

ANNEX B – Response Pro-forma

Name: TOIRLEACH GOURLEY

Address: 35 MOVEAGH ROAD, COOKSTOWN, BT80 9HE

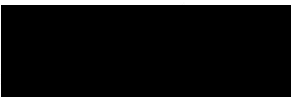
Original Representation Reference Number: MUDPS/189 (for administrative use only)

Please tick the applicable box below.

a) I confirm that I wish for my original representation to be considered as my representation.

b) I confirm that I wish to amend or add to my original representation.

c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.

Signature: ... 

Date: ... 24-9-2020

If you require assistance when completing the above, please contact developmentplan@midulstercouncil.org

Please ensure you return this completed Pro forma (along with any additional documents if you have ticked [b]) above) to Development Plan Team, Planning Department, Mid Ulster District Council, 50 Ballyronan Road, Magherafelt, BT45 6EN, by 5pm on 21st May 2020.

**Representation on Behalf of T A Gourley in Respect of the Mid
Ulster Local Development Plan 2030 Draft Plan Strategy**

September 2020

1.0 Introduction

1.1 This representation is made on behalf of T A Gourley in respect of the Mid Ulster Local Development Plan 2030 Draft Plan Strategy.

2.0 Comments on the Draft Plan Strategy

2.1 The following amendments (indicated in red) are proposed to the following policies:-

POLICY HOU3 – RESIDENTIAL EXTENSIONS

Extensions and Alterations to residential developments will accord to the plan where;

- the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;*
 - they are designed to be subordinate and ancillary to the main use of the existing building (except where the dwelling to be extended is small in scale and a larger extension is required to provide an adequate level of modern accommodation) and do not result in significant adverse impact on the private amenity space, access and off street parking provision.*
 - the proposal does not unduly affect the privacy or amenity of neighbouring residents.*
- Regard will also be given to this policy when assessing extensions to dwellings in the countryside.*

Reason: This would allow for very small dwellings to be extended to provide a reasonable level of accommodation within them when extended.

POLICY CT2 - DWELLINGS IN THE COUNTRYSIDE

A Dwelling in the Countryside will conform with the plan where it comprises a:

- (a) Dwelling in an Existing Non-Farm Cluster - The cluster must comprise a group of four or more ~~substantial~~ buildings and be located at a focal point such as a cross roads or a social/community building and can be absorbed through rounding off or consolidation. The site must have existing ~~buildings development~~ on at least two sides.*
- (b) Dwelling Infilling a small Gap Site - In a small gap site capable of accommodating up to two dwellings. The gap must be located between three or more buildings, each fronting onto a road or laneway. Exceptionally a single dwelling may be permitted on a smaller gap site, located between two dwellings, ~~each with their own defined curtilage~~, fronting onto a road or laneway. All gap site proposals must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.*
- (c) Replacement Dwelling - The building must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls must be substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so.*
- (d) Conversion/re-use of Existing Buildings for Residential Use - The building must be of permanent construction and include buildings such as former school houses, churches and older traditional barns and outbuildings. This policy does not include "steel framed" buildings such as those used for the purposes of agriculture, industry or storage. Alterations should be sympathetic to the existing building and any extension should be minor. It may be possible to achieve more than one residential unit where the existing building is of such a size to accommodate more than one dwelling without the need for a significant extension.*
- (e) Dwelling on a Farm – The dwelling must be on a farm which has been established for 6 years and is currently active and no permissions obtained under this criteria in the last 10 years from the date of the application. The dwelling should also be located next to or visually linked with a group of buildings on the farm. Where there are health and safety*

reasons relating to the efficient use of the farm or verifiable plans to expand the farm business at the existing building group(s), consideration will be given to an alternative site on the farm. This will also apply where the house is to provide for a retiring farmer to allow for the disposal of the farm or where significant environmental benefits have been demonstrated by the applicant.

(f) Dwelling in a Farm Cluster - Exceptionally, on farms that are not active and/ or established or where permission has been obtained in the past 10 years, a dwelling may be accommodated within *or adjacent to* a farm cluster on the agricultural unit. The cluster must comprise ~~3~~ 2 or more substantial buildings on the farm (~~excluding domestic garages and small sheds~~) and the site be bounded by a building on at least 2 sides. This policy may only be used to facilitate one dwelling in an existing farm cluster.

(g) Dwelling to meet Personal and Domestic Circumstances - Provided there are compelling and site specific reasons related to the persons personal or domestic circumstances and where there are no practical solutions to meet the particular circumstances of the case, such as an extension or attached dwelling.

(h) Dwelling for a Carer or someone availing of care - Provided the care is delivered by or received from an immediate family member and the dwelling is in the form of an extension to an existing dwelling to form a separate but attached residential unit, or change of use of an existing building within the curtilage to form a separate residential unit.

(i) Dwelling for a Business Enterprise - Provided there is a site specific and operational requirement for an employee of the business to live next to the business and where the business has been established for at least 6 years and is operating from a building of not less than 150.sqm. The dwelling must be sited adjacent to the established business.

(j) Dwelling for holder of commercial fishing licence – The applicant must hold a valid commercial fishing licence, either a boat owners licence to fish for eels or a boat owners licence to fish for scale fish, and at the time of the submission of a planning application must have been living and conducting their fishing operations from Mid Ulster for a minimum of the last 6 years and the applicant has not obtained permission for a dwelling in the last 10 years from the date of the application. Where these circumstances are demonstrated the proposed dwelling must be located within the area identified as a Policy Area for Holder of commercial fishing licence on the District Proposals Map.

(k) Dwelling to replace vacant, derelict or ruinous structures – In order to address and encourage the removal of unsightly structures in the countryside, a single dwelling will be permitted on a site which contains vacant, derelict or ruinous structures which have existed in this state for a minimum period of 5 years. The dwelling will be of a size and scale reflective of the structures to be replaced on the site.

In cases relating to dwellings within farm and non-farm clusters, infill sites or an attached dwelling (dwelling for a carer or someone availing of care) the key test is the impact on rural character. In assessing such applications regard will be given to the rural design guide, 'Building on Tradition', or any subsequent design guides. Substantial buildings include dwellings and large farm buildings ~~but exclude domestic garages and sheds, porta-cabins and other temporary structures~~. Farm buildings must be on the farm holding related to the application site and relate to the operation of the farm.

A 5 year occupancy condition will be used where a personal and domestic circumstances case, a caring case, a business enterprise case or a holder of a commercial fishing licence case is presented.

In all instances the onus will be on the applicant to demonstrate how they meet any of the criteria. In instances where a property is subject to an occupancy condition is re-possessed, the removal of this occupancy condition will be permitted to allow for the re-sale of the property. Occupancy conditions will not be placed on a case for a retiring farmer. Proposals for dwellings which do not meet the above criteria will be in conflict with the plan.

Reason: The changes above would allow for more opportunities for the rounding off / consolidation of a group of buildings. Many traditional small farm groups contain a limited number of buildings which may comprise of a dwelling and just one or two small buildings such as a byre, stable or piggery which may have dual purpose as a domestic store when not in use for housing animals. Others may just contain a byre and one other building such as a stable or piggery, where no dwelling exists on the farm group. The changes above would also address and encourage the reduction of vacant, derelict, ruinous and unsightly structures in the countryside.

POLICY CT5 – TEMPORARY/RESIDENTIAL CARAVANS/MOBILE HOMES

Temporary/Residential Caravans/Mobiles Homes will conform with the Plan where they are for a temporary period of up to 5 years pending the development of a permanent dwelling or where there are compelling and site specific reasons related to personal and domestic circumstances. In either case the Temporary Caravan/Mobile Home must be located next to where the new building is to be constructed or within or next to an existing building group.

Reason: This would allow temporary accommodation to remain on the site for the lifetime of a permission, particularly in difficult personal, domestic or economic circumstances.