



Title of Report:	Planning Committee Report – LA01/2025/0530/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th May 2026
For Decision or For Information	For Decision – Referred Item – Alderman Mark Fielding
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	N/a

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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:

<u>App No:</u>	LA01/2025/0530/F	<u>Ward:</u>	Ballykelly
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands to the rear of No. 127 Glenhead Road, Limavady		
<u>Proposal:</u>	Full retrospective Planning Application for the retention of agricultural building for agricultural storage & concrete hardstanding		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	03.06.2025
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	16.09.2025
<u>Agent:</u>	Lee Kennedy Planning, 2 Templetown Park, Maydown, Londonderry, BT47 6TZ		
<u>Applicant:</u>	Stephen Deehan, 127 Glenhead Road, Limavady, BT49 9LR		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Executive Summary

- Full Planning permission is sought for the retention of agricultural building for agricultural storage & concrete hardstanding
- The application site is located on lands rear of No. 127 Glenhead Road, Limavady
- The application has been assessed against the relevant policies within the NAP, SPPS Edition 2 (2025), PPS2, PPS3, PPS21
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement Edition 2 (2025) for Northern Ireland and Policies 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.
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement Edition 2 (2025) for Northern Ireland and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not demonstrated that the proposed building is located on an active and established agricultural holding ; that the proposal is necessary for the efficient use of the agricultural holding.
- Consultation was carried out with DFI Roads, Environmental Health, DAERA(NIEA) Water Management Unit & Natural Environment Division, NI Water, Loughs Agency, DAERA, Shared Environmental Services.
- DAERA have confirmed the farm business Id was allocated on 20th May 2024.
- No representations have been received in relation to this application.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk/>

1 RECOMMENDATION

1.0 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** planning permission for the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

2.1 The site is a rectangular shaped plot of land measuring 0.10 hectares which is located in a rural area. The subject shed and concrete yard are existing, the shed was closed up at the time of the site inspection. The site is located down a shared lane to the south of the applicants dwelling at No 127 Glenhead Road. The topography of the site is fairly level which is set within a wider landscape of dropping land levels from Glenhead Road in a southerly direction. The site is set lower than Glenhead Road. The site is screened to the north and north east by Nos 127 & 135 Glenhead Road.

2.2 The northern boundary is defined by a 3 metre hedge, the southern boundary is defined by a 1.2 metre ranch fence, the western boundary is defined by a 1 metre post and wire fence. The eastern boundary facing the shared lane is defined by 2 agricultural gates and a 2 metre panel fence. The site is currently accessed from an existing shared lane. Fleeting public views of the site are from the north west.

2.3 There is no watercourses in the vicinity of the site. The local area is characterised by agricultural farm land and some detached residential properties. The site is located outside any settlement limit as shown in the NAP 2016.

3.0 RELEVANT HISTORY

3.1 B/2002/0145/F, West of No. 135 Glenhead Road, Magheramore, Limavady, Erection of traditional dwelling with double detached domestic garage. Permission Granted. 09.10.2002

B/2003/0144/F, West of No 135 Glenhead Road, Magheramore, Limavady, Erection of two storey dwelling with detached domestic garage (amendments to approved house type B/2002/0145/F). Permission Granted. 23.07.2003

4.0 THE APPLICATION

- 4.1 The application seeks full planning permission for the retention of agricultural building for agricultural storage & concrete hardstanding

Habitat Regulation Assessment

- 4.2 Habitat Regulations Assessment Screening Checklist - Conservation (natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015: The potential impact of 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). There is no watercourses in proximity to the site. Shared Environmental Services have been consulted and are content. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

5.0 PUBLICITY & CONSULTATIONS

- 5.1 **External:** All neighbours that have been identified for notification within the terms of the legislation have been notified on the 12th June 2025. The application was advertised on the 18th June 2025.

5.2 **Internal:**

DFI Roads – No objection to the proposal
Environmental Health – No objection to the proposal
NIEA WMU – No objections to the proposal
NIEA NED – No objections to the proposal
NI Water – No objections to the proposal

Loughs Agency – No objections to the proposal
Shared Environmental Services – No objections to the proposal.
DAERA – Information provided on the farm business

6.0 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:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

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

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable
Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the principle of development, Natural Heritage, Safeguarding residential and Work Environs, Access, Movement and Parking and Representations.

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and policy CTY1 of PPS21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development which will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.
- 8.3 Paragraph 5.56 of the justification and amplification text of Policy CTY12 advises that for the purposes of this policy the determining criteria for an active and established farm business is that set out under Policy CTY10. The policy text of CTY12 refers to permission being granted for development on an active and established agricultural or forestry holding. Paragraph 6.73 of the SPPS provides clarity, it states that 'provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.
- 8.4 No farm maps have been provided. DAERA confirm the farm business ID was allocated on 20th May 2024. The farm business ID category is Category 3. The farm business has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. The application site is not on land for which payments are currently

being claimed by the farm business. The farm holding on which the farm shed is proposed has not been active and established for at least 6 years.

- 8.5 Planning appeal 2021/A0023 concerned the refusal of permission for a farm dwelling. As with this proposal, criterion (a) of Policy CTY 10 must be met.
- 8.6 In terms of the test for the holding being active and established the appeal decision notes, *it is indisputable that the appellant holds farm business ID [redacted]. However, as the farm business was only established in September 2019, this time period is less than the required 6 years.*
- 8.7 The Planning Statement accompanying the application states, *Whilst the Applicant has not been in possession of DAERA Farm Business I.D. for the requisite 6 years, he has provided receipts and invoices, attached as Appendix LKP 1, which evidence that his farm holding is indeed active and established and meets the definition of lands that are subjected to 'agricultural activity'.*
- 8.8 Appeal decision 2024/A0028 acknowledges that, *agricultural activity is not confined to the production, rearing, or growing of animal products and includes maintaining the land in good agricultural and environmental condition as per paragraph 5.39 of PPS 21.*
- 8.9 However, the agricultural activity must be demonstrated over at least a 6 year period for it to be eligible for consideration under criterion (a) of CTY 10, which states that the farm business must be active and established for at least 6 years.
- 8.10 The proposal therefore fails to meet the key requirement of Policy CTY 12 as the development is not located on an active and established agricultural holding as per Policies CTY1 and CTY 12. The remainder of policy CTY 12 will be considered below.

8.11 Policy CTY 1 indicates agricultural and forestry development will be considered under Policy CTY 12 which states planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

8.12 (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

The parcel of land on which the application site is located measures 0.88 hectares. At the time of the site inspection there was some sheep grazing in the subject field. The supporting statement indicates the applicant possesses 10 sheep, 8 ewe lambs, and 2 pet ram lambs on his land. The supporting statement shows photographs within the shed of storage which includes 1 tractor, 1 trailer, 1 sheep trough, 5 sheep hurdles, shelving, 1 spade, 1 shovel, 1 yard brush. The agent states the applicant is a newly established farmer and wishes to consolidate his farm holding and secure the efficiency and effectiveness of his farming operations by retaining the agricultural building situated on his farming lands. As part of the supporting statement 8 agricultural invoices have been submitted. The dates of the invoices are 31.05.2024, 26.3.2025, 23.04.2025, 29.04.2025, 3.05.2024, 15.05.2025, 17.05.2025, 21.05.2025.

One invoice relates to 2024. 7 invoices are for a recent 2 month period 26.3.2025 – 21.05.2025. 7 of the invoices are not site specific. In any case, the invoices do not demonstrate active and established farming over the specific 6-year time frame with the earliest date of the invoices submitted dated May 2024.

8.13 As per the Planning Statement which accompanies the application, the building will not hold livestock. The applicant lives adjacent the proposed building and has an existing large garage within his domestic curtilage. The current farming activities are very small scale and could continue without this shed. In addition, due to the small scale of farming activity, it may be the case that all of the equipment shown by the applicant is not required at this part of the holding.

8.14 Given the evidential context provided within the supporting statement it has not been demonstrated that the shed is necessary for the efficient use of the agricultural holding or essential for the efficient functioning of the business and as such the proposal is contrary to criterion (a) of Policy CTY 12.

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

The proposed farm shed measures 14.3 metres by 9.1 metres. It is 4.2 metres to the eaves and 5.2 metres to the ridge. The finished floor level of the shed is set lower than Glenhead Road. The site is screened to the north and north east by Nos 127 & 135 Glenhead Road. There is a limited fleeting view of the shed from the north west.

8.16 The shed has modest dimensions and in terms of character and scale it is appropriate to its location notwithstanding it has not been sited on an active and established farm. The proposal complies with criteria 'b'.

8.17 (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

The topography of the site is fairly level which is set within a wider landscape of dropping land levels from Glenhead Road in a southerly direction. The site is set lower than Glenhead Road. The site is screened to the north and north east by Nos 127 & 135 Glenhead Road.

8.18 The northern boundary is defined by a 3 metre hedge, the southern boundary is defined by a 1.2 metre ranch fence, the western boundary is defined by a 1 metre post and wire fence. The eastern boundary facing the shared lane is defined by 2 agricultural gates and a 2 metre panel fence. The site is currently accessed from an existing shared lane. Fleeting public views of the site are from the north west. The proposal visually integrates into the local landscape. The proposal complies with criteria 'c'.

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

There is no mature vegetation to be removed as part of the proposal. Previously the site was used for grazing and was laid out in grass. There is no listed buildings nearby. The proposal complies with criteria 'd'.

8.20 (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution. The shed is proposed for agricultural storage purposes. There is no livestock to be kept in the shed. Agricultural storage for a tractor and trailer etc. should not give rise to noise, smell or pollution. The proposal complies with criteria 'e'.

8.21 In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

8.22 there are no suitable existing buildings on the holding or enterprise that can be used;

The applicant has indicated he has no other farm buildings.

8.23 the design and materials to be used are sympathetic to the locality and adjacent buildings; and

The design and materials are; black Kingspan exterior sheeting to wall and roof; roller shutter door. The design is rectangular form with modest 5.2 metre ridge. The design and materials are sympathetic to the locality and other farm buildings in the area.

8.24 the proposal is sited beside existing farm or forestry buildings.

The shed is not sited beside existing farm buildings.

8.25 Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

it is essential for the efficient functioning of the business; or
The exceptional tests are not applicable to this case.

there are demonstrable health and safety reasons.

It has not been demonstrated that the proposal meets any of the exceptions above.

- 8.26 The principle of development has not been established. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY 1 & CTY 12 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; it has not been demonstrated that it is located on an active and established agricultural holding or that the proposal is necessary for the efficient use of the agricultural holding.

Integration

- 8.27 Policy CTY1 of PS21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate into its setting, respect rural character and be appropriately designed. Policy CTY13 states that 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.
- 8.28 Similar to CTY 12 criterion 'c' consideration above. The topography of the site is fairly level which is set within a wider landscape of dropping land levels from Glenhead Road in a southerly direction. The site is set lower than Glenhead Road. The site is screened to the north and north east by Nos 127 & 135 Glenhead Road.
- 8.29 The northern boundary is defined by a 3 metre hedge, the southern boundary is defined by a 1.2 metre ranch fence, the western boundary is defined by a 1 metre post and wire fence. The eastern boundary facing the shared lane is defined by 2 agricultural gates and a 2 metre panel fence. The site is currently accessed from an existing shared lane. Fleeting public views of the site are from the north west. The proposal is not a prominent feature in the landscape and visually integrates into the local landscape.

- 8.30 An existing lane is being utilised so ancillary works are of a minor nature. The design of the building is modest and is in keeping with others in the area.
- 8.31 The proposal integrates into the surrounding landscape because the site is fairly well screened from public view points and an existing lane is used. The proposal complies with paragraph 6.70 of the SPPS and policy CTY13 of PPS 21.

Rural Character

- 8.32 CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode a rural character of an area. A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

The proposal is not unduly prominent in the landscape as demonstrated above under section CTY 13 consideration. The proposal complies with criteria 'a'.

- 8.33 (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or

The proposal when viewed with the existing buildings cumulatively will not result in a build up of development detrimental to the rural character of this area. The proposal complies with criteria 'b'.

- 8.34 (c) It does not respect the traditional pattern of the settlement exhibited in that area; or

The proposed plot size is under 0.1 ha which is a modest size which respects the traditional pattern of settlement exhibited in the area. The proposal complies with criteria 'c'.

- 8.35 (d) It creates or adds to a ribbon of development; or

The proposal does not front onto Glenhead Road so does not share a frontage with other buildings that have a common

frontage on Glenhead Road. It does not create or add to a ribbon of development. The proposal complies with criteria 'd'.

- 8.36 (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Ancillary works are minimal as an existing access is being utilised. The impact of ancillary works will not damage rural character. The proposal complies with criteria 'e'.

- 8.37 The proposal complies with criteria 'a' - 'e'. It will not erode rural character of the area so is in compliance to policy CTY14 of PPS 21 and paragraph 6.70 of the SPPS.

Access, Movement and Parking

- 8.38 Policy AMP2 of PPS3 Access, Movement and Parking applies and states for access to public roads planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, into a public road where;
- Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - The proposal does not conflict with policy AMP3 Access to Protected Routes.

The applicant has submitted plans to demonstrate safe access to Glenhead Road. DFI Roads have been consulted and they confirmed they had no objection to the proposal. Glenhead Road is not a protected route.

Natural Heritage

- 8.39 Paragraph 6.192 of the SPPS and PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. The applicant has submitted a biodiversity checklist. The contents have been considered and the site inspection indicates no information that is contrary to its findings. NED and Shared Environmental Services have no objections on the basis that there is no livestock to be housed in the proposed shed.

- 8.40 On this basis the proposal complies with Paragraph 6.192 of the SPPS and policies NH 2 and NH 5 of PPS 2 in that it has been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

Safeguarding residential and work environs

- 8.41 Paragraph 4.12 of the SPPS is relevant. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
- 8.42 The relevant issues in paragraph 4.12 have been mostly considered above. Other issues will now be considered. The shed is proposed as an agricultural store. There is no livestock to be kept in the shed. Storing of a tractor and trailer etc will not give rise to noise, smell or pollution. Environmental Health have raised no concerns.
- 8.43 There is sufficient separation distance between the shed and other residential properties that there are no overshadow issues and no loss of privacy issues. The proposal complies with paragraph 4.12 of the SPPS.

Representations

- 8.44 None received.

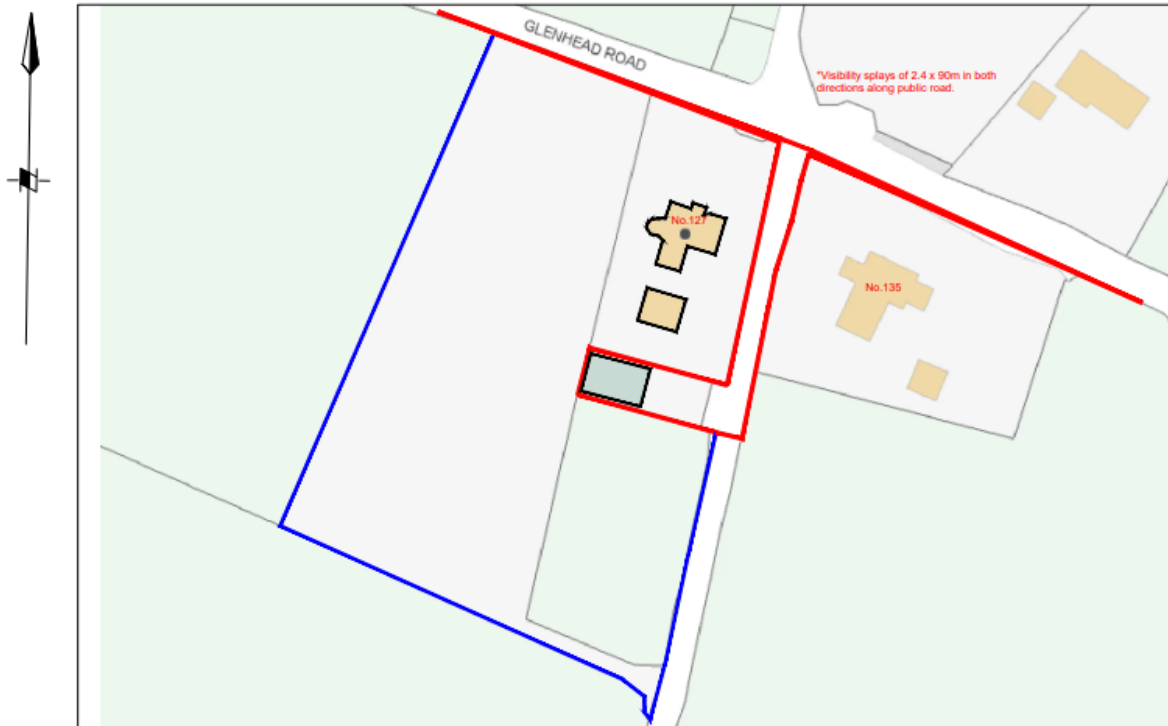
9.0 CONCLUSION

- 9.1** The proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and other material considerations , the SPPS and Planning Policy Statements 2, 3 and 21. Consultee responses have been considered. The applicant has only recently (2024) started to farm the subject holding therefore it cannot be demonstrated that it has been active and established for the required 6 years. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY 1 & CTY 12 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. It has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding.
- 9.2 As the proposal is contrary to the various planning policies it is considered unacceptable and refusal is recommended.

10.0 Reasons for Refusal

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies 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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not demonstrated that the proposed building is located on an active and established agricultural holding ; that the proposal is necessary for the efficient use of the agricultural holding.

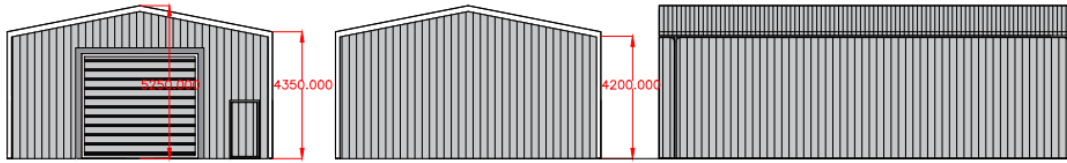
Site Location



-  Application Site.
-  Lands under Applicants Control.

* Visibility splays of 2.4 x 90m in both directions with a forward sight distance of 90m.

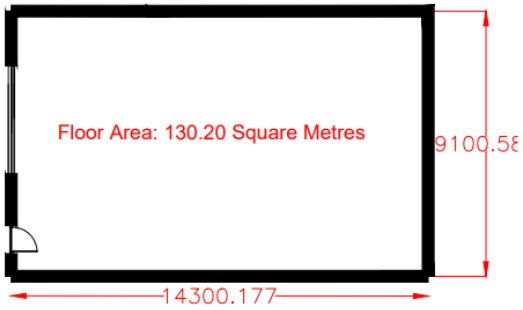
Site Layout, floor plan and elevations



Front Elevation - Scale 1/ 100.

Rear Elevation - Scale 1/ 100.

Side Elevation - Scale 1/ 100.




Floor Plan - Scale 1/100.



Site Layout Plan

Scale 1/500.

Agricultural Building Specification:
 Black Kingspan Exterior Sheeting to Wall & Roof.
 Concrete Shuttered Wall - 400mm thick shuttered and plastered on both sides coloured grey.
 Roller Shutter Door - Spec by Client.
 Ridge Height: 5.25m
 Eaves Height: 4.35m
 Area:
 14.3m x 9.1m = 130.20m²

Client: Mr Deehan	
Title: Site Layout Plan / Elevations & Floorplan	
Project: Agricultural farm building on existing farm holding oad. 127 Glenhead Road, Limavady.	
Date: April 25	Scale: As shown
 LEEKENNEDYPLANNING	

Appendix 1

Referral Request

From: Mark Fielding
Sent: 16 January 2026 00:06
To: Planning; Denise Dickson; Lee Kane (internet)
Subject: LA01/2025/0530/F
Attachments: Glenhead Road.odt

I wish to refer LA01/2025/0530/F Full retrospective Planning Application for the retention of agricultural storage & concrete hardstanding
At Lands to the rear of No. 127 Glenhead Road Limavady. See attached.

Yours,

Mark
Ald M Fielding

Planning reference LA01/2025/0530/F

Elected Member Mark Fielding

Contact Details Tel :

Email

Refusal reasons

The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies 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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not demonstrated that the proposed building is located on an active and established agricultural holding ; that the proposal is necessary for the efficient use of the agricultural holding.

-This request to refer to Committee is made on the basis that the application raises material planning considerations that require Planning Committee members scrutiny.

1. The interpretation and application of Policy CTY 12 in relation to what constitutes an 'active and established' agricultural holding;
2. Substantial supporting evidence provided by the applicant demonstrating agricultural activity from 2023 onward, including fencing works, reseeding, livestock care, and DAERA herd and flock registrations;
3. The Applicant has owned and maintained these lands in good environmental condition for more than the requisite 6 year period which needs to be explored in more detail by members.
4. The fact that all other policy tests—visual impact, rural character, amenity, ecology and access—are accepted by officers as being fully satisfied;
5. The absence of any third-party objections or consultee concerns; and
6. The need to assess whether overriding reasons under CTY 1 apply in this case.

Given the above, I believe this application warrants full Committee consideration to ensure a robust, transparent and balanced determination. I therefore request that the item be listed for decision by the Planning Committee.

Appendix 2 Planning appeals

Appeal 1



Appeal Decision

92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2024/A0028
Appeal by:	Thomas Downey
Appeal against:	The refusal of full planning permission
Proposed Development:	Retrospective application for farm storage shed
Location:	Approx. 190m SW of 50 Maghereagh Road, Randalstown
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2024/0004/F
Procedure:	Written Representation
Decision by:	Commissioner Carrie McDonagh, dated 28th October 2024

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the agricultural building is acceptable in principle in the countryside.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the Local Development Plan (LDP), the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Antrim Area Plan 1984-2001 (AAP) currently operates as the statutory Local Development Plan for the area where the appeal site is located. The appeal site is located within the countryside outside any development limit as designated in the AAP. There are no specific operational policies or other provisions relevant to the determination of the proposal contained in the Plan.
4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as the local Council adopts a Plan Strategy (PS). No Plan Strategy has been adopted for this area. The SPPS sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. The retained policy of relevance to this appeal is Planning Policy Statement 21 'Sustainable Development in the Countryside'

2024/A0028

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(PPS21). As no conflict arises between the policy provisions of the SPPS and retained in PPS 21, the latter provides the relevant policy context.

5. Policy CTY 1 titled "Development in the Countryside" of PPS 21 sets out the types of development considered to be acceptable in principle in the countryside. One of these is 'Agricultural and Forestry Development in accordance with Policy CTY 12'. If a proposal complies with Policy CTY 12, it will meet the terms of Policy CTY1 subject to meeting the other planning and environmental criteria, none of which are of concern in this appeal.
6. The appeal relates to a retrospective farm storage shed positioned to the rear northwest section of a host field, with the boundaries defined by hedgerows and mature trees with post and wire fencing. The shed is partly constructed by a 5m high portal frame with a concrete base wall section. It comprises of 205m² of floorspace, is 16.4m long and 12.5m wide. The remaining wall and proposed roof finish is profiled metal cladding, with a roller door to the front and a second pedestrian door alongside. Hardstanding is proposed to the front of the shed, where a long stoned vehicular laneway terminates. Wooden ranch fencing abounds the Maghereagh Road either side of the site access, with a field gate opening into a road frontage field to the south of the access lane to the appeal site. The site entrance is currently blocked off with temporary construction fencing with a storage container located behind. The site is located in the rural area, which is characterised by a row of roadside dwellings, with a dwelling to the northern side of the site entrance and what appear to be allotments to the north of the appeal building.
7. The Council consider that there is insufficient evidence to demonstrate the fundamental requirement of Policy CTY 12, which is that the development is on an active and established farm holding. A farm holding is land occupied as a unit for the purposes of agriculture. Paragraph 5.56 states that the determining criteria for an active and established business will be that set out under Policy CTY 10. This requires that the farm business is currently active and has been established for at least six years. The applicant is required to provide the farm's business ID number issued by what is now the Department for Agriculture, Environment and Rural Affairs (DAERA), along with other evidence to prove active farming over the required period. Having regard to the justification and amplification text and the cross reference to Policy CTY 10, it is reasonable to interpret "established" by reference to active farming over a period of six years.
8. The appellant's evidence includes a DAERA customer ID/AICS number. DAERA confirm it was created for the appellant's land ownership on 1st of December 1991. From May 2005 those with the required amount of land were upgraded to a business ID to enable them to claim EU subsidies. The appellant was not upgraded at that time and the ID/AICS number now maintains a record of their contact details, ownership and enables them to access DAERA phone and online services such as maps. The appellant accept they do not have a business ID. Furthermore, DEARA advised on 2nd February 2024 that the appellant is not associated with any farm business nor is the site located on lands claimed by any

farm business. Accordingly, the information presented does not demonstrate that the appellant has a farm business.

9. The longevity of the holding is also critical to the assessment of whether a farm holding is active and established. The appellant provides invoices for the 6-year period from April 2017 to December 2023. They are from three different contractors for a range of work, including hedge cutting and drain cleaning/track digger, grass topping, spreading fertiliser, post and wire fence maintenance and the supply of a hawthorn mixed native hedge. The Council do not accept the validity of the invoices or accompanying declarations given what they describe as the generic nature of the information, the similar handwriting of each signature and the absence of VAT numbers to corroborate the business details.
10. Notwithstanding the Council's concerns, there are other aspects of this evidence which I have concerns with, such as the invoice dated March 2019, which describes the supply of a water drinker despite the appellant's evidence that they do not have animals, thus there would be no such requirement. It is also unclear what the pipes and fittings or the digger hire relate to. However, agricultural activity is not confined to the production, rearing, or growing of animal products and includes maintaining the land in good agricultural and environmental condition as per paragraph 5.39 of PPS 21. The invoices refer to removal of fallen trees which, given the heavily treed boundaries could be considered as site maintenance however, whilst I do not agree with the Council that the invoices are not site specific given the declarations provided, I do agree that the 7-10 hrs for each job (i.e. hedge cutting and/or drain cleaning) appears an excessive amount given the invoices relate to a single field of less than a hectare (0.96h) and perimeter of less than 500m. I also note from my site visit that post and wire fencing needs further repair to secure the site from trespass and livestock leading me to question the level of investment in boundary fencing thus far.
11. Whilst minimal work can amount to agricultural activity, given my concerns with the invoices, I am not persuaded that it has been sufficiently demonstrated that the appeal site has been actively farmed over the requisite 6 year period. As I have already found there is no active farm business, I conclude that the proposal does not meet the fundamental requirement of an active and established agricultural holding.
12. The Council further argue that the proposal fails Criterion (a). It requires that the proposal is necessary for the efficient use of the agricultural holding. Where a new building is sought the policy also requires that there are no suitable existing buildings on the holding and that any new building should be sited beside existing farm buildings. It says however that, exceptionally, consideration may be given to an alternative site away from the existing buildings where it is essential for an efficient functioning of the business and there are demonstrable health and safety reasons.
13. The appellant argues the main holding is 8 miles away (at the appellant's dwelling) and at the appeal site secure storage is necessary for machinery, petrol, diesel and other fuels, fertiliser and animal fodder. The materials currently

located within the site could be best described as building supplies, which I take to have been used in the construction process this far. I have no evidence that the appellant owns or has access to any machinery, farm equipment or vehicles requiring storage or that a building of the scale erected is necessary to secure them.

14. Furthermore, the appellant accepts they do not have any livestock at present and whilst they wish to acquire animals, the policy requires assessment of current farming activities rather than future aspirations. The appellant's argument that DAERA require a building for the welfare of animals prior to issue of a business number due to the animal welfare legislation, including the need for animal inspection and isolation of sick or injured animals, shelter and feeding, can only be considered in the context of future aspirations rather than the current farm activities. Furthermore, the application seeks a farm storage shed. The housing of animals is not what has been applied for and the proposal does not contain any means of foul storage for animals. Taken as a whole, the evidence provided does not persuade me that the shed is necessary for the efficient use of the holding. Criterion (a) of Policy CTY 12 is not met.
15. Given that it has not been demonstrated that the agricultural holding is currently active and established, the fundamental requirement of Policy CTY 12 is not met, and it is not necessary to consider the subsidiary requirements in relation to new buildings.
16. The proposal is not in accordance with Policy CTY 12 and does not fall within any of the other types of development that are identified in principle in the countryside under Policy CTY 1. Furthermore, it has not been demonstrated there are overriding reasons which make this particular building essential in the current circumstances. The proposal is not in accordance with Policy CTY 1 of PPS 21 and the Council's refusal reason is sustained. For the reasons stated, I consider the appeal must fail.

COMMISSIONER CARRIE MCDONAGH

This decision relates to the following drawings, stamped refused 24th May 2024:

- Drawing No. 01: 1:2500 @A4 Location Map
- Drawing No. 02: 1:500 @ A1 Block Plan
- Drawing No. 03: 1:100 @ A2 Plans and Elevations
- Doc No. 04/1: DAERA Map showing Field 141574

List of Documents

Planning Authority: Antrim and Newtownabbey Borough Council
A Statement of Case
A1 Rebuttal Comments

Appellant: Thomas Downey
B Statement of Case
B1 Rebuttal Comments



Appeal Decision

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Appeal Reference:	2021/A0023
Appeals by:	Mr Derek Johnston
Appeals against:	The refusal of full planning permission
Proposed Development:	Site for detached farm dwelling
Location:	Lands adjacent to and south of 48 Garlandstown Road, Glenavy, Crumlin
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2020/0613/F
Procedure:	Written representations with Commissioner's site visit on 5 th April 2023
Decisions by:	Commissioner Kevin Gillespie, dated 26 th May 2023

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposal would be acceptable in principle in the countryside.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, 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) of the Act states that where 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 adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. The Lisburn Area Plan 2001 (LAP) therefore operates as the LDP for the area wherein the appeal site is located with the draft Belfast Metropolitan Area Plan (dBMAP), published in 2004, remaining a material consideration. In the LAP, the appeal site is located in the countryside and outside of any settlement limit, green belt or countryside policy area defined in the plan. In dBMAP, the site lies in the Green Belt. As the rural policies in both plans are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. There are no other provisions in the plans that are material to the determination of the appeal.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a

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Plan Strategy for their council area. As no Plan Strategy has been adopted for the Lisburn and Castlereagh City Council area, both the SPPS and other regional policies apply. During the transitional period, the SPPS retains certain existing Planning Policy Statements including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). There is no conflict between the provisions of the SPPS and the retained policies on the issues raised in this appeal. In line with the transitional arrangements, the appeal should therefore be determined in accordance with retained policy within PPS 21.

6. Policy CTY 1 of PPS 21 states that there are a range of types of development which are acceptable in principle in the countryside and that will contribute to the aims of sustainable development including a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. It follows that if the development satisfies Policy CTY 10, it will also satisfy Policy CTY 1 of PPS 21.
7. The irregular shaped appeal site which is cut out of a wider agricultural field comprises a large area of flattened rubble and a number of agricultural buildings positioned within a yard. It is located on the eastern side of Garlandstown Road. It is generally flat with access taken from a lane that serves the yard containing the above agricultural buildings. An agricultural gate positioned on this lane has the number 50 affixed to it. A post and mesh fence delineates the area of flattened rubble. The northern boundary of the appeal site is defined by mature trees and hedging. The southern boundary is undefined. The eastern boundary is part defined by mature trees and hedging and part undefined. The western boundary is part defined by one of the above agricultural buildings and part defined by mature trees and hedging.
8. Policy CTY 10 of PPS 21 states that planning permission will be granted for a dwelling house on a farm subject to several criteria. The Council's sole objection related to criterion (a) of the policy in so far as the Council considered that the appellant's farm business had not been active and established for at least 6 years.
9. The appellant is applying for a farm dwelling in connection with Farm Business ID 664716 which was allocated to him on 23rd September 2019 by the Department of Agriculture, Environment and Rural Affairs (DAERA). Prior to this, the appellant was listed on a different Farm Business ID 620155 which was registered to Mrs M.E and Mr J.D Johnston. However, for personal reasons, he was subsequently removed from this farm business. Farm Business ID 664716 comprises a holding of some 16.69 hectares of land as shown on the appellant's farm map. From the evidence, I note that it has only claimed payments through the Basic Payment Scheme or Agri Environment scheme in 2020.
10. Paragraph 5.38 of the justification and amplification text to Policy CTY 10 states that 'new houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period'.
11. It is indisputable that the appellant holds farm business ID 664716. However, as the farm business was only established in September 2019, this time period is less than the required 6 years. Additionally, the appellant has not provided any other

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evidence to prove active farming. For these reasons, the policy requirement is not met.

12. For the reasons given, the farm business does not meet criterion (a) of Policy CTY 10 of PPS 21. Furthermore, there are no overriding reasons provided to demonstrate why the appeal proposal is essential. Policy CTY 1 of PPS 21 is therefore not met.
13. The remaining third parties' concerns are matters for the Council and are not determining in this appeal.
14. The Council has sustained its sole reason for refusal. The appeal must therefore fail.

This decision is based on the following drawing numbers:

Drawing No.	Title	Scale	Received by the Council
PLNG-1_1/6	Site Location Map	1:2500	7 th August 2020
PLNG-3_2/6	Proposed Site Block Plan - Overall	1:500	5 th March 2021
PLNG-3_3/6	Proposed Site Block Plan - Sight Splays	1:250	5 th March 2021
PLNG-3_4/6	Site Block Plan - Landscaping	1:250	5 th March 2021
PLNG-1_5/6	Proposed Sections & Elevations	1:100	7 th August 2020
PLNG-1_6/6	Proposed Floor Plans	1:50	7 th August 2020
STTM-2_1/1	Proposed Site Block Plan - Justification	NTS	5 th March 2021

COMMISSIONER KEVIN GILLESPIE

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List of Documents

Planning Authority:-

**"A1" Lisburn and Castlereagh City Council -
Statement of Case**

**"A2" Lisburn and Castlereagh City Council -
Rebuttal Statement**

Third Parties:-

**"B1" Mrs M.E Johnston
Objection**

**"B2" Mrs M.E Johnston
Objection**

**"B3" Mr A Johnston
Objection**

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