



Title of Report:	Planning Committee Report – LA01/2024/1227/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th February 2026
For Decision or For Information	For Decision – Referred Application by Alderman Mark Fielding
To be discussed In Committee YES/NO	

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

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: LA01/2024/1227/O Ward: Dungiven

App Type: Outline

Address: On lands c.70m south of No. 119 Legavallon Road, Dungiven

Proposal: Proposed managers dwelling in connection with Hillfoot Caravan Park

Con Area: N/A Valid Date: 11/11/2024

Listed Building Grade: N/A

Agent: Les Ross Planning

Applicant: Jill Brown

Objections: 0 Petitions of Objection: 0

Support: 0 Petitions of Support: 0

EXECUTIVE SUMMARY

- Outline planning permission is sought for a proposed managers dwelling in connection with Hillfoot Caravan Park.
- The proposal is considered to be contrary to Paragraph 6.70 and 6.73 of the SPPS and policies CTY 1, CTY 7 of PPS 21, as it has not been demonstrated that it is essential for an additional dwelling to be located on the grounds of the business and that the business needs could not be maintained by the current dwelling on site or at an alternative location nearby.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached in annex A of this report.

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

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

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located south east of 119 Legavallon Road and is accessed via an existing laneway which is approximately 470 metres. The land rises from Legavallon Road steeply to the site.
- 2.2 The site comprises a parcel of land approximately 0.5 hectares in size. The plot of land forms part of the existing site for touring caravans. There is currently a dilapidated building on site and mix of grass and hardstanding for the use of parking.
- 2.3 The topography of the site itself is relatively flat. Boundary treatments include post and wire fencing and intermittent vegetation.
- 2.4 The site is located outside any settlement limits as defined in the Northern Area Plan 2016.

3 RELEVANT HISTORY

- 3.1 Application Number: LA01/2019/0568/O
Location: 119C Legavallon Road, Dungiven
Decision: Appeal Dismissed Decision Date: 14 October 2019
Proposal: Proposed replacement chalet dwelling
Proposal: Site for dwelling

4.0 THE APPLICATION

- 4.1 This is an outline application for a proposed managers dwelling in connection with Hillfoot Caravan Park

5.0 PUBLICITY & CONSULTATIONS

5.1 External

No letters of support or objection were received on this application.

5.2 Internal

DfI Roads Service – Advice

Environmental Health – Advice

Historic Environment Division – Content

NI Water – Advice

NIEA Water Management Unit – Standing Advice

NIEA Natural Environment Division – Standing Advice

6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- The Northern Area Plan 2016 (NAP)

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

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) Edition 2 (2025) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

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

7.0 **RELEVANT POLICIES & GUIDANCE**

[The Northern Area Plan 2016](#)

[The Strategic Planning Policy Statement \(SPPS\) Edition 2 \(2025\)](#)

[Planning Policy Statement 3 \(PPS 3\) – Access, Movement and Parking](#)

[Planning Policy Statement 21 – Sustainable Development in the Countryside](#)

[Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside](#)

8.0 **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual integration/impact on rural character and access.

Principle of development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 The SPPS states in paragraph 6.73 that Dwellings for non-agricultural business enterprises: provision should be made for a new dwelling in connection with an established non-agricultural business enterprise. A site specific need must exist that makes it essential for an employee of the business to live at the site of their work.
- 8.4 Policy CTY 1 of PPS21 identifies a number of instances when an individual dwelling house will be granted permission. These include a

dwelling in connection with an established non agricultural business enterprise under CTY 7.

- 8.5 Policy CTY 7 states that Planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work.
- 8.6 Where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site.
- 8.7 Planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.
- 8.8 The application is for a proposed managers dwelling in connection with Hillfoot Caravan Park. Hillfoot Caravan Park is located approximately 2 miles from the nearest town of Dungiven. The applicant is the daughter of the current business owner. The business serves pitches for motorhomes, caravans and tents as well as providing facilities such as showers, toilets, chemical waste removal, recycling, battery charging and an area for washing dishes.
- 8.9 Within the design and access statement accompanying the application it states that 'By its nature, managing the caravan park is a 24/7 business. Typically, new visitors arrive on site in the afternoons or evenings. Late night arrivals are also common.

It is essential that the site manager is constantly available on site to:

- oversee people arriving and leaving;
- oversee the activities within the park, and check that the park rules are respected;
- being on hand to ensure everyone has any queries dealt with and has a pleasant stay; and
- to be on hand to deal with the minor issues that frequently arise, such a dealing with the electricity supplies or questions about using the facilities.

- 8.10 The statement goes on to state that ‘Although the manager is not constantly busy, there are many and various duties to deal with and these can arise at any time, so it is essential that the manager is onsite all the time to deal with whatever happens.’
- 8.11 Based on the evidence supplied there is no over-riding reason why a dwelling in Dungiven could not allow for the manager to carry out all the requirements of the job role. Dungiven is approximately 2 miles away and given the very short travel time from Dungiven to the Caravan site the activities required of the Manager would not be impeded from the short distance. It states that the applicant currently resides in Garvagh. The town of Garvagh is approximately 10 miles away, again it is felt that this is not an excessive distance away to carry out the duties required by the role.
- 8.12 Through the assessment of the application further information was submitted on 15th January 2025, this information states that the current owner of the business and his wife reside in the managers dwelling and as it has been a life long home it would be unreasonable for them to move out. Given that there is already a managers dwelling on site there is no requirement for a second managers dwelling. Paragraph 6.73 when read in conjunction with CTY 7 is clear, in that there is a site specific need for an employee to live at their site of work, in this instance it is not felt that there are over-riding reasons why the current dwelling located within the blue land on drawing no 01A cannot remain as the managers dwelling. The personal circumstances mentioned does not over-ride why the proposed dwelling is essential at this specific location.
- 8.13 There are options where the current Managers Dwelling could accommodate an annex which would overcome personal reasons for the current residents.
- 8.14 Further information submitted on 14th March 2025 had stated the cost of security equipment. Paragraph 5.31 of CTY 7 is clear that the need to provide improved security from theft and/or vandalism by having someone living on the site is unlikely on its own to warrant the grant of planning permission. Although there are other reasons provided, they do not over-ride the need for a new dwelling at this location.

- 8.15 The information provided also states that ‘a tiny minority of caravan parks in NI and ROI operate on an unmanned basis. The vast majority are manned, which is the normal and most successful model. Unmanned facilities tend to be Council operated sites which have a different character to private enterprises. The suggestion that this particular site could operate on an unmanned basis would represent a complete change of the established business model.’ There is no evidence provided in relation to the percentage of manned/unmanned caravan parks. The fact remains there is currently a managers dwelling for the established business.

Comparable Appeals

- 8.16 2009/A0205 - The proposal was for a Manager’s dwelling and garage in conjunction with an engineering works. Within the appeal decision it states: “the security and supervision role had, for the past 27 years, been filled by the proprietor of the business (the appellant) who occupied a dwelling on site, but that he planned to retire and pass the running of the business to his son. The existing dwelling is within the boundaries of the commercial enterprise and is ideally sited for the supervision of the business. The question of who occupies it is an operational business matter. The appellant’s son or another of the firm’s employees or associates could occupy the dwelling and provide the required security and supervision, and in this context, I consider any specific need that makes it essential for one of the firm’s employees to live at the site of their work, to be met.” Paragraph 5 further outlines that Policy CTY 7 makes no provision for an additional dwelling to facilitate the retirement of an employee or proprietor of a business and the retirement of a business proprietor does not amount to overriding reasons why a new dwelling is essential.
- 8.17 This part of the appeal decision is relevant in that the situation for this proposal is similar. The fact remains that there currently is a dwelling within the curtilage of the caravan complex that is currently being used as a Managers Dwelling and it is an operational business matter for who resides at the existing dwelling.

- 8.18 2023/A0025 - The proposal was for a Manager's dwelling and garage in conjunction with adjacent residential home, although a different business, the policy and principle applied is the same. The appeal was dismissed. Within the appeal decision it was stated that: "It is claimed that the distance and 45-minute driving time means that she is relying heavily on her parents to provide immediate emergency cover outside her regular shifts. It is argued that it is essential for the Appellant's daughter to live adjacent as her position as manager requires her to be on call and provide emergency cover."
- 8.19 This part is relevant in that the commissioner mentioned distances to the nearest towns. It read that 2 towns were similarly located 6 minutes or 3 miles away. He stated, 'No persuasive evidence has been submitted to demonstrate why a dwelling in Randalstown or Creggan-Cranfield would not be suitable and allow for emergency call outs to be handled effectively.'
- 8.20 This is relevant to this application as Dungiven is approximately 2 miles away and Garvagh it 10 miles away. There is currently a dwelling used by the managers on the business site so there are no over-riding reasons why this cannot remain as part of the existing business.
- 8.21 It also mentions a need for a security presence. The commissioner stated that: "In any event, guidance is clear that the need to provide improved security by having someone living on the site is unlikely on its own to warrant the grant of planning permission."
- 8.22 2021/A0226 - The proposal was for a manager's dwelling for existing allotments. The appeal was dismissed. It had not been demonstrated that a dwelling at this location was essential. The appeal decision stated: "Based on the evidence presented, a site-specific need has not been demonstrated." In relation to security the commissioner noted "the justification and amplification of the policy indicates that security alone is unlikely to warrant the grant of planning permission".
- 8.23 Taking into consideration the information provided in support of the application it is not felt that there are over-riding reasons as

to why a proposal at this location is essential to the business needs.

Visual integration/impact on rural character

- 8.24 Planning Policy Statement 21 Sustainable Development in the Countryside notes that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape.
- 8.25 Due to the degree of setback, there are no views of the site from the surrounding roads. Although there are limited boundary treatments the proposed site integrates into the existing landscape given the current use of the land and fact it has no public view points. As this is an outline application no plans have been submitted in relation to design. A proposed dwelling at this location would blend with the existing landform subject to appropriate size, scale and massing.

Habitat Regulations Assessment

- 8.26 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.

Natural Heritage

- 8.27 PPS2 - Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance. Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:
- priority habitats;
 - priority species;
 - active peatland;
 - ancient and long-established woodland;
 - features of earth science conservation importance;
 - features of the landscape which are of major importance for wild flora and fauna;
 - rare or threatened native species;

- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

- 8.28 An ecological assessment was carried out and it identified no issues in relation to protected species etc. There are a number of trees on site and these should be retained, if they were to be removed a Bat Survey would be required to ensure there would be no impact of the protected species.

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 Strategic Planning Policy Statements paragraphs 6.70 and 6.73 Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1, CTY 7. It has not been demonstrated that it is essential for an additional dwelling to be located on the grounds of the business and that the business needs could not be maintained by the current dwelling on site or at an alternative location nearby.

10.0 Reasons for Refusal

1. The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21: Sustainable Development in the Countryside in that there are no overriding reasons why the development is essential and could not be located within a settlement.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY7 of Planning Policy Statement 21, in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Site location Map



Annex A

Referral Request

From: Mark Fielding
Sent: 31 May 2025 23:15
To: Planning; Sandra Hunter; Denise Dickson
Subject: LA01/2024/1227/O
Attachments: 119 Legavallon Road Dungiven.odt

I wish to refer Planning Application LA01/2024/1227/O to the Planning Committee.
Proposed mangers dwelling in connection with Hillfoot Caravan Park On lands c.70m south of No. 119
Legavallon Road Dungiven.

Yours,

Mark
Ald. Mark Fielding

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Planning reference LA01/2024/1227/O

Elected Member Mark Fielding

Contact Details Tel : 07971059829

Email mark.fielding@causewaycoastandglens.gov.uk

Refusal reasons

1. *Proposal is contrary to 6.73 of the strategic Planning Policy for Northern Ireland (SSPS) and Policy CTY1 of Planning Policy Statement 21, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.*
- Hillfoot Caravan Park is in a rural location and the nature of managing a caravan park someone needs to be on site all the time. The current owner who lives on the site is unable to continue to manage the business due to his age and poor health. The owner is in the process of transferring the business over to his daughter and son-in-law who need a permanent place to live at the caravan park. A new managers house on the site represents a reasonable and sustainable option to enable the continuation of the business in this rural location.
2. *The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY7 of Planning Policy Statement 21, in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.*
- PPS21 CTY7 is instituted because it is recognised that circumstances can arise where the only reasonable option is to allow a new dwelling house to meet the needs of a rural business. There is a suitable site for a dwelling that complies with policy in terms of visual integration and maintaining the rural character. This site is also ideal in business operation terms and ensure a rural business like this can continue.