

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 30 APRIL 2025**

**Table of Key Adoptions**

| <b>No.</b> | <b>Item</b>   | <b>Summary of Decisions</b>  |
|------------|---|--|
| <b>1.</b>  | Apologies   | <b><i>Councillors C Archibald and Kennedy, it was advised that Alderman S McKillop and Councillor Storey would be late to the meeting.</i></b> |
| <b>2.</b>  | Declarations of Interest  | <b><i>None</i></b>   |
| <b>3</b>   | Minutes of Planning Committee Meeting held Wednesday 26 March 2025  | <b><i>Deferred to the next meeting</i></b>   |
| <b>4.</b>  | Order of Items and Confirmation of Registered Speakers  |  |
| <b>4.1</b> | LA01/2023/1187/F, Referral, 10 Clagan Park, Aghadowey, Coleraine (Item 5.8)                                 | <b><i>Withdrawn</i></b>  |
| <b>5.</b>  | Schedule of applications  |  |
| <b>5.1</b> | LA01/2023/0138/F, Council, Dungiven Sports Centre, 32 Curragh Road, Dungiven                                | <b><i>Agree and Approved</i></b>   |
| <b>5.2</b> | LA01/2022/0791/F, Objection, 57-59 Causeway Street, Portrush  | <b><i>Agree and Deferred</i></b>   |
| <b>5.3</b> | LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy  | <b><i>Deferred for one month</i></b>   |
| <b>5.4</b> | LA01/2024/0895/O, Referral, Site 10m East of 5 Ballygelagh Village, Portstewart (access of Ballyreagh Road) | <b><i>Agree and refused</i></b>  |
| <b>5.5</b> | LA01/2023/0615/F, Referral, 40 Strand Road, Portstewart   | <b><i>Agree and Deferred</i></b>   |
| <b>5.6</b> | LA01/2024/0718/F, Referral, Lands 70m West of No. 47 Newmills Road, Coleraine                               | <b><i>Deferred for one month</i></b>   |
| <b>5.7</b> | LA01/2024/0525/F, Referral, Site Adjacent to 67 Killylane Road, Eglinton                                    | <b><i>Motion Lost<br/>Agree and Refused</i></b>  |

|            |  |   |
|------------|--|---|
| <b>5.8</b> | LA01/223/1197/F, Referral, Lands adjacent to 44 Seacon Park, Ballymoney    | <b>Agree and Refused</b>  |
| <b>5.9</b> | LA01/2024/1004/F, Referral, Lands 85m North of 91 Killyvally Road, Garvagh | <b>Deferred</b>   |
|            |  |   |
| <b>6.</b>  | Correspondence   |   |
| <b>6.1</b> | ANBC – Pre PS Adoption Public Consultation and Council's Response          | <b>Noted</b>  |
| <b>6.2</b> | DC & SDC Pre PS Adoption Public Consultation and Council's Response        | <b>Noted</b>  |
| <b>6.3</b> | Dfl – Developer Contributions for Wastewater Consultation                  | <b>Noted</b>  |
| <b>6.4</b> | Dfl – Planning Improvement Programme – Planning Committee Visits           | <b>To request that a meeting is held with the Department for Infrastructure following their attendance at Planning Committee.</b>             |
| <b>6.5</b> | DC & SDC – LDP – Draft Local Policies Plan – Call for Evidence             | <b>Noted</b>  |
|            |  |   |
| <b>7.</b>  | Reports for Noting   |   |
| <b>7.1</b> | Finance Report – Period 1-11   | <b>Note the content of this report for the period 1-11 of 2024/2025 financial year</b>  |
| <b>7.2</b> | Third Quarterly Report on Planning Performance                             | <b>Noted</b>  |
|            |  |   |
| <b>8.</b>  | Confidential Items   |   |
| <b>8.1</b> | Update on Legal Issues   | <b>Planning Committee authorise officers to take the necessary steps to resolve the outstanding issue under the advice of Senior Counsel.</b> |
|            |  |   |
| <b>9.</b>  | Any Other Relevant Business (in accordance with Standing Order 12 (o))     | <b>None</b>   |

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 30 APRIL 2025 AT 10.32AM**

**Chair:** Alderman Hunter (C)

**Committee Members:** Alderman Boyle (C), Callan (C), S McKillop (R), Scott (C),  
Stewart (C);  
Councillors Anderson (C), McGurk (R), MA McKillop (R),  
McMullan (C), Nicholl (R), Peacock (R), Storey (C), Watton (C)

**Officers Present:** D Dickson, Head of Planning (C)  
J Lundy, Development Management Manager (R)  
M Jones, Council Solicitor, Corporate, Planning and  
Regulatory (C)  
J McMath, Senior Planning Officer (C)  
M McErlain, Senior Planning Officer (C)  
R McGrath, Senior Planning Officer (C)  
E Hudson, Senior Planning Officer (C)  
R Heaney, Planning Officer (R)  
S Duggan, Civic Support and Committee & Member  
Services Officer (C/R)  
J Keen, Committee & Member Services Officer (R/C)

**In Attendance:** A Lennox, ICT Officer (C/R)

Press 1 no. (R)  
Public 19 no. including Speakers

**Key: R = Remote in attendance C= Chamber in attendance**

**Registered Speakers**

| Item No          | Name                                      |
|------------------|---|
| LA01/2022/0791/F | P Reid (R)<br>G McGill (R)<br>I Smith (R) |
| LA01/2024/0060/O | J Simpson (R)                             |
| LA01/2024/0895/O | C Johnston (R)<br>M Williams (C)          |

|                  |   |
|------------------|---|
| LA01/2023/0615/F | M Bell (C)<br>M Bradley MLA (C)<br>D Donaldson (R)  |
| LA01/2024/0718/F | M Kennedy (R)<br>M O'Neill (C)<br>M Bradley MLA (C) |
| LA01/2024/0525/O | A Boyle (R)   |
| LA01/2023/1197/F | M Bell (C)<br>I Boyd                                |
| LA01/2024/1004/F | M Bell (C)  |

The Head of Planning undertook a roll call.

The Chair reminded Planning Committee of their obligations under the Local Government Code of Conduct and Remote Meetings Protocol.

#### **1. APOLOGIES**

Apologies were recorded for Councillors C Archibald and Kennedy, it was advised that Alderman S McKillop and Councillor Storey would be late to the meeting.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 MARCH 2025**

The Chair advised Officers were awaiting the detail of the correction of information as had been requested by Alderman S McKillop and put a deferral to the floor.

Proposed by Councillor Watton  
Seconded by Alderman Scott and

**RESOLVED** – That the Minutes of the Planning Committee meeting held Wednesday 26 March 2025 are deferred to the next meeting.

#### **4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS**

The Chair advised Agenda Item 5.8 LA01/2023/1187/F, Referral, 10 Clagan Park, Aghadowey, Coleraine had been withdrawn.

The Chair noted there were no requests for site visits at this point in the meeting.

## **5. SCHEDULE OF APPLICATIONS**

### **5.1 LA01/2023/0138/F, Council, Dungiven Sports Centre, 32 Curragh Road, Dungiven**

Report and presentation, were previously circulated. The application was presented by Senior Planning Officer, J McMath.

#### **Council Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Alteration to 2 sides of perimeter fencing to 3G pitch only - Height increase from 3m to 6m

#### **Recommendation**

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 APPROVE full planning permission subject to the reasons set out in section 10.

Senior Planning Officer presented via powerpoint as follows:-

- Full planning permission is sought for the alteration of the height of the perimeter fencing on the North and West sides of the 3G pitch at Dungiven Sports Centre, 32 Curragh Road, Dungiven. The proposed height will increase from 3m to 6m.
- The site is located within the Dungiven Sports Centre grounds and is located within the settlement development limit of Dungiven as identified within the Northern Area Plan.
- The site includes the sports centre, football pitch and bowling green.
- By way of background, the original proposal was for 6m high fencing around the entirety of the football pitch with 8m fencing at the goal ends as well as 6m fence around the bowling green.
- The original proposal was considered inappropriate in the context of nearby residents, amendments were received which have reduced the proposal to what is currently before you namely 6m high fencing on the north and western boundaries around the 3G pitch only.

- The proposed fencing is black double wire rigid mesh sports fencing to match the existing, it will run for 68m along the western pitch boundary and 96m along the northern pitch boundary.
- The proposal complies with Paragraph 6.201 of the SPPS, Policy OS4 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation and Policy DES2 of Planning Strategy for Rural Northern Ireland in that the fencing is compatible with the use of the land previously established in 2015, it will not be detrimental to the amenity of neighbouring residents, or to the visual amenity of the area. The fencing will not impact on Area of Outstanding Natural Beauty or any other nature conservation, archaeology or built heritage. The proposed fencing is functional. It is situated between 16 and 26m from surrounding dwellings at O’Cahan’s Place. The scale and design is synonymous with the sports facility. Given the open mesh material it will not appear dominant and will not increase the frequency or timing of sporting activities and is appropriate to the sports complex.
- Five objections had been received from neighbouring residents. The representations objected to the 6m fence especially to the 6m high fence proposed around the bowling green in terms of height, noise, impact on views and property values and selective neighbour notification carried out. The proposed fencing around the bowling green has been omitted from the proposal, all neighbours were re-notified and no further objections were received. No evidence of impact on property values was forthcoming to consider and the appropriate neighbour notification has been carried out.
- The amended proposal is considered acceptable under the NAP, the SPPS, PPS8 and PSRNI and all other material considerations and Approval is recommended.

The Chair invited questions from Elected Members for the Officer, there were no questions put.

Proposed by Alderman Scott

Seconded by Councillor McMullan

-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 APPROVE full planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried and application approved.

**RESOLVED** - 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 APPROVE full planning permission subject to the reasons set out in section 10.

## **5.2 LA01/2022/0791/F, Objection, 57-59 Causeway Street, Portrush**

Report, presentation, additional information Objection from Carl Shoesmith, Correspondence from Agent and Speaking Rights Template were previously circulated. The application was presented by Development Management Manager J Lundy.

### **Objection Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Full Planning Application for residential apartment scheme comprising 6no apartments, landscaping, access off Causeway Street and ancillary works

### **Recommendation**

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 GRANT planning permission for the reasons set out in section 10.

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow the matter of overshadowing to be considered further in accordance with the recommendation set out in 1.4 of this Addendum.

### **Addendum 2 Recommendation**

It is recommended that the Committee note the contents of this Addendum and agree to grant planning permission as per the recommendation provided at Paragraph 9.1 in the Planning Committee Report.

Development Management Manager presented as follows:

- The application was deferred to seek the submission of a light and shadow study to review the potential impact of the development on adjacent properties. The Assessment was submitted and assessed as set out in Addendum 2.

- To provide a verbal update, A further objection and report was submitted from the adjacent property and received 28th April rebutting the assessment and seeking an assessment to the garden, the agent submitted a response addressing these issues on the 29<sup>th</sup> April.
- The recommendation is to defer the application to allow the neighbour notification period to complete and to allow further assessment of the additional information.

The Chair invited questions from Elected Members for the Officer.

Alderman Scott stated that, given there had been additional information submitted, agreed to defer for one month.

Proposed by Alderman Scott

Seconded by Alderman Stewart

- That Planning Committee defer the application to allow the neighbour notification period to complete and to allow further assessment of the additional information.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application deferred.

**RESOLVED** – That Planning Committee defer the application to allow the neighbour notification period to complete and to allow further assessment of the additional information.

### **5.3 LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy**

Report, presentation, Site Visit Report, Speaking Rights Template for John Simpson were previously circulated. The Application was presented by Senior Planning Officer R McGrath.

#### **Referral Application to be determined by Planning Committee**

**App Type:** Outline Planning

**Proposal:** Site of Dwelling and Garage on a farm

#### **Recommendation**

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 full planning permission subject to the reasons set out in section 10.



Senior Planning Officer presented as follows:

- Outline planning permission is sought for a dwelling and garage on a farm, on land approximately 228 metres South East of No. 39 Drones Road, Armoy.
- This application was presented to Planning Committee in March and was deferred for a site visit which took place on Monday.
- The application site is located in the rural area as identified in the Northern Area Plan 2016 and accesses onto a protected route.
- The application is for a dwelling on a farm under policy CTY 10 of PPS21. Whilst the application is in accordance with criterion (a) and (b) of policy CTY10, criterion C requires the proposed building to be visually linked or sited to cluster with an established group of buildings on the farm.
- The proposed dwelling is sited beside a cattle crush, but this structure does not satisfy the requirements of the policy.
- The agent has provided justification that the access arrangement at the main farm grouping is substandard, and that the applicant will require a family member to look after the animals on this land under animal welfare and highlights a previous decision by the Planning Committee where planning permission was permitted on grounds of health and safety due to the access arrangement.
- However, Policy CTY10 only allows an alternative site as an exception where there are “Demonstrable health and safety reasons or verifiable plans to expand the farm business.” Neither exception has been demonstrated in this instance and DfI Roads have confirmed that the existing access can be upgraded.
- The policies contained in PPS 21 seek to ensure that development in the countryside is facilitated in a sustainable manner. Clustering development together not only limits the visual impact of development on the landscape, but it also limits the social isolation which often impacts rural communities. It allows neighbours and families to provide care and support, strengthening social cohesion. It is important that we follow the policy to ensure further development is sustainable. As such the application is recommended for refusal as:

- The proposal is contrary to Policies CTY1, CTY10, CTY 13, in that there are no overriding reasons why this development is essential in this rural location. A dwelling would fail to visually link or cluster with existing buildings on the farm, and it has not been demonstrated that this alternative site is an exception to the policy.
- The proposal is also contrary to Policies AMP2 and AMP3 of Planning Policy Statement 3, Movement and Parking in that the proposal fails to meet the exception under policy AMP3 Protected Routes.

The Chair invited questions for the Senior Planning Officer, there were none posed.

The Chair invited J Simpson to present in support of the application. J Simpson advised the applicant had 646 acres and a farm business ID. The application complies with Policy AMP 2 and 3 of PPS 3 granting access onto a Protected Route where it meets Planning Policy CTY10 and access cannot be provided from a minor road.

J Simpson stated that

- The application complies with Policy CTY 1 as the proposal complies with paragraph 6.73 SPPS and Policy CTY 10 as the proposed dwelling is sited close to an agricultural yard.
- Complies with paragraph 6.70 SPPS, Policy CTY 13 of PPS 21 as it integrates with an existing structure
- Land at Glenshesk Road is in AONB and there is a flood plain
- There are mature trees that screen critical views, and a dwelling with a ridge height of 7.5m will integrate into the landform
- There are demonstrable health and safety reasons why it is not proposed at the main farm holding, due to lack of visibility splays at the access onto Glenshesk Road; the applicant does not own the access as he only has a right of way, and cannot therefore improve the access
- Dwelling integrates into the landscape and not cause harm
- Proposed site has good visibility splays
- Recent farm dwelling approved on basis of access issue
- LA01/2023/0117/O similar approved application for health and safety reason
- Meets policy CTY 13 and 14, visually integrates, set back from Drones Road and is screened by existing mature trees
- Site does not rely on new landscaping
- Complies PPS 21, the proposal sustains a farm dwelling in the countryside.

The Chair invited questions for the speaker.

In response to a question from Councillor Watton, J Simpson clarified the main reason for not siting near the buildings was regarding the AONB and flood plain. In addition, the applicant did not own the lane going to the road and was not able to alter the access splays etc. He clarified there were no buildings where the farm sheds were.

In response to a question by Alderman Callan in relation to health and safety and carrying out reports, J Simpson clarified the first consultation with Roads Service confirmed visibility splays could not be provided. Regarding health and safety, there were 100 acres at the proposed site, someone had to be on the land to monitor the animals under Animal Welfare, sheep farmers are required to look after the sheep 24/7.

The Chair invited questions for the Officer.

In response to a question by Alderman Scott, Senior Planning Officer clarified DfI Roads had advised the access at Glenshesk Road is sub-standard but could be modified to meet the standards and illustrated via the slides. He referred to policy CTY 10 and advised that it had not been justified regarding a demonstrate health and safety reason. Glenshesk Road is the preferred site to meet the criteria of the policy and would not be an additional access onto a protected route. He advised that Drones Road is a very fast road and the policy does allow for access by exception, however, the criteria of policy CTY 10 must be met first. As there are no buildings at the proposed site location, its does not meet the criteria of Policy CTY10. Access visibility splays to the existing farm holding where the existing buildings are located can be achieved. He advised that the exception criteria of policy CTY10 had not been demonstrated. AONB policy does allow policy CTY10 to operate by limiting the visual impact and clustering of buildings. Considering the social aspect, at this secluded location, there is no opportunity for caring, childcare or for elderly parents, social cohesion. The Senior Planning Officer referred to the reference of the flood plain and advised that it may be surface flooding at the land closest to the Glenshesk Road. He advised that the topography of the site clustering with the farm building could secure against flooding.

Councillor McMullan commented it was not a Flood Plain as such.

Councillor Peacock referred to the Officer mentioning clustering and social isolation however, there were no other dwellings and no aspect of social isolation and clustering with the sheds on the Glenshesk Road site. Councillor Peacock stated she was confused why this had been emphasised. For the access to be upgraded, the applicant does not have access to, or own the land, how can they rectify that? Councillor Peacock stated regarding Animal Welfare,

the quantity of land was significant and the issue has been overlooked in the discussion.

Senior Planning Officer, illustrated via powerpoint slide, stating to the north of the building was a farm dwelling associated with the land and could get further clarification on this. He advised that activity at the main farm grouping with family attending keeping it at the hub of the farm and therefore is the preferred solution within policy. The Senior Planning Officer stated that regarding animal welfare, sheep were hardy and did not require 24/7 constant supervision. If this was allowed as an exception, there are five other portions of farm holding similar to that at the location of the proposed site and which one would you choose to look after; 5 km from the main farm holding.

Senior Planning Officer illustrated photographs of the main farm grouping, he advised each star reflected several portions of ground.

- Active farming yellow fields
- North Drones Road application site where site located
- Main farm grouping at Glenshesk Road, noted that they do not control roadside if needed to achieve access
- Not a sequential test, Drones Road the does not meet the criteria of policy CTY10 as it does not cluster with buildings on the farm and requires access onto a Protected Route, remote from the farm buildings.

Senior Planning Officer concluded the points raised had been considered, animal welfare not justifiable under Policy CTY10.

Councillor Peacock stated she did not see animal welfare issue being addressed, main access and the ability for the applicant to have control over that and warned of the flood plains. She asked how significant that was, where did the proposed site fall in the flood plain. Regarding the implication of social isolation, she stated there are no dwellings at Glenshesk Road location. Councillor Peacock stated she was confused why that planning justification was being used.

The Chair stated there was a house north of the farm buildings at Glenshesk Road and asked for the maps to be zoomed in to see clearer.

Senior Planning Officer illustrated the photograph of the farm buildings, the dwelling above was a farm dwelling. Councillor Peacock commented it was not clustering with the farm dwellings.

The Chair stated the application could cluster with the house above the farm buildings. Councillor Peacock stated that they are required to look at the application in front of them.

Senior Planning Officer referred to the flood plain map stating there was not flooding on the majority of their land. Senior Planning Officer stated the strip roadside portion in their control was subject to flooding likely surface water, some encroachment but not where you would site a dwelling.

Senior Planning Officer stated, regarding access, there had been no indication the owner indicated they would be reluctant to move the splays back.

Regarding demonstratable health and safety being an impediment, to be unacceptable this would need to be demonstrated. Senior Planning Officer stated to look at other portions of ground not on the Protected Route.

The Chair cited the recommendation.

Proposed by Councillor McMullan

Seconded by Councillor Watton

- That Planning Committee defer LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy to allow the applicant to consider a new site on the 600 acres, near to farm building, for the Officer and Applicant to come together to come up with a solution, as Planning think there is a solution.

Senior Planning Officer clarified the policy criteria under policy CTY10 and the proposed site does not meet the 3<sup>rd</sup> criteria which cannot be achieved at this location and is onto a Protected Route.

Alderman Scott stated Planning normally look at the application in front of them and asked where Committee stood on this.

The Head of Planning clarified the proposal can be considered as it is to allow the applicant to consider withdrawing the current application and resubmit a new application.

Councillor Peacock stated it would enable applicant to provide additional evidence on the access issue provide new information on the flood plain and animal welfare, additional information relating to issues raised at Committee today.

Alderman Boyle sought clarification if the applicant considered a new site.

The Head of Planning clarified a new application would be considered afresh in line with normal legislative procedures, if the new application was successful it would not be required to come to Planning Committee; if the current application is not withdrawn it would come back to Planning Committee again.

The Chair advised defer for one month to allow withdrawal of current application and submission of new application or submission of additional information.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 0 Member Abstained.

The Chair declared the motion carried.

**RESOLVED** –That Planning Committee defer LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy to allow the applicant to consider a new site on the 600 acres, near to farm building, for the Officer and Applicant to come together to come up with a solution, as Planning think there is a solution

The Chair declared a recess at 11.25am.

\* **The meeting reconvened at 11.37am.**

**5.4 LA01/2024/0895/O, Referral, Site 10m East of 5 Ballygelagh Village, Portstewart (access of Ballyreagh Road)**

Report, presentation, Addendum 2, additional information objections from Jill Brown, Andrew Brown, Julie Fletcher and Lisa Smyth, Robert Brown, Victoria Brown, Site Visit Report, Speaking Rights Template for Colin Johnston and Michael Williams were previously circulated. The application was presented by Senior Planning Officer, R McGrath.

**Referral Application to be determined by Planning Committee**

**App Type:** Outline Planning

**Proposal:** Proposed site for new dwelling

**Recommendation**

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

**Addendum Recommendation**

It is recommended that the Committee note the contents of this Addendum and agree to refuse planning permission as per the recommendation provided at Paragraph 9.1 – 9.4 in the Planning Committee Report.

## **Addendum 2 Recommendation**

It is recommended that the Committee note the contents of this Addendum and agree to refuse planning permission as per the recommendation provided at Paragraph 9.1 – 9.4 in the Planning Committee Report.

Senior Planning Officer presented as follows:

- Outline planning permission is sought for new dwelling under Planning Policy Statement 21: Sustainable Development in the Countryside.
- This application was presented to Planning Committee in March and was deferred for a site visit which took place on Monday 28th. Site visit report has been circulated.
- 2 addenda with this item following the submission of 8 letters of objection. 10, 8 & 4
- Ballygelagh Village is located off the Ballyreagh Road between Portrush and Portstewart. The site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.

### **Planning history**

- A previous application on the site, C/2013/0397/O for an infill dwelling under policy CTY 8 was withdrawn following a recommendation to refuse. The Case Officer Report recommended refusal on grounds that the proposal was contrary to policies CTY 1 and 8 of PPS 21 and Policy OS 1 of PPS 8 in relation to the protection of open space.
- A second application C/2012/0034/O for infill development within Ballygelagh Village was refused as contrary to policy CTY 8 of PPS 21 and policy OS1 of PPS 8. A subsequent appeal to the PAC was dismissed with the Commissioner agreeing that the site was not infill development and that the loss of open space would detract from the character and environmental quality of the area.
- The current application is to be considered against policy CTY 2a of PPS 21 for new dwellings in existing clusters and Policy OS 1 of PPS8 for the protection of open space.
- The proposal is considered contrary to the third and sixth criterion of policy CTY 2a, as the cluster is not associated with a focal point or located

at a crossroads and development at this location would adversely impact on residential amenity.

- The application argues that the junction within the development constitutes a crossroads but it is not accepted that this satisfies the requirements of the policy. A crossroads in the context of policy CTY2a is a meeting point of two public roads which have seen a natural coalescence of development over the years. This is a modern purpose-built holiday development served by a private laneway and as such does not meet the criteria of policy CTY 2a.
- Policy OS 1 of PPS 8 sets out a presumption against the loss of open space irrespective of condition or appearance.
- Development of the site would also result in the loss of an important area of open space which acts as a buffer between properties.
- The proposal if developed would adversely affect the environmental quality of the area and is therefore contrary to Policy OS1 of Planning Policy Statement 8.
- DFI Roads, Environmental Health and NI Water were consulted in relation to the application. NI Water recommended refusal for the application.
- The application is recommended for refusal.
- NIW Response: The catchment is constrained by one or more downstream Unsatisfactory Intermittent Discharges (UID's) which are causing a negative impact on the environment.
- The applicant submitted an application to NI Water for a Wastewater Impact Assessment on 12/09/2024 but no payment has been made. Applicant is required to pay the application fee before the assessment can proceed.
- NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. Subject to successful outcome and re-consultation, NI Water may reconsider its recommendation. Until a solution has been agreed upon, NIW's response will remain the same:
- Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its Recommendation.



The Chair invited questions from Elected Members for the Senior Planning Officer.

The Chair invited C Johnston to speak against the application.

C Johnston, stated that he is the owner of No. 8 Ballygelagh Village. His family and he have enjoyed living there since they purchased it over 25 years ago in March 1999. The houses in the development were designed with minimal paved outside areas and little or no gardens. Due to this, it has often been the case that since we purchased the house, that the subject site was used by children in our development to play in. Only recently has the site been fenced off with a gap at the end.

C Johnston stated that there is relevant planning history on the application site which has ultimately always led to Planners recommending refusal. In 2002 (Planning Ref C/2002/0042/F) planning was submitted for the subject site, as part of a larger scheme for 4 units (1 of which was on the subject site). Permission was refused as the site was deemed to lie in the Green Belt, and it was beyond the boundaries of the existing cluster of holiday accommodation. C Johnston advised that the Planners report stated it would 'represent an unacceptable intrusion into the open countryside, detrimental to visual amenity'. Most importantly, the 'second refusal reason related to the harm to the living conditions of residents in 4, 5, 8, 9 and 10 Ballygelagh Village by reason of overlooking and consequent loss of privacy'. These reasons for refusal are still the case 23 years on.

C Johnston stated that in 2013, the same applicant as the subject application, submitted an outline planning application (C/2013/0397/O) for a 'Proposed Infill Holiday Unit' on this site. The planners report dated 7th March 2014 recommended refusal as it was contrary to PPS 8 and the Planner stated, 'it is clearly evident from the site inspection that the site is amenity green space which currently provides a valuable visible amenity function to the area providing a visual break and relief between the surrounding properties of Ballygelagh'. Following this report the applicant withdrew their application on 24th March 2014. C Johnston advised that he received written notification of this withdrawal from the Planners in a letter dated 26th March 2014.

C Johnston stated that the application form submitted for this latest outline application, in the 'Details of Development Proposal' section, the applicant has stated that they are not aware of a previous application for a similar proposal on the site, which is clearly not the case. He advised that the corner of his rear gable wall will be only c.5.5m away from the front elevation of the proposed dwelling and only 3.5m from his boundary wall. He stated that this is contrary to Section 7.16 of Creating Places which states 'where the development abuts the

private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary’.

C Johnston stated that overlooking is his main concern, as his house, like many, were designed with oversized windows to both the front and the rear of the property. The proposed dwelling, if approved will be located 5.5m away from his house, and will overlook his property, particularly at first floor level which will be looking directly into their house. Whilst no elevations were provided as part of this application the ‘Proposed Plan’ states ‘3 bedroom, 2 storey house’. He advised that at the time of this application only 4 no. houses in the development received neighbour notification letters. He thought that more neighbours should have been notified.

C Johnston asked Members to uphold the planner’s recommendation to refuse this application for the following reasons:-

- The development of the application site would result in an unacceptable adverse impact on the residential amenity of his property and his neighbours, particularly due to overlooking
- It is contrary to Planning Policy as outlined in the Planners Report of 2 previous applications.
- The site is outside the development settlement limit and was previously refused on this basis
- The site is public open space and has always been since the Ballygelagh Village development was built over 25 years ago. It was only fenced off recently and referred to the image in his speaking rights template and noted as View 1 on Drawing No. A-02 ‘Proposed Plan’ submitted by the applicant’s architect.
- NI Water have recommended refusal until the “Waste Water Impact Assessment completed due to capacity issues”.

The Chair invited M Williams to speak in support of the application.

M Williams stated he would be presenting on the reasons for refusal and views and how the application would meet Policy.

Refusal Reason 1 – the open space is fenced off and maintained as separate private land. Children playing together in an area does not constitute open space, they were not give permission, not open space. He advised that this is a village, clusters around roadway, is a cluster in the landscape and does group and round off development; it does not project into the countryside.

M Williams stated he had no desire to overlook. In terms of design, good design will mitigate against overlooking or take away views or light; design can make a

house work to meet Policy. He stated that he was not aware of the previous outline application. He advised that this was a one- off dwelling not for tourism as far as he was aware, and reflected the size no.s 5, 3 and 1 and would not be out of context. He stated that the garden space and 2 parking spaces would act as a buffer.

M Williams referred to objection received during the holiday break which had been addressed. Regarding the last refusal reason, PPS 21, the proposal will protect sustainable rural development. The applicant was a Farmer with a Portstewart site in the family for generations and the farm is on the Roselick Road, where they would be entitled to a farm dwelling. This land is in a residential area, and therefore making use of sustainable use of development in the countryside.

The Chair invited questions for the speaker.

Councillor Watton stated he was struck with how tight the space was and how he was going to get a house in it. Councillor Watton referred to the open space used for 25 years and a sign that had been put up and asked about the cluster.

M Williams stated he was happy to draw a house that could work at Reserved Matters and was confident he could make it work and had done it on previous application and not overlooked anybody eg: Harbour Place Portstewart - a 1-bed overlooked by a 4-storey building. M Williams stated he appreciated that when stood on the site does look a small site but he could design a dwelling to make it work.

Councillor McMullan enquired whether it was going to be an AirBnB or Farm Diversification?

M Williams clarified it would be a house/dwelling and not Farm Diversification.

The Chair invited questions for the Senior Planning Officer.

In response to Councillor Watton, Senior Planning Officer clarified under Policy CTY 2a the proposed development does not meet all of the criteria. He advised that the development would adversely impact residential amenity. He referred to proximity to no. 8, regarding overlooking it was a 2-storey, 3 bed house; to eliminate overlooking there would have to be no windows front/rear elevation, this would be very difficult to design for a quality residential property. The Senior Planning Officer referred to policy CTY 2a and advised that 2 of the criteria are not achieved. In reference to open space he advised that public open space under PPS 8 has a presumption against loss of open space and this does not meet the exception criteria. He advised the area of open space

helps maintain a physical buffer space between the dwellings and referred to PAC decision, planning history and the requirement to protect open space. He advised that ownership and state of the area of the open space is not relevant; it is still required to be protected under PPS 8.

Councillor Anderson sought elaboration of the private land being fenced off and not to be used by the public.

Senior Planning Officer clarified the area serves as openspace, it does not have to be a play area or maintained as a green area to be protected. This interpretation of policy is sustained through the Planning Appeals Commission and the planning history on the site.

Alderman Boyle referred to the Executive Summary, NI Water recommended refusal and sought clarification of Waste Water being compliant.

Senior Planning Officer advised this could be addressed if moved forward with the application.

The Chair cited the recommendation.

Proposed by Alderman Boyle

Seconded by Alderman Stewart

- That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE planning permission subject to the reasons set out in section 10;
- that the Committee note the contents of this Addendum and agree to refuse planning permission as per the recommendation provided at Paragraph 9.1 – 9.4 and 10 in the Planning Committee Report.

The Chair put the motion to the Committee to vote.

7 Members voted For, 1 Member voted Against, 5 Members Abstained.

The Chair declared the motion and application Refused.

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

- that the Committee note the contents of this Addendum and agree to refuse planning permission as per the recommendation provided at Paragraph 9.1 – 9.4 and 10 in the Planning Committee Report.

## **5.5 LA01/2023/0615/F, Referral, 40 Strand Road, Portstewart**

Addendum, Planning Statement from Agent, Amended drawings from Agent, Speaking Rights Templates (Murray Bell) (David Donaldson) (Maurice Bradley), Objection (Amanda McLean) were circulated. The application was presented by Development Management Manager, J Lundy.

### **Referral Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Erection of proposed 2 storey replacement dwelling, including attic rooms, integral garage and detached artists studio as ancillary to dwelling, including extension to curtilage and all associated works/landscaping.

### **Recommendation**

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.

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow the completion of the neighbour notification and assessment of the amended plans and Planning Statement.

Development Management Manager presented via powerpoint presentation as follows:

- The application was deferred at the previous meeting. An addendum has been circulated referencing the additional information that has been submitted and to advise that neighbour notification has been carried out.
- To also provide a verbal update a further objection was submitted yesterday and raised concern that new plans have been uploaded without providing opportunity for comment before today's meeting and to raise concern the application is to be discussed in private. Secondly, an amended P1 form was received this morning changing the description of development.
- It is the recommendation as set out in the Addendum to defer the application until the neighbour notification period has concluded and allow officer assessment of the amended plans and further information.

Alderman Scott considered deferral for one month.

Councillor Storey stated deferral of the application for further consultation however not the primary reason for refusal, the Legal Opinion and detailed responses from Planning Consultant - 2 very different legal observations. This issue needs time to be considered to get some time clarity around, stated discomfort.

Development Management Manager clarified amended plans required neighbour notification and assessment, the scheme has been reduced.

Councillor Storey stated primary reason PTL06, not the scale.

Proposed by Alderman Scott

Seconded by Councillor Storey

- That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow the completion of the neighbour notification and assessment of the amended plans and Planning Statement.

The Chair put the motion to the Committee to vote.

13 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application deferred.

**RESOLVED** - That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow the completion of the neighbour notification and assessment of the amended plans and Planning Statement.

## **5.6 LA01/2024/0718/F, Referral, Lands 70m West of No. 47 Newmills Road, Coleraine**

Addendum, Site Visit Report, Speaking Rights Templates (Matt Kennedy) (Maurice Bradley) were previously circulated. The application was presented by Development Management Manager J Lundy.

### **Referral Application to be determined by Planning Committee**

**App Type:** Full

**Proposal:** Retention of change of use and reuse of former poultry shed site to storage facility for touring caravans and boats, and self-storage; provision of site office, security fence/wall, modifications to entrance and proposed landscaping measures

### **Recommendation**

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 full planning permission subject to the reasons set out in section 10

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse planning permission as set out in paragraph 9.1 of the Planning Committee Report.

Development Management Manager presented via powerpoint presentation as follows:

- An addendum has been circulated to update members on the 2 letters of support received. I also wish to provide a verbal erratum to correct the 4<sup>th</sup> refusal reason the reason should stop at rural character. A site visit note has also been circulated.
- (Slide 1) The roadside site is located within open countryside as defined within the Northern Area Plan 2016. The former use of the site was agricultural poultry shed.
- (Slide 2) The proposal relates to a change of use from an agricultural site to a B4 storage use. The development comprises containers laid out as shown in the block plan, with security fencing around the site.
- (Slide 3) The poultry shed and mature roadside hedging that has been removed.
- (Slide 4) The site as it is now.
- Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside. Of those types of development listed, two are relevant to this application; Farm diversification, in accordance with Policy CTY 11 and industry and business uses in accordance with PPS 4.
- The established use of the site is as agricultural poultry shed. The application is for a storage facility which falls under use class B4 Storage and Distribution under the Planning (Use Classes) Order (NI) 2015 and a change of use application was required.

- As set out the in the Planning Committee Report the agent argues that the poultry shed was an existing economic use. This is incorrect. The preamble of PPS4 explicitly states, “For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B ‘Industrial and Business Uses’ of the Planning (Use Classes) Order (Northern Ireland) 2004”.
- Agriculture is not listed as one of those uses.
- The agent has referred to the application being considered under farm diversification as set out in the report. DAERA advised that the farm business ID was redundant as there had been no agricultural activity for the last 5 years. It has not been demonstrated the farm business is active and established through this application. The report considers the remaining criteria of Policy CTY 11 and it fails to meet both criteria a and b in that the farm is not currently active and established and in terms of character and scale it is not considered appropriate to its location. Furthermore, no justification has been made for not reusing an existing building or siting the development within an existing group of buildings. The development also fails to integrate and has a detrimental impact on rural character. The proposal fails to meet with Policies CTY 1 and CTY 11 of PPS 21 and para 6.70 of the SPPS.
- The proposal has also been considered under PPS 4, Planning and Economic development. Policy PED 2 is the overarching policy and the assessment is set out in paragraph 8.20 of the Planning Committee Report.
- The proposal is not for the expansion of an established economic development use and it does not involve the redevelopment of an established economic development use. Due to the location outside the settlement development limit of Coleraine it also cannot be considered under Policy PED 6 as small rural projects.
- The agent has argued that the proposals are to resolve a health and safety hazard that detracted from the character of the area, gathered vermin and led to fly tipping. There are numerous vacant poultry buildings around the Borough and it is up to the owner to maintain or remove them from the site and ensure adequate security.
- The application is located in close proximity of Coleraine Town with zoned and existing industrial land where storage and distribution is



permitted. The NAP 2016 zoned some 55 hectares of employment land with around 50 hectares remaining with around 9 ha within the Newmills road zoning. No exceptional reason has been provided for this countryside location.

- The proposal fails to meet any policy and is recommended for refusal.

Councillor Storey sought clarification around the active farm Business ID as correspondence from the Agent had stated there was an active and established farm Business from 1982.

Development Management Manager clarified on consultation with DAERA map dated 2012 and Farm Business ID submitted, DAERA advised the ID was no longer existing and had not operated for 5 years, there had been no additional information submitted on active farming on the lands.

Councillor Watton stated he was a local resident, the chicken sheds were vermin ridden and it was better than before, he queried why the extensive hedging had been pulled out as it had been screened well. Councillor Watton referred to the bottom of the Newmills Road industrial land zoned, he queried why did they go down this road as there were other options; he did not see it as harming the rural character, that it enhanced it.

The Chair ruled Councillor Watton could not give an opinion and sought questions for the Officer.

The Chair invited M Kennedy and M O'Neill to speak in support of the application. M Kennedy presented as follows:

#### Reason 1

Reason 1 cannot be sustained as this is an objection in principle only. If the other refusal reasons are not sustained and the proposal is considered to be policy compliant this refusal reason also falls.

#### Reason 2

The Applicant's late husband, Mr Henry J Currie, purchased the farm in 1982, consisting of arable land, bee hives and six commercial poultry houses. He actively farmed until his death in December 2014. From 2015 the Applicant's nephew Mr James Currie has actively farmed the arable land. DARD will hold the relevant farm maps showing this activity continues to the present day. The Applicant's farm business – dates back to 1982 proving the farm business is long established and still active. The Applicant indicates that the rearing of poultry ceased in 2019 due to the Applicant's ill health and Moy Park wanting

the sheds upgraded at significant financial expense to Mrs Currie who was ill and not prepared to take on this level of debt.

In terms of active farming it is noted that Paragraph 5.39 indicates that agricultural activity involves the maintaining of the land in good agricultural and environmental condition. The Applicant's nephew ensures that the farm is still kept in good agricultural and environmental condition. The proposal is therefore in compliance with criteria (a) of Policy CTY 11.

In terms of criteria (b) I see no reason why the scale and character of the proposal is unacceptable. There are a number of commercial businesses in the surrounding area. This proposal is hardly out of scale or character. The proposal replaces two visually unsightly, derelict poultry sheds that were a health and safety hazard, detracted from the character of the area and gathered vermin and led to fly tipping. The derelict buildings have been removed, vermin exterminated and fly tipping cleared. The visual impact and scale of the proposal is less than the previous use on site. This is a brownfield site in the rural area and the proposed use utilises the existing hardstand and brings it back into beneficial economic use. Screening has been planted along the roadside boundary to minimise visual impact.

#### Reason 3.

The rearing of poultry by the Applicant for Moy Park was clearly a commercial agri-industrial activity and an established economic development use in the countryside utilising six factory units for the production of poultry. Therefore the proposal falls under policy PED 4 as a redevelopment of an established economic development use in the Countryside.

The proposal also runs in conjunction with farming operations on the farm. The Applicant's severe ill health and the poor visual appearance of the buildings, the danger to health and safety, the attraction of vermin and fly tipping all stands as clear exceptional circumstances that justify the proposal. The Applicant was keen that a new business use operate on the site rather than allowing the buildings to decay further and detract from the visual amenity and character of the area.

M Kennedy stated that he believes that the Planning Committee would be greatly assisted in visiting the site and seeing (1) the poor condition of the existing poultry sheds still on the farm and (2) the visual and environmental improvements that the proposed use has made to the site.

#### Reason 4.

The last part of this refusal reason does not make sense and is not applicable to the proposal considering DFI Roads, the competent authority has cleared the proposal.

Any assessment of the proposal's positive impact on visual amenity and rural character must also factor in and consider the extremely negative impact of the previously derelict poultry sheds on the rural environment.

This proposal has replaced rotting and dangerous roadside buildings and re-used the concrete bases to allow the site to be brought back into beneficial economic use. M Kennedy stated that he believes that the proposal has enhanced and positively improved the appearance of the site.

The Chair interjected and advised M Kennedy his time had been reached.

M O'Neill enquired whether he could receive 5 minutes. The Chair ruled he could not as there was one speaker and the 5 minutes had been used.

The Chair invited M Bradley MLA to speak in support of the application.

M Bradley stated he had lived his entire life near the working farm and listed its previous owners, recalling the plantation of trees. The applicant's field in the area of Tullans Farm, there were nearby boat sales, the Council Nursey, Lock Box and various enterprises, there were nearby bee hives meaning the area is environmentally friendly. M Bradley stated that given the nature of the businesses it is an enhancement, storing caravans, boats, various activities a vast improvement than what was there, He stated that the trees were rotten, the site rat infested on the roadside and has been cleaned up and appreciated by people. The use of turkey/chicken sheds there and further down the lane is an established use in agriculture in the area on the site for as long as he could remember.

M Bradley stated plumber and electricians store equipment and domestic storage, at a high quality, low cost to customers. The area was prone to fly tipping and vermin, abuts businesses established and already there. M Bradley stated he lived there his entire life, supported the applicant and asked Elected Members to support for the benefit of the area, fits with all industries on the Newmills Road.

The Chair invited questions for the Officer.

Councillor Storey sought clarification of the comments that information had been supplied and was an active Farm Business ID and Planning was stating it was not from the information from DAERA.

Development Management Manager clarified the submitted Farm Business ID with the application had been consulted with DAERA who advised the Business ID was defunct. No further information had been submitted to

evidence farming under the additional Farm Business ID within the Planning Statement – no farm maps or evidence of farming activity. There was no indication of, silage, maintenance, and therefore cannot say this is an active and established farm business.

Councillor McMullan referred to an updated farm number. He queried when the last time a Farm Business ID had been issued to Jan Currie?

Alderman Callan enquired whether the new farm Business ID number was checked?

Development Management Manager stated PPS 4 Economic Development Policy does define what is economic development for the purposes of PPS4. She read the preamble of PPS 4 citing from the document. Development Management Manager clarified the applicant had a farm business ID until 2014 and the agent had advised that the nephew took over in 2014. The farm business must be 'Active and Established' during the last 6 years.

The Chair cited the recommendation.

Proposed by Councillor Storey

Seconded by Alderman Callan

- That the Committee defer LA01/2024/0718/F, Referral, Lands 70m West of No. 47 Newmills Road, Coleraine for one month in order to seek clarity of the issue of the DARD number referred to in the statement we have before us. It would help to have a definitive answer on the issue.

Alderman Boyle stated she wished to have evidence of the farm use as mentioned by the Officer.

The Chair put the motion to the Committee to vote.

13 Members voted For, 0 Members Against, 0 Members Abstained.

The Chair declared the motion carried and application deferred.

**RESOLVED** – That the Committee defer LA01/2024/0718/F, Referral, Lands 70m West of No. 47 Newmills Road, Coleraine for one month in order to seek clarity of the issue of the DARD number referred to in the statement we have before us. It would help to have a definitive answer on the issue.

- \* **The Chair declared a recess for lunch at 12:56hrs until 13:45hrs.**
- \* **The meeting reconvened at 1:50pm**  
**The Head of Planning undertook a roll call.**

\* **Councillor McGurk joined the meeting remotely at 1:54pm**

**5.7 LA01/2024/0525/O, Referral, Site Adjacent to 67 Killylane Road, Eglinton**

Report, site visit report, speaking rights and presentation, were previously circulated. The application was presented by Senior Planning Officer M McErlain.

**Referral Application to be determined by Planning Committee**

**App Type:** Outline

**Proposal:** Proposed site for dwelling on a farm

**Recommendation**

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

Senior Planning Officer presented via PowerPoint presentation as follows:

- LA01/2024/0525/O is an outline application for a dwelling on a farm sited at lands adjacent to 67 Killylane Road, Eglinton.
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning permission. This application was deferred at the March Committee meeting to facilitate a site visit which took place Monday 28.04.2025.
- The application site is located outside of any settlement development limits as identified in The Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.
- The site comprises a rectangular shaped plot which forms the north-western corner of a wider agricultural field. The northern boundary of the site is bound by mature hedgerow whilst the western boundary is defined by post and wire fencing. The remaining boundaries are undefined as this is where the site meets the wider field.
- The topography of the land rises in a southern direction from the Killylane Road with the application site sitting at an elevated position above Killylane Road.
- As this application has been submitted as a dwelling on a farm it falls to be determined under policies CTY1 and 10 of PPS21.

- Policy CTY10 allows for a dwelling on a farm where the farm business is currently active and has been established for at least 6 years.
- Consultation was carried out with DAERA who advise that the applicant's Farm Business ID has been in existence for over 6 years, and has claimed single farm payment or other subsidies in each of the last 6 years.
- Planning Officials are satisfied that criteria a) of Policy CTY 10 has been met.
- Criteria b) of Policy requires that 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. The applicant has advised that 2 development opportunities have been sold-off from the farm holding in the last 10 years. Consequently, the proposal fails to comply with criterion b) of policy CTY 10.
- Criteria c) of Policy CTY 10 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. 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).
- The main grouping of farm buildings lies west of the Killylane Road and Craigback Road junction, approximately 500m west of the application site. There is no visually or physical linkage between the application site and farm grouping.
- The agent argues that it not practicable to site the dwelling near these farm buildings due to nuisance associated with odours from cattle and would lead to greater integration concerns. The supporting information states that the proposed dwelling cannot be sited adjacent to the principal farm dwelling as a dwelling at this location would protrude into the open countryside.
- The agent however, has not provided any evidence to demonstrate that there would be unacceptable impacts from agricultural activities upon a dwelling in close proximity to the existing farm building. It has therefore,

not been demonstrated that a dwelling could not be sited sensitively to cluster or visually link with the group of farm buildings.

- The applicant/agent advise that the application site has been chosen to be sited close to the primary farm dwelling at No. 68 Killylane Rd. The application site at its closest point is approximately 80m from No. 68.
- Given the siting on opposite sides of the road, the setback distance of No. 68 from the road and dense roadside vegetation the proposed site would fail to be visually or physically associated with the principal farm dwelling and would appear as a separate entity in the landscape.
- As the proposal is not sited to cluster or visually link with an established group of buildings on the farm the proposal fails criteria c) of policy CTY 10.
- The application site lacks established boundaries to the east and south while a large section of the northern roadside boundary is likely to be required to be removed to facilitate the required access arrangements. Due to its elevated location development at this location would be clearly visible when travelling west on Killylane Road.
- The applicant has expressed a desire for a one and a half storey dwelling which would have the potential to appear as a prominent feature and would rely primarily on the use of new landscaping for integration.
- Any dwelling on the site would be required to be sited on the lower level of the site and would be required to be of a modest scale in line with the adjacent roadside dwellings in the immediate vicinity to avoid being unacceptably prominent.
- Regardless, the application site would be primarily reliant of new landscaping to provide satisfactory integration. The proposal fails to comply with Policy CTY 13, criteria (b) & (c)
- Additionally, as the proposal is not sited to visually linked or cluster with the established group of buildings on the farm the proposal also fails to comply with Policy CTY 13, criteria (g).
- Development of the application site would add to an existing ribbon of development along the Killylane Road. Furthermore, the proposed siting would potentially result in the creation of further infill opportunities to the east of the site which would further erode the rural character along the

road. The proposal therefore fails to comply with Policies CTY 8 and CTY 14 (d) of PPS 21

- In Conclusion

The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY8, CTY10, CTY13 and CTY14 of PPS21 in that the proposed development is not visually linked or sited to cluster with an established group of buildings on the farm; dwellings/development opportunities have been sold off from the farm holding within ten years of the date of application. The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure and relies primarily on the use of new landscaping for integration and the proposal would add to an existing ribbon of development along Killylane Rd.

- In addition, no overriding reasons have been forthcoming as to why the development is essential therefore the proposal is contrary to policy CTY1.

There were no questions for the Senior Planning Officer.

The Chair invited A Boyle to present in support of the application.

A Boyle stated that criteria (a) has been met, the applicants brother retired in 2017, and the site is for the applicant's daughter who works on the farm. A Boyle stated that 2 sites at Killylane Cottages were approved in 2018; these were within the cluster of Killylane. A Boyle stated that the site chosen is the best available solution, it is sited as close as physically possible to the principal farm dwelling opposite the site at No. 68 Killylane Road and that other alternative siting options would adversely affect policies CTY13 and CTY14. A Boyle stated that the proposed site integrates well with lands rising to the rear with elevated mature forest grouping to the rear and there is mature vegetation to the western boundary, which also allows for integration with existing buildings. A Boyle gave consideration to other sites stating that to position the site directly adjacent to the principal farm dwelling would cause it to protrude into open countryside, the site appraisal map illustrates this clearly, also that the farmyard has slurry tanks so there is a need for separation distances of minimum 75metres which further pushes alternative siting options into open countryside. The proposed site also meets the requirements of policies CTY13(a-f), CTY14 and CTY16. A Boyle stated that the Department of Agriculture and Rural Development has accepted this is an active farm business.



In response to questions A Boyle stated that the policy that refers to dwellings on a farm provides exception for dwellings within development limits, there are 2 dwellings within the cluster of Killylane within the street limits so this site is within the settlement limit.

In response to questions A Boyle outlined why this site was identified as the most appropriate site including consideration being given to the farmyard but it sits higher up and there are slurry tanks which present health and safety concerns so the site would be pushed further into the countryside. A Boyle stated that policy states that the site needs to be as close as possible to the farmyard; no 68 is the principle farm dwelling and if the site was located there, it would be in the open countryside and would not integrate. The site chosen is the best possible site as it is the closest site to the farm dwelling, the trees sit high and A Boyle stated he is happy to accept a single storey dwelling; this is within the traditional pattern of development and there is existing mature vegetation.

In response to questions A Boyle stated that a site appraisal map was supplied, it is accepted that no new dwellings are developed within 75metres of slurry tanks and a site in that area would fail under policies CTY13 and CTY14. A Boyle stated that he can contact the Environmental Health Department within Council to get it in writing that a 75metre separation between a slurry tank and a dwelling, having the 75metre separation has not been disputed by Case Officers.

Senior Planning Officer stated that the previous sell offs were infill dwellings and considered under policy CTY8, they were developed in the countryside, and there are no settlement limit at this location so the 2 dwellings are opportunities for disposal in the last 10 years as referred to within policy. Senior Planning Officer referred to the matter of a dwelling being 75metres arises from Agricultural Permitted Development. This is not to say that no dwellings can be approved within this distance but that a planning application must be submitted for assessment. Senior Planning Officer advised that an Environmental Health Officer may provide guidance on intermittent odour, this dwelling is for someone working on a farm and is used to such odours. Senior Planning Officer stated that during a site visit other options were considered.

The Head of Planning reminded the Committee that the sell-off of 2no. dwellings within the farm business holding is a key criteria for consideration under policy CTY10.

The Chair read the recommendation.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to approve planning permission subject to the reasons set out in section 10 for the following reasons
- The dwelling is located on the farm which meets policy CTY10
- There is a line of 3 or more buildings along the frontage the map clearly shows that
- The dwelling visually links with the cluster. When looking at topography of the land there is not another site there and Councillor Nicholl's opinion is that this is the best site. There is rising land to the rear which allows the site to integrate, the site cannot be seen on approach from the west as there are trees and foliage, the site is just across from no 68 so it will integrate into the landscape. Councillor Nicholl stated he knows the area well.
- The site will not be a prominent feature, there are long established boundaries and does not rely on new landscaping so there will be no adverse visual impact.
- The site can be accepted and does not result in adverse build up and does not add to ribbon development, it is known locally as the settlement of Killylane.

The Head of Planning sought further details in regard to reasons to approve the application.

Councillor Nicholl provided details as follows:

- In relation to ribbon development this is a farm dwelling, the applicant is entitled to the dwelling, it is taken where the main farmyard is. Councillor Nicholl had nothing further to add in relation to ribbon development.
- The Agent stated that the applicant's brother has retired to farm and there were sell-offs within the Killylane Cottage area hamlet. Councillor Nicholl stated he had nothing further to add.

The Head of Planning repeated the reasons to approve the application and advised that there is no settlement development limit for Killylane Cottages and therefore the 2no. sell-offs are in the open countryside and fall to be considered under policy CTY10. She reminded Members of the slide showing the line of 4 dwellings and this would be the 5<sup>th</sup> in a row regarding ribbon development.

The Chair requested a Recorded Vote.

The Chair put the motion to the Committee to vote.

4 Members voted For; 5 Members voted Against; 3 Members Abstained

The Chair declared the motion lost and the application refused.

Recorded Voted Table

|             |   |
|-------------|---|
| For (4)     | Councillor McGurk, MA McKillop, McMullan, Nicholl |
|             |   |
| Against (5) | Alderman Callan, Hunter, Stewart, Scott           |
|             | Councillor Anderson                               |
|             |   |
| Abstain (3) | Alderman Boyle                                    |
|             | Councillor Peacock, Watton                        |

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

- \* **Councillor Storey rejoined the meeting at 2.42pm during consideration of the following item**

**5.8 LA01/223/1197/F, Referral, Lands adjacent to 44 Seacon Park, Ballymoney**

Report, speaking rights and presentation, were previously circulated. The application was presented by Senior Planning Officer E Hudson.

**Referral Application to be determined by Planning Committee**

**App Type:** Full

**Proposal:** Change of use of existing barn/outbuilding to provide 2 No. self-catering holiday accommodation units and all associated works.

**Recommendation**

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 as set out in section 10.

Senior Planning Officer presented via PowerPoint presentation as follows:

- (Slide) Planning Application LA01/2023/1197/F. Full application for Change of use of existing barn/outbuilding to provide 2 No. self-catering holiday accommodation units and all associated works.at lands adjacent to 44 Seacon Park, Ballymoney.

- (Slide) This is the red line boundary of the site. The site is located in the open countryside as defined in the Northern Area Plan 2016. It is not subject to any other designations.
- (Slide) This is the site layout drawing.
- The application site is adjacent to the applicant's dwelling at no. 44 Seacon Park. An existing access is in place which is shared with the dwelling.
- As the application is for a tourism use it falls to be considered under PPS 16 Tourism. For conversion and reuse of an existing building to provide a self-catering unit, PPS 16 directs you to Policy CTY 4 of PPS 21 for conversion and re-use of buildings. It states that planning permission will be granted for sympathetic conversion of a suitable building where a number of criteria are met. The policy goes on to state that there are a range of older buildings which are no longer needed for their original purpose, these can include former school houses, churches and older traditional barns and outbuildings. The SPPS strengthens this policy test stating provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

As the building is not considered to be locally important, of special character or interest, a traditional barn/outbuilding by way of its form, design and materials it is not considered to meet Policy CTY 4 or the SPPS.

- (Slide) Floor plans/elevations of existing building. Building is low single storey 4.5m high and extending to approx. 19.5m x 8.3 m. Building incorporates a gable pitched roof to the north and gable hipped roof to the south. The building is constructed using a combination of steel framework and concrete block construction.
- (Slide) Proposed floor plans and elevations. Proposal involves minimal alterations and extensions. Proposal will create 2 no. tourist units each with one double bedroom, ensuite and living area. Proposal includes re-rendering with natural stone cladding around the base with the remainder in timber cladding.

- (Slide) Photographs  
View of the front of the building  
Side elevation  
Rear of the building with the applicants dwelling in the background  
Side elevation  
View of the yard area between the dwelling and the outbuilding  
View inside the building. Used to store a variety of uses. Building is constructed of block work and steel frame.  
Some views from the site frontage. There is no public perception of the building from the public viewpoints. This lack of visual presence highlights further it does not appear as locally important of special character worthy of retention. This view is also supported by PAC decisions.
- Whilst 'locally important' is not defined in the SPPS recent PAC decisions indicate that the cited examples given, namely former school houses, churches and older traditional barns and outbuildings typically relate to buildings that generally have some design, architectural or historic merit. The proposed building does not have any importance to its local setting making it worthy of retention and to warrant it being of 'special character or interest'.
- An office meeting was held during the processing of the applications and supporting information received including reference to a number of other applications approved which have been detailed in the Committee report. Supporting information also included information from the applicant regarding a business plan and a planning statement from the agent referring to the SPPS, pressure on second homes and benefits to the tourism industry in the Council area.
- These do not address the fundamental planning policy issues with the proposal and our recommendation is to refuse planning permission as the building is not considered locally important of special character or interest.

There were no questions for the Officer.

The Chair invited M Bell and I Boyd to present in support of the application.

M Bell presented as follows:

There are many examples of outbuildings approved for accommodation and the following arguments are the summary of the justification.

1. Building Re-use - The conversion supports sustainable tourism by utilizing existing structures, preserving the rural environment, and contributing to the local economy.
2. Environmental Sensitivity: Reusing an outbuilding minimizes environmental impact compared to new constructions, aligning emphasis on environmental sensitivity.
3. Economic Benefits: The project can stimulate local economies by attracting tourists, creating jobs, and supporting local businesses.
4. Preservation of Rural Character: Converting existing structures maintains the countryside's character, preventing unnecessary new developments and preserving cultural heritage.

In the light of examples provided, and the 'Carnside' approval below which was overturned at planning committee very recently, M Bell stated that they consider their proposal very much approvable, and it is vital to note that the planning report dismisses various example approvals as 'not being within Causeway area' and yet cites an example PAC decision which is from Ballyclare.

It is noted that Causeway planners brought forward application LA01/2022/1531/F to last month's planning committee as a refusal, and at the beginning of the meeting retracted this advice in order to proceed with approval, and this illustrates the importance of discussion as planners appear to be conflicted on the interpretation of these policies.

The important applications to review in comparison are:-

LA01/2024/0058/F – 32 Causeway Rd, Bushmills.

LA01/2024/0492/F - 41 Curragh Rd, Magilligan

LA01/2023/0334/F - 58 Kilhoyle Road, Limavady

And all of these applications have been previously submitted and raised with CCG planning office.

M Bell stated that they have omitted the other and many applications that are outside CCG Planning area, although we consider these to be relevant and important.

Nevertheless, M Bell stated that their argument remains that the conversion of this building causes no harm, and provides an important re-use of a disused building for tourist accommodation, with very little impact in the countryside, with benefit to the local economy and with secondary assistance to the housing pressure in the Causeway coast and Glens area as so many primary dwellings have been taken over for short term rentals.

I Boyd presented as follows:

To provide some background information the building was constructed approximately 30 years ago for practical agricultural use, specifically to store hay bales and farm machinery. His father utilized this building actively as a point of collection for hay, which not only fed his sheep but was also sold to local farmers. He has been retired for 15 years, but during the time the building was in active use, it played a critical role in the local agricultural community.

His business number was linked to this operation and demonstrates the building's local significance.

Moreover, the domestic house adjacent to this outbuilding was originally designated as a farmhouse indicating a historical farming activity in this location since the 1970s.

The refusal notes that the building is "modern"; however, a structure built approximately 30 years ago cannot be reasonably described as 'modern' in planning terms. Comparisons to older or traditional buildings must be contextualized within the historical framework of building practices in the area. The planners have frequently referred to stone construction as the standard, yet the SPPS does not stipulate this as a requisite. Concrete block construction has been prevalent in the region since the 1930s, and should be considered traditional, as it has been used for nearly a century.

I Boyd stated that they are committed to developing their outbuilding into high-quality holiday accommodation in a manner that aligns with sustainable practices within the hospitality sector. Rather than pursuing the conventional route of purchasing a residential property to operate as an Airbnb, they recognize the importance of addressing the ongoing housing crisis in their local area. Their approach ensures they do not contribute to this issue while simultaneously enhancing the tourism landscape.

I Boyd stated that their decision to create two dedicated units for couples is informed by market analysis. With a total of 1,687 Airbnbs operating in the Causeway Coast and Glens, only 36 are permanent structures designed specifically for couples. This figure notably excludes temporary accommodations such as pods and shepherds' huts, which are not widely utilized year-round and offer a distinctly different guest experience.

I Boyd stated their objective is to deliver a five-star accommodation experience tailored to foreign tourists during peak summer months, as well as to locals seeking short breaks for special occasions such as birthdays or anniversaries during the off-peak season. The current lack of suitable accommodations in our region has resulted in a loss of potential guests to other destinations, such as Belfast.

Supporting our strategy, data from Booking.com highlights that nearly 60% of searches in the Causeway Coast and Glens area are conducted by couples. This insight underscores the market demand for specialized couple-friendly accommodations.

There were no questions for the speakers.

In response to questions Senior Planning Officer advised that policy requires the building to be a locally important building of special character or interest and provided examples of the same, further stating that this building is similar to numerous other buildings and there is nothing this building is of special character or interest. Senior Planning Officer advised that this building is described in the application as an outbuilding and cited from a PAC decision and policy which supports the decision that this building is not of special interest or character. Senior Planning Officer referred to SPPS and policy CTY4 and stated that it is the building itself that is not acceptable under the policy not the nature and scale and type of use. Senior Planning Officer stated that the building is not of traditional design. Senior Planning Officer advised that all the details submitted were considered, as were historic maps, site visit, PAC decisions, local setting views and architectural merit.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- 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 as set out in section 10

The Chair put the motion to the vote

7 Members voted For; 4 Members voted Against; 2 Members Abstained

The Chair declared the motion carried and the application refused.

## **5.9 LA01/2024/1004/F, Referral, Lands 85m North of 91 Killyvally Road, Garvagh**

Report, speaking rights and presentation, were previously circulated. The application was presented by Senior Planning Officer M McErlain

### **Referral Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Erection of dwelling & garage and all associated works (change of house type from that approved under C/2010/0029/F - based on material start made to the site and as per visible orthophotography)



## **Recommendation**

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 subject to the reasons set out in section 10.

Senior Planning Officer presented via PowerPoint presentation as follows:

- LA01/2024/1004/F is a full application for Erection of dwelling & garage and all associated works (change of house type from that approved under C/2010/0029/F - based on material start made to the site and as per visible orthophotography) at lands 85m North of 91 Killyvally Road, Garvagh
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning permission
- One objection has been received in relation to the application which asserts that a material start did not occur on the previous planning approval C/2010/0029/F and consequently there is no fallback position upon which to base the current application upon as the current application fails to meet with Policy CTY1 of PPS21.
- The application site is located within the rural area outside of any settlement limit as defined by the Northern Area Plan 2016.
- The site comprises a triangular portion of a wider agricultural field and is accessed via a dirt laneway. The southeastern and southwestern boundaries are defined by mature vegetation while the northern boundary is defined by a post and wire fence. The topography of the site is relatively flat.
- There is previous planning history on the application site, notably.
  - Planning ref: C/2003/1318/O
  - Planning ref: C/2007/1042/RM
  - Planning ref: C/2010/0029/F
- All related to the provision of a dwelling and garage and granted permission.

- Planning ref: LA01/2024/0231/F - this Application was withdrawn following notification of a refusal. This application is identical to the application presented to members today
- As the application site is located within the rural area the proposal therefore falls to be considered against the rural housing policies contained within the SPPS and Planning Policy Statement 21 (PPS21).
- Crucially, it is important to note that the previous planning history on the site was assessed against the policies within the Planning Strategy for Rural Northern Ireland. These policies are no longer relevant having been replaced by the policies within the SPPS and PPS21.
- Both the SPPS and Policy CTY1 of PPS21 outline the range of types of development which in principle are considered to be acceptable in the countryside.
- As outlined at Paragraphs 8.4 and 8.5 of the Planning Committee Report the proposal fails to meet with the requirements of the SPPS and Policy CTY1 of PPS21 and consequently the principle of development is considered unacceptable.
- The applicant contends that the principle of development is established on the lands through the commencement of the planning permission granted under applications C/2010/0029/F.
- The requirements for the commencement of development are set out in legislation.
- Formerly under Article 36(1) of the Planning (Northern Ireland) Order 1991 and currently under Section 63(2) of the Planning Act (Northern Ireland) 2011. For clarification there is no difference between both pieces of legislation in defining commencement of development.
- Both pieces of legislation state that “development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out—
  - (a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;”
  - The Agent has advised that works had taken place to provide access to the site to meet DFI Roads specifications. The agent

believes that these works prove the commencement of development in relation to a dwelling.

- It is noted that the aerial imagery relied upon by the agent to demonstrate the commencement of the access works is dated June 2010, which is approximately 6 months prior to the application C/2010/0029/F being approved. The supporting text also makes reference to planning application C/2009/0069/RM which is an unrelated planning approval and is removed from the application site. Consequently, little weight can be attributed to works carried out prior to the granting of planning approval C/2010/0029/F.
- Additional Aerial imagery dated April 2011, which the agent advises “Indicates further works carried out to access and visibility splays following the Approval of C/2010/0029/F” does not appear to show any additional works when compared to Aerial image 1 and as such it cannot be established that any additional access works to the application site occurred after the Approval of C/2010/0029/F .
- Conditions 3, 4 and 5 of Planning Approval C/2010/0029/F relate to the provision of access arrangements to the application site.
- These conditions required the access arrangements to be put in place prior to commencement of the approved development (Dwelling and Garage), commonly referred to as pre-commencement conditions. Consequently, any works carried out in relation to the provision of the access while, potentially addressing the pre-commencement conditions of approval C/2010/0029/F, are not works of construction in the course of the erection of a building. This assessment is consistent with the PAC determination of appeal 2017/E0010 (Appendix 2 of Committee Report) which clarifies at Paragraph 5.7 that works carried out to meet pre-commencement conditions do not amount to works of construction in the course of the erection of a building. This appeal was subsequently dismissed.
- As the previous planning permission on the site was for the erection of buildings (dwelling and garage), commencement of planning approval C/2010/0029/F can only be taken from the date upon which works of construction commenced on one of the approved buildings.
- There is no evidence of any foundation having been constructed

- A statutory process exists for the determination of lawful use or development. The mechanism for this is via the submission of a Certificate of Lawful Development or Use which, in this instance, is required to establish that a lawful commencement of development approved under applications C/2010/0029/F has occurred.
- This position has been set out in case law in *Saxby v Secretary of State for the Environment, Transport and the Regions* 1998, and is also the “settled position” of the Planning Appeals Commission (PAC) on such matters as evidenced in appeals, 2015/A0129 (Appendix 1, notably paragraphs 5 & 6).
- The Planning Department requested the submission of a CLUD (email 28.10.2024) however to date none has been submitted.
- In the absence of a CLUD application it cannot be demonstrated that a lawful commencement of application C/2010/0029/F has occurred. The Planning Department advise that this planning application is not the appropriate mechanism to confer the lawfulness of a material start on C/2010/0029/F.
- This application is directly comparable to application LA01/2022/1203/F which was refused permission by the Planning Committee in October 2024. In this case, Members considered that the provision of a short stretch of access road and other preparatory works did not constitute a lawful commencement of development.
- The agent refers to application LA01/2020/0744/F which was approved by Planning Committee which they advise is comparable to this application. However, it is noted from the Planning Committee Meeting minutes that the principle of development was accepted under policy CTY8 and did not rely upon, or was approved on the basis of works previously carried out to form an access.
- The proposed dwelling and garage will be located in a similar location, and both are of a similar design to the previously approved dwelling. The external materials of both the dwelling and garage are smooth render, painted white/stone cladding, flat non-profile roof tiles and black PVC windows.
- The south-eastern boundary of the site is defined by mature vegetation, some 6+metres in height. Views of a dwelling will be achievable when travelling from the north-west towards the site however will have a

backdrop of the mature vegetation. On approach from the opposite direction, views will be screened by the mature vegetation.

- While this proposed dwelling is somewhat larger than the previously approved dwelling, it is well screened and set back from the public road.
- Overall, it is considered a dwelling on this site would visually integrate into the surrounding landscape and would not be out of character for this rural area nor will it be a prominent feature in the landscape. The proposal complies with policies CTY13 and 14 of PPS21.
- DFI Road, NI Water, Environmental Health and DFI Rivers were consulted on the application – no concerns raised
- In the absence of a Certificate of Lawful Development it has not been demonstrated that a lawful commencement of planning approval C/2010/0029/F has occurred. Consequently, the Planning Department cannot give determining weight to the previous planning history of the site and as such the proposal must be considered against the prevailing regional planning policies.
- Consequently, the proposal fails to comply with Paragraph 6.73 of the SPPS and PPS21 (Policy CTY1) in that it does not meet with one of the permitted types of development in the countryside; it has not been demonstrated that there are exceptional or overriding reasons as to why the development is essential in this location and could not be located in a settlement.
- Refusal is recommended.

In response to questions Senior Planning Officer advised that a CLUD is the statutory process for determining lawful commencement of development on site.

The Chair invited M Bell to present in support of the application.

M Bell presented as follows

The assertion that the proposal is contrary to the SPPS (para. 6.73) and PPS 21, Policy CTY 1, fails to fully consider the material circumstances of the site and the planning history associated with it.

The site benefits from a previous approval, which confirms that the principle of development on this rural site has previously been accepted.

The refusal reason allows for no distinction in this site between an ordinary agricultural field and this proposal. M Bell stated that they have demonstrated without doubt that following the previous approval, works were undertaken to establish a material start, and those works have been illustrated and are clear in evidence.

M Bell advised that the commencement of works, including access and the service lane, demonstrates a clear implementation of that permission, reinforcing the site's suitability for development and the applicant's commitment to lawful progress. These works constitute a material start, which must be given due weight in the decision-making process.

M Bell advised that they have submitted evidence to show that a material start was made on this site.

- An access has been created, established, and initially maintained.
- Works around the site were undertaken.
- A portion of the lane has been created.
- Aerial photography is clear that works took place.

M Bell stated that Causeway Coast and Glens Planning have relied upon PAC decisions to justify their position, but they raise LA01/2020/0744/F as the more relevant approval as it was approved by Causeway Coast and Glens Planning Committee. To refuse the current proposal while similar development has been permitted undermines the principle of consistency in planning decisions, particularly where site characteristics and policy contexts align.

M Bell stated that in application LA01/2020/0744/F Planning Committee disagreed with the case officers recommendation and allowed the application on the basis of the exact same information that relates to this planning application. This is therefore the example precedent. He stated that at the LA01/2020/0744/F Planning Committee and site meeting, it was noted that a trench had been dug on site but that there was no evidence of foundations of a dwelling. Therefore the approval was granted on the strength of the access works and creation of visibility splays which in themselves are works of development. It is noted that this approval actually dated from 2004 in the original outline approval, some 16 years earlier than the subsequent approval.

M Bell stated that there are many previous examples where Causeway Coast and Glens has examined the issue of 'material start' and he considers that an appropriate start was made on this site, and the applicant should be allowed to proceed on the basis of the previous works.

He stated that in the above LA01/2020/0744/F planning report, it is significant to note the similarity of the case, and they would submit that their situation and case is on all fours with the previous approval as no building works in relation to the previous approval were demonstrated at the Fivey Road application site, and the trench that had concrete in it was in fact in the wrong location and was therefore not in line with the previous approval.

M Bell advised that their previous application LA01/2020/0744/F was withdrawn as the application was attempted to be summarily dismissed by the planning office without any opportunity for discussion by Planning Committee and the application has been represented so that discussion might take place.

He stated that the development does not offend the spirit of Policy CTY 1 as it aligns with a previously accepted use and does not introduce new or unjustified pressure on the countryside.

In response to questions M Bell stated that the applicant did not apply for a CLUD because they bought the land post works and in good faith. M Bell stated that a CLUD is an argumentative position based on evidence. PAC reference 24/0008 was approved which demonstrates the CLUD process needs examined and assessed. M Bell confirmed the original outline was a 2004 application.

Senior Planning Officer referred to previous Planning Committee minutes which confirm the application referred to by the agent LA01/2020/0744/F was approved under policy CTY8 not on commencement of development. The Planning Appeal case referred to relates to the retention of foundations on site for more than 5 years therefore enforcement cannot be progressed in relation to these.

Proposed by Councillor Storey

Seconded by Councillor Anderson

- That Committee defer application LA01/2024/1004/F due to not being clear on not accepting evidence and previous application LA01/2024/1004/F.

Senior Planning Officer clarified that legalisation sets out what works are required and is clear that it is works for the erection of a building, referred to case law and PAC decisions. Senior Planning Officer stated that pre commencement works are not works required in the erection of a building and that the pouring of foundations are an example of works required.

The Chair put the motion to the vote.

13 Members voted For; 0 Members voted Against; 0 Members Abstained

The Chair declared the motion carried and the application deferred.

**RESOLVED** - That Committee defer application LA01/2024/1004/F due to not being clear on not accepting evidence and previous application LA01/2024/1004/F.

- \* **The Chair declared a recess at 3:36pm**
- \* **Councillor MA McKillop left the meeting remotely at 3.36pm**
- \* **Councillor McMullan left the meeting from the Chamber at 3.37pm**

\* **The meeting reconvened at 2:46pm**

**6. CORRESPONDENCE:**

**6.1 ANBC – Pre PS Adoption Public Consultation and Council’s Response**

Copy, previously circulated, presented as read by The Head of Planning.

Correspondence from Department for Infrastructure, published 19 March 2025, regarding: Planning Improvement Programme – Planning Committee Visits

Planning Committee NOTED the correspondence.

**6.2 DC & SDC Pre PS Adoption Public Consultation and Council’s Response**

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Derry City and Strabane District Council, published 10 April 2025, regarding: Notification of Consultation on Assessment Documents in advance of Adoption of the Derry City & Strabane District Council Local Development Plan (LDP) Plan Strategy – NOTIFICATION OF EXTENSION OF CONSULTATION PERIOD

Planning Committee NOTED the correspondence.

**6.3 DfI – Developer Contributions for Wastewater Consultation**

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, published 24 March 2025, regarding: Consultation on Developer Contributions for Wastewater Infrastructure.

Planning Committee NOTED the correspondence.

**6.4 DfI – Planning Improvement Programme – Planning Committee Visits**

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, published 19 March 2025, regarding: Planning Improvement Programme – Planning Committee Visits.

Planning Committee NOTED the correspondence.



Proposed by Alderman Callan  
Seconded by Alderman Scott and

**RESOLVED** - To request that a meeting is held with the Department for Infrastructure following their attendance at Planning Committee.

## **6.5 DC & SDC – LDP – Draft Local Policies Plan – Call for Evidence**

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Fermanagh and Omagh District Council, published 18 April 2025, regarding: Fermanagh and Omagh Local Development Plan – Draft Local Policies Plan Call for Evidence

Planning Committee NOTED the correspondence.

## **7. REPORTS FOR NOTING**

### **7.1 Finance Report – Period 1-11**

Report, previously circulated, presented by the Head of Planning.

#### **Purpose**

This Report is to provide Members with an update on the financial position of the Planning Department for the Period 1-11 of 2024/25 business year.

#### **Details**

Planning is showing a variance of just over £207k favourable position at end of Period 11 based on draft Management Accounts.

The favourable position at the end of Period 11 is due to favourable position in relation to wages and salaries expenditure of over £244k due to vacant posts.

This favourable position in relation to wages and salaries is reduced by a deficit in income of under £10k from that predicted within the budget. The number of planning applications received over this period has decreased slightly when compared to the same period last year resulting in a decrease in advertisement costs.

There are no other areas of concern at this time in relation to other expenditure codes.

#### **Recommendation**

**It is recommended** that the Planning Committee considers and notes the content of this report for the Period 1-11 of 2024/25 financial year.

**RESOLVED** – that the Planning Committee noted the content of this report for the Period 1-11 of 2024/25 financial year.

## **7.2 Third Quarterly Report on Planning Performance**

Report, previously circulated, presented by the Head of Planning.

### **Purpose of Report**

The purpose of this report is to provide a quarterly update on Planning performance against the Planning Department Business Plan 2024/25.

### **Background**

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases. The Planning Department Business Plan 2024-25 sets out the key performance indicators to progress towards improving Planning performance against these targets,

The statutory targets are:

- Major applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 15 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The Third Quarter 2024/25 Statistical Bulletin was published on 27 March 2025 providing planning statistics for this period.

### **Details**

Website link 1 [https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2024\\_](https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2024_) provides the link to the published bulletin.

### ***Business Plan Objective 1: Improve performance in relation to the processing of planning applications and enforcement cases***

Table 1, previously circulated, provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the third quarter of 2024-25 business year and provides a comparison of performance against all 11 Councils and against Business Plan KPIs.

In the Q3, Causeway Coast and Glens Borough Council issued 2 major planning applications (one relating to submission of noise survey for previously approved Craiggore Wind Farm and the other relating to drainage assessment for previously approved Mill Strand Integrated Primary School and Nursery) resulting in an average processing time of 14.7 weeks meeting the statutory target for this period and 2<sup>nd</sup> fastest out of all 11 Councils. Year to date the processing of major planning applications is moving closer to meeting the Business Plan target of 40 weeks by end of this business year and also closer to meeting the statutory target of 30 weeks.

Over the same period, we received 5 major planning applications in Q3 (1 new wind farm application, variations to 2no. wind farms, variation to retail approval at the Riverside, and variation to caravan park). This brings to a total of 14 major applications received year to date, 3<sup>rd</sup> highest out of all 11 Councils.

Over the same period 221 local applications were received, 13 less than for the same period last year. Over Q3, 315 local category applications were decided including 30 local applications withdrawn, 2<sup>nd</sup> highest out of all 11 Councils. Although not meeting the statutory target, the Business Plan target of 23 weeks was met continuing the improvement in processing times over the business year.

There was a total of 257 applications in the system over 12 months at end of Q3, a decrease of 5% when compared to the beginning of this business year. Although not meeting the Business Plan target of 10% reduction, this is the 6<sup>th</sup> lowest out of all 11 Councils when compared to % of live applications.

In Q3, focus was on reducing the number of over 24 month applications decreased to 88 a reduction of 12% from the beginning of the Business Year and meeting the Business Plan target of 10% reduction by end of year. Focus will continue into Q4 to continue to reduce the number of over 24 month applications in the system.

### Enforcement

Table 2, previously circulated, shows statistics in relation to enforcement for Q1, Q2, Q3 and YTD of the 2024/25 business year. Progress continues to improve performance meeting the KPIs set out in the Business Plan. The statutory target for bringing to conclusion enforcement cases of 70% within 39 weeks has not been met over this period. However, the Business Plan target of 55% for Q1, 60% for Q2 and 65% for Q3 have been achieved and through improved performance moving closer to meeting the statutory target by end of the business year.

Of the cases closed in Q3, 18.4% were remedied/resolved, 20.4% had planning permission granted; 14.3% were closed as not expedient; 16.3% were immune from enforcement; and 30.6% had no breach identified. A total of 7 enforcement notices were issued during Q3 and 2 breach of condition notices.

Implement a new Pre-Application Discussion process – Timescale Q2 met

The new Pre-Application Discussions procedures were agreed at Planning Committee on 22 May 2024 and implemented on 01 September 2024. This Business Plan KPI target has been met.

Implement a new Validation Checklist process – Timescale Q2 met

The new Validation Checklist process was agreed at Planning Committee meeting held on 22 May 2024 and implemented on 01 September 2024. This Business Plan KPI target has been met.

Implement Standing Advice from NI Water –Timescale Q3 agree met and Q4 to implement – ongoing

NI Water Standing Advice has been agreed at a meeting held on 21 November 2024. The Standing Orders were agreed with NIW at a meeting held on 21 November 2024 and will be implemented in this Council when NI Water have updated their website with the necessary information.

Develop an action plan to manage and reduce the number of over 12 month applications in the system – Timescale Q2 met

The over 12 month action plan has been developed and this KPI target has been met.

Reduce the number of over 12month and over 24month applications in the system by 10% - Timescale Q4 – ongoing

At end of Q3 this target was not being met but the number of over 12 month applications had been significantly reduced by 5% and the over 24 months by 12%. Work continues to reduce the number by end of Q4 in accordance with target set out in the KPI.

***Business Plan Objective 2: preparation of Council's draft Plan Strategy***

Completion of research to inform LDP preparation in line with published timetable – Timescale Q3 – partially met

Although the tender exercise for the independent research was unsuccessful, a direct award contract has been agreed to be awarded to Ulster University - Timescale Q3 –target met for award of contract. The completion of the research is scheduled for September 2025. This is in accordance with the proposed new Local Development Plan 2038 Timetable.

Tree Preservation Order interactive map viewer operational and accessible by the public – Timescale Q3 Met

The TPO interactive map has been developed and further supporting information is in the process of being linked – target has been met.

***Business Plan Objective 3: to manage finance, staff, information and other resources effectively and efficiently within corporate governance framework***

Review Planning Fraud Risk Self Assessment Checklist – Timescale Q2 met  
The review of the Planning Fraud Risk Self Assessment Checklist was completed on 16/10/24; target has been met.

Review outstanding Audit/Ombudsman recommendations and allocate timeframe for implementation – Timescale Q3 - ongoing  
The review of outstanding Audit/Ombudsman recommendations has been completed and timeframe for implementation will be finalised by end of Q3 – target ongoing.

Recommendations from outstanding Audit/Ombudsman recommendations implemented – Timescale Q4 - ongoing  
On finalisation of timeframe for implementation of outstanding Audit/Ombudsman recommendations will be implemented in accordance with the timeframes set out – target unlikely to be met.

Number of cases where Ombudsman determines maladministration is less than 0.4% of all decisions made – Timescale Q4 - ongoing  
At end of Q3 there were no cases during this period where the Ombudsman determined maladministration – on target to be met.

Long term vacant posts filled – Timescale Q2 – partially met  
Pre-employment procedures complete for Planning Assistant grades in Q3; all other posts filled – target partially met.

Reserve list held for future vacancies for next 12 months – target met  
A reserve list is in place for all Planning Principal, Senior, Officer and Assistant grades following successful recruitment campaigns.

### **Recommendation**

**It is recommended** that the Planning Committee note the Planning Departments Third Quarterly Report.

In response to questions the Head of Planning explained the figures for major and local applications and stated that the validation checklist helps improve the performance in the processing of local applications. The Head of Planning advised that older applications affect processing times and this impact will reduce once the older applications are reduced and that the Planning Department are continually working on reducing the processing times.

Planning Committee NOTED the report.

### **MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Alderman Boyle

Seconded by Councillor Storey and

**AGREED** – that Planning Committee move '*In Committee*'.

\* **Press and Public were disconnected from the meeting 4:05pm**

*The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.*

**8. CONFIDENTIAL ITEMS:**

**8.1 Update on Legal Issues**

Report, previously circulated, was presented by Council Solicitor.

**Purpose of Report**

To update the Planning Committee on the extant reserved matters permission for an infill dwelling at East Road Drumsurn.

**Recommendation**

**It is recommended** that the Planning Committee authorise officers to take the necessary steps to resolve the outstanding issue under the advice of Senior Counsel.

In response to questions Council Solicitor advised on the necessary next steps.

Proposed by Alderman Scott

Seconded by Alderman Stewart

– that the Planning Committee authorise officers to take the necessary steps to resolve the outstanding issue under the advice of Senior Counsel.

The Chair put the motion to the vote

10 Members voted For; 0 Members voted Against; 0 Members Abstained

The Chair declared the motion carried

**RESOLVED** - that the Planning Committee authorise officers to take the necessary steps to resolve the outstanding issue under the advice of Senior Counsel.

\* **Alderman S McKillop joined the meeting at 4:23pm**

The Head of Planning sought an update on adding infill applications to the Planning Committee Agenda.

Discussion ensued discussing options for introducing infill applications.

Committee agreed for infill applications to be added to the Planning Agenda.

**9. ANY OTHER RELEVANT BUSINESS (IN ACCORDANCE WITH STANDING ORDER 12 (O))**

There were no items of Any Other relevant Business.

**MOTION TO PROCEED '*IN PUBLIC*'**

Proposed by Councillor Storey

Seconded by Alderman Boyle and

**AGREED** – that Planning Committee move '*In Public*'.

This being all the business the meeting closed at 4:32pm.

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Chair