an unacceptable 'suburbanisation' or erosion of rural character as the Council contends. For the reasons given, the Council's ribbon development concerns and its fourth reason for refusal are not sustained.
22. The Council, cite concerns regarding Policy NH 6, 'Areas of Outstanding Natural Beauty' (AONB) of Planning Policy Statement 2: 'Natural Heritage'. They contend that a new dwelling would negatively impact the setting of the Mourne AONB due to the site's lack of integration and impact on rural character, as per their consideration of Policy CTY 14. Whilst the Council do not specify what the distinctive character or setting of the AONB is or how the proposal would infringe upon any specific aspect of it, the identified matters of concern are not contained within Policy NH 6 of PPS 2. Furthermore, the Council do not engage with the criteria specified within Policy NH 6. In any event, given my conclusions above relating to the siting, integration and impact on rural character, I am not persuaded that the appeal proposal would be unsympathetic to the special character of the AONB. Consequently, the Council's concerns regarding the impact on the Mourne AONB are not sustained.
23. As it has not been demonstrated that the appeal proposal would be located on a farm business that is currently active and has been established for at least 6 years, the proposal does not comply with Policy CTY10 of the PPS 21 for the reasons given. As such, the proposal does not represent one of the types of development which are considered to be acceptable in principle in the countryside, and no overriding reasons were presented to demonstrate how it is essential and

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could not be located in a settlement. The proposal is therefore contrary to Policy CTY1 of PPS 21 and the related provisions of the SPPS. The Council's reasons for refusal are sustained to the extent specified. The appeal must fail.

This decision is based on the following drawings refused by the Council on 13th May 2025:

- P01 – Site Location Plan, 1:2500 scale.

COMMISSIONER KIERAN O'CONNELL

List of Documents

Council: - Statement of Case by Newry, Mourne and Down District Council.

Appellant: - Statement of Case by O'Callaghan Planning

Rebuttal Statement by O'Callaghan Planning