



Title of Report:	Planning Committee Report – LA01/2025/0111/F
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

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.		
Section 75 Screening	Screening Completed:	N/A	Date:

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

No: LA01/2025/0111/O **Ward:** Kilrea

App Type: Outline

Address: 140m NE of 52 Ballyagan Road, Garvagh

Proposal: Site of Dwelling and Garage on a Farm

Con Area: N/A **Valid Date:** 13.02.2025

Listed Building Grade: N/A

Agent: Simpson Design (NI) Ltd, 42 Semicock Road, Ballymoney

Applicant: S. McClarty, 52 Ballyagan Road, Garvagh

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

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

EXECUTIVE SUMMARY

- Outline planning permission is sought for new dwelling under Planning Policy Statement 21: Sustainable Development in the Countryside.
- 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.
- The proposal seeks to create a new access for the dwelling onto Ballyagan Road, despite two accesses existing in proximity to the site and under full ownership of the applicant. Certificate C could be signed and notice served on neighbouring land owners to achieve visibility splays. It has not been demonstrated that this is not possible, the proposal therefore fails to meet criterion (c) of CTY10.
- DFI Roads, Environmental Health, NI Water, DAERA and NIEA were consulted in relation to the application. No objections have been received from any of the consultees.
- No representations have been received.
- The application is recommended for refusal.

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

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

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at land 140m NE of no. 52 Ballyagan Road and includes a low-level portion of an agricultural field. Immediately adjacent to the application site are agricultural sheds and a yard. Beyond these are the applicant's dwelling and B&B, all within land outlined in blue on the site location plan.
- 2.2 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.

3 RELEVANT HISTORY

- 3.1 There is no recent planning history directly on the application site.

4 THE APPLICATION

- 4.1 This is an outline application for a site for a dwelling and garage on a farm.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 26.02.2025

Neighbours: No neighbour notification was required.

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

5.2 Internal

DFI Roads: No objections.

DAERA: No objections.

NI Water: No objections.

NIEA: No objections.

Environmental Health: No objections.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- The Northern Area Plan 2016 (NAP)

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

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

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement for Northern Ireland (SPPS),
Edition 2 (2025)

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

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

Building on Tradition: A Sustainable Design Guide for the Northern
Ireland Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relates to the principle of development.

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 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development, one of which is a dwelling on a farm, in accordance with Policy CTY10.
- 8.4 CTY 10 notes planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:
- (a) The farm business is currently active and has been established for at least 6 years;
 - (b) 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. This provision will only apply from 25 November 2008; and
 - (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available

at another group of buildings on the farm or out-farm, and where there are either:

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

- 8.5 Consultation with DAERA has confirmed that the farm business ID was allocated in 1996, however that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in any of the last six years. The agent submitted a number of dated invoices relating to agricultural activity such as cattle tagging, veterinary services, animal feed and a cattle herd book which demonstrated the movement of cattle on and off the farm on a regular basis. Given the verifiable evidence provided it is concluded that the farm business has been established for at least six years and is currently active. Criterion (a) has been satisfied.
- 8.6 DAERA issued farm maps were not submitted along with the application. When queried, the agent advised that the applicant's farm business is restricted to land which hosts the application site, the farm sheds, the dwelling and the B&B only. A map was submitted to this effect. Planning histories on the lands were checked and it is concluded that there have been no dwellings or development opportunities sold from the farm holding within 10 years of the date of the application. Criterion (b) is satisfied.
- 8.7 The proposed site is approx. 25m from the nearest farm building, and on approach from both directions the site is visually linked to the farm buildings. A dwelling in this location would cluster with the group of buildings on the farm.
- 8.8 The land indicated to be within the farm holding contains a paired access with two lanes at present, one serving the farm dwelling and B&B, and the second serving the farm buildings and providing access to the field where the application site is located. The two lanes run parallel and are separated by a length of hedgerow and trees. The application proposes a third access, located approx. 75m from the existing paired access. The agent advised that a new access is required to provide safe access and visibility splays and that the existing access is not usable as the visibility splay could not be achieved due to a third-party wall.

- 8.9 The DfI Roads Case Officer was contacted to query this, and an email response received on 10th June 2025 confirmed that neither of the 'existing access are suitable for increased use without third party land being made available.' While this comment has been raised, the requirement for use of third-party land is a civil matter, and provided notice can be served on the correct landowners and the correct Certificate signed to overcome this issue. It has not been evidenced that the third-party land could not be made available. The fact that two lanes are in existence and available for use by the applicant negates the requirement for a third access to serve the proposed site. The proposal fails criterion (c). The application is not compliant to any other policy within PPS21, so therefore also fails CTY1.
- 8.10 The proposed site sits at a lower level than the farm building and dwelling and will not be a prominent feature in the landscape. The existing northern and eastern hedgerow boundaries would serve the application site, and additional planting would be required to define the southern and western boundaries. The proposed site, however, would not rely solely on this additional planting in order to successfully integrate. The proposed access would have a greater visual impact than if one of the existing lanes was utilised, and remains unacceptable in principle. However, the implementation of additional planting and the fact that access runs parallel to the field boundary renders it the most appropriate solution, should it be required. Given the long range views of the site, a single storey dwelling would be appropriate for the site, and design would be a consideration for reserved matters stage. The proposal complies with CTY13.
- 8.11 The proposed site would not be unduly prominent in the landscape or result in a suburban style build-up of development and would respect the traditional pattern of settlement. While the site would add to the linear pattern of buildings, given the distance set back from the road, the proposed site would not be considered to add to a ribbon of development as it does not have a direct frontage onto Ballyagan Road. The proposal complies with CTY14.
- 8.12 DfI Roads consultation response relates to the proposed access. Consultation response raised no objection in terms of public and road safety. The access would not negatively impact the flow of traffic onto Ballyagan Road, which is also not a Protected Route. The proposal complies with AMP2, and consideration under AMP3 is not required.

- 8.13 Environmental Health advise that due to the rural location of the site and its proximity to farm buildings, future occupants may suffer loss of amenity due to noise and odours associated with agricultural activity. Environmental Health offer no further objection to the proposal.
- 8.14 NIEA Water Management Unit have provided standing advice which includes a condition relating to methods of sewage disposal.
- 8.15 NI Water advise that there is a public watermain within 20m of the proposed development boundary which could adequately service the proposal, and advise that a public watermain traverses the site.

Habitats Regulation Assessment

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

9 CONCLUSION

- 9.1 The proposal 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, Policy CTY 10, criterion (c) and CTY 1. There are two lanes on the farm immediately adjacent to the site, either of which could be augmented to provide access to a proposed dwelling. Access should be taken from an existing lane, and where two are present, a third will not be acceptable. It has not been fully demonstrated that either of the existing access could not be upgraded in line with policy requirements.

10 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 Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that access to the proposed dwelling is not obtained from an existing lane.

Site location Map



Referral Request

From: Mark Fielding
Sent: 16 June 2025 09:41
To: Planning; Denise Dickson; Lee Kane (internet)
Subject: LA01/2025/0111/O
Attachments: 140m north east of 52 ballylagan road garvagh.odt

I wish to refer LA01/2025/0111/O to the Planning Committee.

Site of Dwelling and Garage on a farm at 140 m North East of 52 Ballyagan Road Garvagh.

Yours,

Mark
Ald. M Fielding

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