

Title of Report:	Planning Committee Report – LA01/2023/0482/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th August 2025
For Decision or For Information	For Decision – Referred Application by Alderman Mark Fielding

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

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

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
	Screening Completed:	N/A	Date:

Section 75 Screening			
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2023/0482/F **Ward:** Greysteel

App Type: Full

Address: Lands approximately 146m SW of no. 132 Clooney Road, Eglinton, BT47 3DX

Proposal: Retention of existing mobile coffee kiosk, ancillary portaloo and storage container

Con Area: N/A **Valid Date:** 11.05.2023

Listed Building Grade: N/A

Agent: MKA Planning Ltd, 32 Clooney Terrace, Derry

Applicant: Mr Alan Hunter. 132 Clooney Road, Eglinton, Derry. BT47 3DX

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

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

EXECUTIVE SUMMARY

- Full planning permission is sought for the retention of an existing mobile coffee kiosk, ancillary portaloo and storage container at lands 146m SW of 132 Clooney Road, Eglinton.
- The proposal is contrary to SPPS Para 6.73 and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 11 of Planning Policy Statement 21, in that it; has not been demonstrated that the coffee kiosk is being run in conjunction with the agricultural operations on the farm, is not of an appropriate design, fails to integrate and will have a negative impact on the character of the countryside.
- A different farm business is operating the coffee kiosk at present, and the leasing of farm land to another farm business is not sufficient in meeting the requirements of a farm diversification scheme.
- Refusal is recommended.

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

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

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is approx. 1 mile NW of the settlement limits of Greysteel, and is adjacent to the A2 Protected Route, and is not subject to any further specific zonings or designations.
- 2.2 The site incorporates an existing access off Clooney Road, a gravel yard containing an approved self-serve farm shop, an EV charge point, Bow-topped coffee kiosk, storage shipping container, portaloo and moveable picnic tables and parasols. The development is arranged around the edges of the site, leaving parking space in the middle. The area has been defined by post and wire fencing and hedgerow on the southern boundary, ranch fencing on the western and northern boundary, and the eastern boundary has not been defined other than the distinction between the hardstanding and field grass.
- 2.3 The site plan shows a different arrangement than what is currently on site however given the mobile nature of the proposals this is not sufficient to warrant making the application invalid. It is noted, however, that the storage container currently at the site is larger than what is shown in submitted drawings, and updated plans have not to date been received.

3 RELEVANT HISTORY

3.1 Application Number: LA01/2018/1303/LDE

Decision: Appeal Dismissed

Decision Date: 28 January 2019

Proposal: Material change of use from agricultural land to use of land as a farm shop for Longfield Farm, ancillary storage of farm produce and car parking.

3.2 Application Number: LA01/2019/0849/F

Decision: Permission Granted

Decision Date: 16 November 2021

Proposal: Retention of existing farm shop for Longland Farm, ancillary storage of farm produce and car parking.

4 THE APPLICATION

4.1 This is a full application for the retention of an existing mobile coffee kiosk, ancillary portaloo and storage container.

5 PUBLICITY & CONSULTATIONS

5.1 External

No neighbours and no representations.

5.2 Internal

Department for Infrastructure (Roads) – No objection

DAERA – No objection

Environmental Health – No objection, provision of conditions

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

- 7.1 The application has been assessed against the following planning policy and guidance:

[Regional Development Strategy 2035.](#)

[Northern Area Plan 2016.](#)

[Strategic Planning Policy Statement.](#)

[PPS 3: Access, Movement and Parking.](#)

8.0 CONSIDERATIONS & ASSESSMENT

PPS 21: Sustainable Development in the Countryside

- 8.1 Taking into account the transitional arrangements of the SPPS, the retained PPS 21 provides the relevant policy context for the proposal. The main considerations in the determining of this proposal are; the principle of development and visual impact on the rural area.

Principle of development

- 8.2 Policy CTY11 states that planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:
- a) the farm or forestry business is currently active and established;
 - b) in terms of character and scale it is appropriate to its location;
 - c) it will not have an adverse impact on the natural or built heritage;
and
 - d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.
- 8.3 It has not been demonstrated that the coffee kiosk, portaloo and storage container are to be run in conjunction with the agricultural operations on the farm. A letter was submitted on 26th March 2025 by the agent on behalf of one Wilton Goligher, a neighbouring farm owner, who states that he noticed an opportunity to diversify his farm business when the applicant offered the site for rental. Mr. Goligher has been operating the site for two years, and states that the coffee hut provides coffee and wraps to passing trade and local business.
- 8.4 Mr. Goligher's letter goes on to state that the coffee kiosk uses produce from the applicant's farm (Mr. Hunter), as well as sourcing

produce from other local providers. He has listed 'free range eggs, potatoes for baked potatoes, carrots, cauliflower and broccoli when in season'. It is unclear if these are sourced from the applicant's farm or other local providers as mentioned.

- 8.5 A menu posted to social media from the coffee kiosk operators on 27th March 2025 listed a number of items on offer, including toasties, wraps, paninis, salads, sausage rolls, scones, and a variety of hot and cold drinks. Such items are not produced or made from produce sourced on the applicant's farm and therefore are not associated with the farm operations.
- 8.6 This is contrary to the opening section of Policy CTY11, as the operations on the site are associated with another farm business, not that of the applicant, and no additional details in relation to Mr. Goligher's farm have been provided.
- 8.7 The leasing of farmland to another farm business is not sufficient to justify a farm diversification project in this instance.
- 8.8 The agent submitted a planning statement with the application which outlined that the (applicant's) farm business is active and established, that the kiosk will be run in conjunction with the existing farm business and is proportionate to the existing farm business. The letter from Mr Goligher conflicts with this as it is claimed that another farm business is responsible for the development.
- 8.9 Notwithstanding Mr Goligher's submission, the proposal has been described by the agent to complement the existing farm shop offering. Condition 2 of approval LA01/2019/0849/F restricted the sale of goods within the farm shop solely to Longland Farm produce. A coffee kiosk is not an acceptable extension to the approved offering as the farm shop was restricted to the sale of the farm produce only. The overall nature of the proposal remains contrary to the opening guidance outlined in CTY 11. Similarly, the coffee kiosk and ancillary structures

are not considered to be any of the exceptions outlined in Paragraph 6.279 of the SPPS. The coffee kiosk should be directed to a more appropriate location and is an inappropriate facility in the countryside, and must be resisted.

- 8.10 The proposed roadside development is unacceptable in its location given the high levels of visibility and rural nature of the site. While the farm shop has been approved and established, it sits some 40m from the public road, is screened by the backdrop of mature trees to the north, and its design ensures minimal visual impact when viewed from the public road. In contrast, the works under consideration are less than 15m from the public road, and while there is some degree of screening provided by the hedge along the southern boundary, the site attracts midrange views when travelling from both directions, and the works do not appear to cluster with the existing facilities on account of the spacing arrangement within the site.
- 8.11 The agent presented that the coffee kiosk is reminiscent of a traditional caravan which is characteristic in the rural area. While this may traditionally have been the case, it is not a common feature in the nearby surrounding area and there are no examples of such development evident or raised as precedent. The cumulation of structures of varying forms and design on the site do not result in a cohesive group of rural buildings, and are therefore out of character in the rural and roadside location. It is not accepted that the large storage container or portaloo on the site at present are reminiscent of traditional rural development.
- 8.12 There is no concern in relation to impacts on natural or built heritage.
- 8.13 Environmental Health sought clarification on opening hours and what equipment was involved in the functioning of the kiosk. Following additional correspondence with the agent, Environmental Health offer no objection to the proposal subject to suggested conditions. The works are approx. 145m from 132 Clooney Road and 100m from 16

Brisland Road, both of which are considered to be a sufficient distance to mitigate any detrimental amenity impacts, including potential problems arising from noise, smell and pollution.

- 8.14 The proposal does not involve the re-use or adaptation of existing farm buildings, however consideration is given to the history on the site, where the principle of development outside of the existing farmyard was found to be acceptable. Notwithstanding, the assessment above remains in that it has not been demonstrated that the development will be run in conjunction with the farm business, it is not of an appropriate design, it fails to integrate and it will have a negative impact on the character of the countryside. The proposal is contrary to Policy CTY11.
- 8.15 The SPPS also requires the proposal to be run in conjunction with the agricultural operations of the farm in order to be an acceptable form of farm diversification. For this reason the proposal fails Paragraph 6.73 as it has not been demonstrated that the proposal is being run in conjunction with the agricultural operations of the farm. As there is no policy basis for the works at this location, the proposal also fails Policy CTY1, in that there are no demonstrated overriding reasons why the proposal could not be located within a settlement.

Access

- 8.16 DfI Roads offer no objection to the proposal, citing the location and ongoing established business. Further clarification was sought by email for comment in relation to access onto the lane which extends from the protected route. The Roads case officer confirmed that they offer no objection to the proposal. Clooney Road is a protected route however the site accesses onto a lane rather than directly onto Clooney Road.

Habitat Regulations Assessment

- 8.17 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

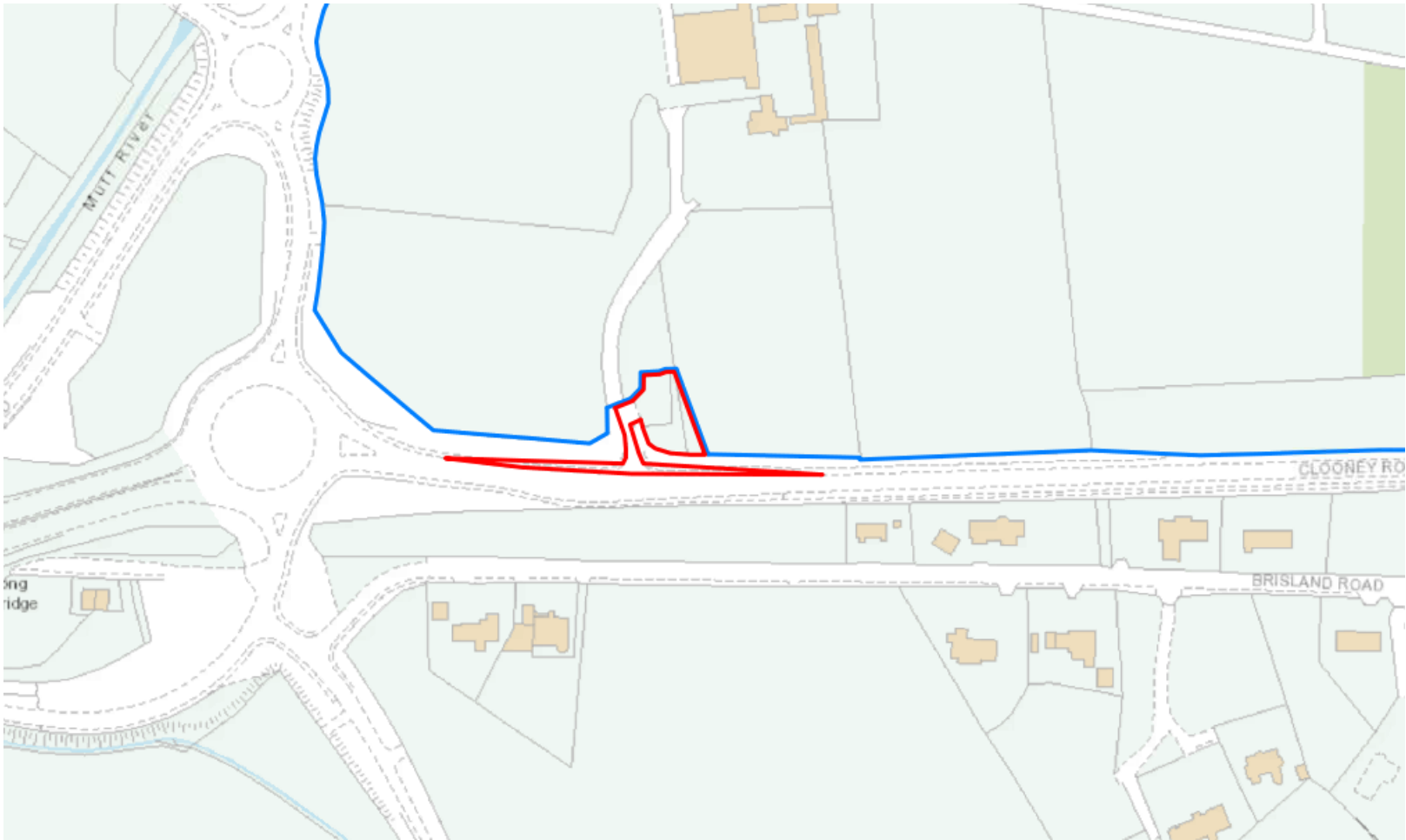
9.0 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS and Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1 and CTY11, in that it has not been demonstrated that the development will be run in conjunction with the farm business, it is not of an appropriate design, it fails to integrate and it will have a negative impact on the character of the countryside.

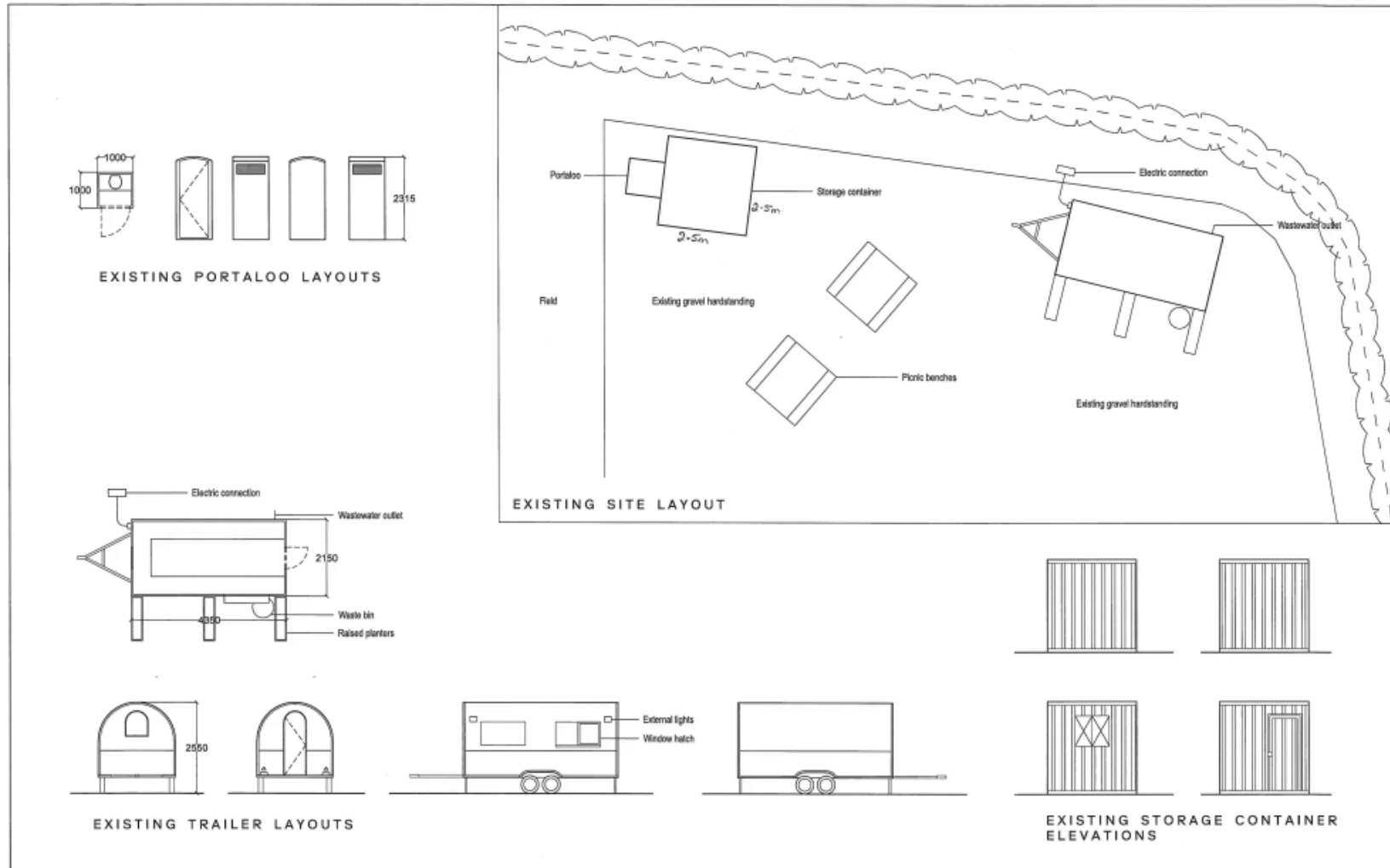
10.0 Reasons for Refusal

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential and could not be located within a settlement.
2. The proposal is contrary to Paragraph 6.70 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, it has not been demonstrated that the development will be run in conjunction with the farm business, it is not of an appropriate design, it fails to integrate and it will have a negative impact on the character of the countryside.

Site location Map



Proposed Site Plan and Elevations



250827

Referral Request

Planning Reference LA01/2023/0482/F

Elected Member Name Mark Fielding

Contact Details Tel :

E-mail

Reasons below, to refer application to Planning Committee - Retention of existing mobile coffee kiosk, ancillary portaloo and storage container at Lands approximately 146m SW of no.132 Clooney Road Eglinton.

Refusal 1: The proposal is contrary to Policy CTY1 of PPS 21, Sustainable Development in the Country side in that there are no overriding reasons why this development is essential and could not be located within the settlement.

Reason to refer - This is a general reason for refusal. If the other reason falls, then this reason cannot be sustained.

Refusal 2: The proposal is contrary to Paragraph 6.70 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, it has not been demonstrated that the development will be run in conjunction with the farm business, it is not of an appropriate design, it fails to integrate and it will have a negative impact on the character of the countryside.

Reason to refer -The kiosk is run by another local farmer, who is well known to the Applicant. He uses the produce from the Applicant's farm within the kiosk. In terms of character, it is a mobile coffee kiosk which is of a quirky design, not unlike a traditional caravan which is a characteristic in the rural area and particularly on farms where they provided seasonal accommodation for seasonal workers. The proposal has a backdrop of mature vegetation which assists in the visual integration. The kiosk is visually more attractive than the already approved shipping container adjacent. There is no negative impact on the character of the area from this kiosk. With regard to scale, the kiosk is relatively small and only slightly higher than the roadside hedge. It is also smaller than the existing shipping container shop that has been approved.

The facility requires a roadside location to be successful, and meets an existing rural need. This wider area has an airport and an industrial estate, and provides beverages and snacks to passing commuters and visitors to the area. The kiosk is open from 7:30am to 3:00pm and employs 2 local people as well.

There has been no objections from members of the public or statutory consultees.

CTY 11 is a permissive policy, and this is not a large-scale proposal or existing urban based enterprise relocating from an urban area. A kiosk of this size and scale is entirely appropriate for this location and is seen at other similar roadside locations throughout the countryside.