



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid Ulster

Sustainable Development in the Countryside – Policy Review

April 2016

Sustainable Development in the Countryside

- Purpose:** To provide members with an opportunity to consider existing planning policies as they pertain to Sustainable Development in the Countryside and to consider the need to tailor these policies for Mid Ulster in light of the forthcoming Local Development Plan.
- Content:** The paper provides information on:
- (i) The context of Sustainable Development in Mid Ulster and existing planning policies**
 - (ii) Mid Ulster District Council (MUDC) objectives for Sustainable Development in the Countryside and the linkages between the MUDC objectives for future growth and the Sustainability Appraisal, Regional planning policy and Strategic Planning Policy Statement objectives**
 - (iii) Consider existing policies and consider preferred and alternative policy options, tailored to local circumstances, for Sustainable Development within the Local Development Plan**
- Recommendation:** That the Planning Committee notes the findings and considers how this paper shall be used to inform the Preferred Options Paper (POP) and strategic policies in the Local Development Plan (LDP)

1.0 Introduction

- 1.1 The purpose of this paper is to inform the Planning Committee of current planning policies associated with Development in the Countryside and assess whether or not they are fit for purpose against the Council's objectives for accommodating sustainable growth within the countryside and whether they need to be tailored to meet local circumstances through the new Local Development Plan (LDP) 2030.
- 1.2 This paper contains an assessment of how existing planning policies relevant to Development in the Countryside take account of objectives contained within the Regional Development Strategy 2035 (RDS 2035), the Single Planning Policy Statement (SPPS), Sustainability Appraisal themes and MUDC Sustainable Development Objectives.

2.0 Legislative Context

- 2.1 Part 2 of the Planning Act (Northern Ireland) 2011 sets out the statutory requirement for Sustainable Development in general (rural and urban areas both). Part 2 Section 5 states that in order to comply with the objective of

furthering Sustainable Development a person must take account of policies and guidance issued by:

1. The Office of First Minister and Deputy First Minister (OFMDFM)
2. The Department of the Environment (DOE)
3. The Department for Regional Development (DRD)
4. Any other relevant matters

Examples of such policies and guidance are the Regional Development Strategy (2035) and the Strategic Planning Policy Statement (SPPS)

Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires all NI Departments and **District Councils**, in exercising their functions, to act in the way they consider best calculated to contribute to the achievement of sustainable development.

3.0 The Objectives

(a) Mid Ulster Council

3.1 Position Paper One¹ outlined a number of policy objectives that will assist in formulating the aims and objectives for sustainable development in the LDP. One of these objectives was based on accommodating people and creating places, namely;

- To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.

A second objective centres on enhancing the environment, namely:

- The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and well-being.

There are other objectives in Position Paper 1 that may also have relevance to the theme of Sustainable Development in the Countryside, but to a lesser degree than the aforementioned two (eg)

- To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the environment.

3.2 The statutory requirement, contained in the Planning Act (Northern Ireland) 2011, to further Sustainable Development is reflected in the above policy objectives for the formulation of the LDP.

¹ Position Paper One Population and Growth, September 2014, Mid Ulster

(b) Sustainability Appraisal (SA)

- 3.3 A Sustainability Appraisal is a systematic process which must be carried out during the preparation of a Local Development Plan in order to promote sustainable development by assessing the extent to which an emerging plan will achieve required environmental, economic and social objectives. All LDP strategic planning policies will be subject to SA incorporating Strategic Environmental Assessment (SEA).
- 3.4 A key objective of the Sustainability Appraisal is to maintain and enhance the character and quality of landscapes and townscapes. In respect of sustainable development in the countryside current and future planning policies should take account of the need to:
- Improve the landscape character and visual amenity of open spaces;
 - Protect and enhance local distinctiveness and sense of place;
 - Minimise visual intrusion and protect views;
- 3.5 MUDC has commenced work on the preparation of the required Sustainability Appraisal and associated Strategic Environmental Assessment.

(c) Regional Development Strategy (RDS) and Strategic Planning Policy Statement (SPPS)

- 3.6 The RDS provides an overarching strategic planning framework to facilitate and guide the public and private sectors. It defines sustainable development as *“development that meets the needs of the present without compromising the ability of future generations to meet their own needs”*.

Two of the aims of the RDS which relate to sustainable development are:

- To support strong, sustainable growth for the benefit of all parts of Northern Ireland.
 - To protect and enhance the environment for its own sake.
- 3.7 It also sets out a clear strategic objective for rural areas, namely:
- *SFG13 – To sustain rural communities living in smaller settlements and open countryside.*
- 3.8 The RDS places the onus on Mid Ulster District Council to address the economic, social and environmental issues aimed at achieving these sustainable development aims and objectives.
- 3.9 The SPPS is a statement of the Departments policy on planning matters that should be implemented across Northern Ireland and it was formally adopted in September 2015. It was agreed with the Northern Ireland Executive and its objectives were judged to be in general conformity with those of the RDS. Where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS

should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. More recently, the Minister of the Environment has called for a review of the SPPS “Call for Evidence” in as far as it relates to development in the Countryside. Until such times as the outcome of this review is published Council will continue to apply the SPPS in this way.

- 3.10 The aim of the SPPS with regard to the Countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, whilst supporting and sustaining rural communities consistent with the RDS
- 3.11 In relation to housing in the countryside the SPPS adopts quite a similar approach to Planning Policy Statement 21 “Sustainable Development in the Countryside”, setting policy objectives aimed at:
- Managing growth to achieve appropriate and sustainable patterns of development which will support a vibrant community
 - Conserving the landscape and natural resources of the rural area, protecting it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution
 - Facilitating development which contributes to a sustainable rural economy
 - Promoting high standards in design, siting and landscaping
- 3.12 The SPPS adopts a policy approach based on clustering, consolidating and grouping new development, particularly new residential development, with existing established buildings and the re-use of previously used buildings. It also states that all new development in the countryside must integrate, respect rural character and be appropriately designed. It should not mar the distinction between settlements and the countryside or result in urban sprawl and it should reflect and complement the overall approach to housing growth in the plan area.
- 3.13 Mid Ulster Council must take into account the implications of this strategic policy in the preparation of its LDP and in the determination of planning applications. The LDP, should reflect the aim, objectives and policy approach of the SPPS, but be tailored to the specific circumstances of Mid Ulster. Such circumstances have been identified through the Council Preparatory Papers and Countryside Assessment which includes an Environmental Assets Appraisal and Landscape Assessment.

(d) Community Plan

- 3.14 Section 66 (6) of the Local Government Act (NI) 2014 requires that;
‘...in the discharge of its duties under subsection (1) a council must where appropriate have regard to its plan strategy and its local policies plan under sections 8 and 9 of the Planning Act (NI) 2011.’

- 3.15 Subsection (1) states that the Council must initiate, maintain, facilitate and participate in community planning for its district. In other words the Local Development Plan must have regard to the community plan and vice versa.
- 3.16 The Community Planning Team of MUDC carried out public community consultation in October – December 2014 in the preparation of the draft Community Plan. Relevant to PPS21, this feedback suggested that there should be greater support for farm diversification and a greater provision of social housing, possibly using existing empty buildings.
- 3.17 Full public consultation of the draft Community Plan is due to commence in the summer of 2016.

4.0 Sustainable Development Workshop

- 4.1 In considering and assessing the policy approach to be taken in Mid Ulster in relation to development in the countryside a workshop was held with members and council officers to explore the current planning policies within PPS 21 and discuss where they may need to be tailored to meet local circumstances. There was general consensus from the outset that Mid Ulster requires planning policy that is a little more flexible than the policies currently contained within PPS 21.
- 4.2 There was discussion at the workshop about the revised Housing Growth Indicator (HGI) for Mid Ulster which reflects the growth Mid Ulster has experienced in recent years. This HGI provides justification for approximately 70 additional rural dwelling per year over the plan period. This would suggest that there is definitely a case for a more flexible rural policy.
- 4.3 With regards to location, siting and design of buildings in the countryside, there were no objections to amalgamating policies CTY 8, 13, 14 and 15. There was lengthy discussion about ribbon development and dwellings in existing clusters. What constitutes a gap site and a built up frontage was explored and it was agreed that this would be assessed on the basis of impact on rural character, pressure and sensitivity. The notion of defining the size of gap site was discussed and it was agreed that the best way to decide this was to obtain public opinion on this through public consultation at Preferred Options stage. A new policy was discussed to provide for a dwelling in existing farm clusters. Councillors raised some concerns regarding obtaining mortgages, accesses and health and safety issues in this instance. It was agreed to bring forward such a policy to see what comes of it.
- 4.4 Further discussion centred on replacement dwellings and the conversion of buildings for residential use. It was agreed to run with the existing PPS 21 policies in this regard.
- 4.5 It was agreed that the current PPS 21 policy for farm dwellings discriminates against those farmers who sell off other development opportunities on their holdings in advance of seeking approval for a farm dwelling under CTY 10. Councillors were of the opinion that houses bequeathed to sons/daughters should not be regarded as a development opportunity sold/transferred off,

whereas sites sold off for economic gain should be. This would protect the rural dweller rather than supporting speculators.

- 4.6 With regards to dwellings for Personal and Domestic Circumstances it was agreed by all attendees that the current PPS 21 policy gives no credence to the care of vulnerable children and the elderly, despite baseline data (Oxford Economics January 2015) which exists which demonstrates the importance of family members in providing care. It was agreed that any new policy should recognise this.
- 4.7 In respect of dwellings for non-agricultural business enterprises, Councillors agreed that security was a strong enough reason for gaining approval for a dwelling, as long as the business was established for at least 6 years and that it was sited adjacent to the existing business.
- 4.8 No comments were made regarding policies for Caravans and Mobiles, Social and Affordable Housing and Farm Diversification. Clarification was provided on the type of agricultural buildings that cannot be converted to a non-residential use and discussion took place on the need to have policies for Hobby Farms and Fishing Development. The general consensus here was to leave things as they are in so far as they are not specifically referred to in PPS 21 or the SPPS.

5.0 Consideration and Assessment of Planning Policy Statement 21 (PPS21) – Sustainable Development in the Countryside.

- 5.1 One of the key objectives of the RDS is to achieve balanced regional growth. Before examining how PPS 21 complies with the objectives of the SPPS and the Councils Growth Strategy it is important to put into context the level of growth required in rural Mid Ulster in order to adhere to the RDS at a strategic level.
- 5.2 The Department of Regional Development recently released revised Housing Growth Indicators (HGI's) for the period of 2012-2025. These HGI's are mainly used as a guide in the creation of Local Development Plans, in order to ensure that adequate housing land is available for the incoming plan period and are intended to underpin one of the RDS's key objectives of achieving balanced regional growth.
- 5.3 The HGI figures in the RDS 2035 cover the period **2008-2025** and stipulated the housing need for each former LGD within Mid Ulster District. The total for the 3 LGD's was **13,300**.
- 5.4 The revised HGI figures are compiled in line with the new council boundaries and cover the period of **2012-2025**. At the time of writing this paper the revised HGI's have not yet been adopted. However, with specific reference to Mid Ulster, a Revised HGI of **9,500** has been assigned. The previous HGI's when projected over the same time period as the revised HGI's would give a figure of **10,140**.
- 5.5 Of particular interest in the consideration of the revised figure is that over the Local Development Plan period (**2015 - 2030**), the rate of growth advised by the revised HGI's would produce **10,950** houses. If we take it that 40% (Housing Allocation Paper) of the Mid Ulster population live in the rural area, this will

equate to a requirement of **4380** rural houses over the plan period. In the PPS21 “bedding in period” (2012-2014) there were 245 rural dwellings approved over the 3 LGD’s in Mid Ulster. Assuming a 90% implementation rate (Preparatory Paper 2 – Housing), this equates to 220 rural dwellings per year, giving a total of 3300 approved rural dwellings. Based on this current trend, scope is provided for accommodating approximately **1000** additional rural dwellings over the plan period. These figures are only indicative but nevertheless they provide justification for relaxation of rural policy in the new LDP.

- 5.6 Planning Policy Statement 21 sets out the existing planning policy for residential and non-residential development in the countryside. PPS21 defines the countryside as land lying outside the settlement limits as identified in Development Plans.
- 5.7 The purpose of the following section of the paper is to assess the effectiveness of PPS21 in more detail and to consider the following:
1. Do the policies of PPS21 accord with the objectives of the SPPS and the LDP objectives in relation to sustainable development in the Countryside?
 2. Whether or not the policies need to be tailored to local circumstances and how can planning facilitate more sustainable development in the Countryside within the confines of the SPPS and the LDP objectives?

DEVELOPMENT IN THE COUNTRYSIDE – CTY 1 (Overarching Policy)

- 5.8 CTY 1 sets out the types of developments which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development. It separates these developments into two categories, Housing Development and Non-Residential Development. It also states that other types of development will be acceptable in certain cases and that all proposals must be designed and sited to integrate sympathetically into the landscape and that they should meet other planning and environmental considerations including those for drainage, access and road safety. It advises that if an area is designated as a Special Countryside Area (SCA) then no development will be permitted unless it complies with the specific policy provisions of the relevant plan. It does not detail the specific criteria of each of policy but exists as the **overarching policy** within the document.
- 5.9 The SPPS does not have an overarching policy like CTY 1 but rather has individual regional strategic policies. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, whilst supporting and sustaining rural communities consistent with the RDS. While not going into specific criteria, CTY 1 is reflective of this aim.
- 5.10 The objectives of the SPPS are centred on managing growth, conserving the landscape and natural resources, contributing to a sustainable rural economy and promoting high standards in design, siting and landscaping. CTY 1 sets out

policies, which will go some way to meeting these objectives, although it doesn't go into the specifics about how each policy should be assessed.

- 5.11 The SPPS, in paragraph 6.91, states that “all planning applications must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design and environmental considerations” and in paragraph 6.77 it states that “proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety”. This means that as well as satisfying the specific criteria of each regional strategic policy in the SPPS, all proposals must meet this general criteria. Similarly, CTY 1 provides general criteria for design and siting even though this is repeated in a lot of the individual policies.
- 5.12 The SPPS omits any reference to Dispersed Rural Communities (DRC's) whereas they are referred to specifically in CTY 1. The implications of this will be discussed further in this paper as PPS21 contains a specific policy for DRC's. Like CTY 1, the SPPS does include reference to Special Countryside Areas (SCA's). The SPPS recognises that some areas in the countryside may exhibit exceptional landscapes and may be worthy of being designated as an SCA. It also advises that development in an SCA should only be acceptable in certain circumstances.
- 5.13 Going forward Council will need to decide if they want to include an overarching policy in the LDP which sets out our individual policy options for development in the Countryside or whether they think this is unnecessary and that these matters are best dealt with in line with the SPPS approach.

DEVELOPMENT IN DISPERSED RURAL COMMUNITIES (DRC's) – CTY 2

- 5.14 Some rural areas commonly display symptoms of economic and social disadvantage. These areas may contain dispersed communities with a strong sense of identity. In order to promote rural regeneration in these areas the Department of the Environment designated a number of these areas as DRC's. Currently DRC's are designated through the Development Plan process. The criteria for designating a DRC includes:
- Location in a remoter rural area away from areas of development pressure close to towns;
 - Association with a traditional focal point where there is convincing evidence of local community activity;
 - Other facilities or services such as a shop or public house;
 - A locally significant number of dwellings built up over time.

5.15 DRC's are currently recognised in PPS21 and the policy used to assess development proposals within a DRC is CTY2. At present within Mid Ulster there are three DRC's:

1. **Carnogher**
2. **Sixtowns**
3. **Broughderg and Davagh Upper**

At a settlement workshop back in the summer of 2015, a desire to retain these existing DRC's was indicated despite it being acknowledged that DRC's were not included in the SPPS. It was also suggested that consideration should be given to designating additional DRC's within the Mid Ulster District, namely at Slate Quarry (NE of Pomeroy), Curglassan(N of Stewartstown) and Aghamullan.

5.16 DRC's are just one of the many characteristics of Mid Ulster that make it distinct from other council districts. CTY 2 is an attempt to allow for development in designated DRC's. It allows for a small cluster or "clachan" style development of up to 6 houses at a focal point in a DRC. This is limited to one cluster per focal point. Appropriate economic, tourism, social or community facilities may also be accommodated in a DRC under CTY 2. Design should be high quality and sympathetic to the rural area. Social/affordable housing schemes in DRC's will be assessed against the other policy provisions of PPS21. Whilst there is no provision for DRC's in the SPPS, their inclusion in the new LDP would adhere to the sustainability objective of the SPPS to manage growth to achieve appropriate and sustainable patterns of development which will support a vibrant community. DRC's contain unique rural communities which deserve to be sustained and protected. In addition to providing for clachans in DRC's Council may wish to consider if there is any merit in having a provision in the LDP for family clachans in rural areas outside DRC's, where the family support mechanisms are important and where visual impact is minimised by siting development within existing groups of buildings.

5.17 Regarding the specific criteria of CTY 2, allowing for up to 6 dwellings at a focal point is adequate to contribute to a vibrant community. Anything additional could be regarded as over development. The requirement to site at a focal point is also necessary in order to cluster the development. There is no reason that other types of appropriate development cannot be permitted in a DRC. This will keep these communities vibrant and will encourage social interaction. As in all cases design should be high quality.

5.18 A key objective of the Sustainability Appraisal is to maintain and enhance the character and quality of landscapes and townscapes. The SA ensures that new policies in the LDP protect and enhance local distinctiveness and sense of place. CTY 2 is particularly relevant in this regard. As stated above, dispersed communities often have a strong sense of identity and CTY 2 ensures that this sense of place is protected.

NEW DWELLINGS IN EXISTING CLUSTERS – CTY 2a

- 5.19 Clusters of development are a common characteristic of the Mid Ulster countryside. Policy CTY 2a provides an opportunity to gain approval for a dwelling in an existing rural cluster provided the cluster is outside of a farm and consists of 4 or more buildings, 3 of which must be dwellings. The cluster must appear as a visual entity in the landscape and must be associated with a focal point (eg) community building, or is located at a cross roads. The site must provide adequate enclosure and be bounded on at least 2 sides with other development in the cluster. The development of the site should not significantly alter the character of the site or countryside and should not impact on residential amenity.
- 5.20 This current policy provides a sustainable option for people to live in the countryside ensuring that rural areas are supported by strong and sustainable growth. As such, it is in conformity with the strategic objective of the RDS (SFG13) – To sustain rural communities living in smaller settlements and open countryside as well as adhering to the SPPS objective to manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community.
- 5.21 The SPPS adopts a policy approach based on clustering, consolidating and grouping new development, particularly new residential development, with existing established buildings. It also provides for new dwellings in existing clusters through its regional strategic policy. CTY 2a conforms to this approach as it specifically promotes development in a cluster.
- 5.22 It could be considered that CTY 2a is overly prescriptive, however it does conform to the SPPS objective to conserve our rural areas from excessive, inappropriate or obtrusive development, whilst promoting high standards in siting.
- 5.23 The SPPS regional strategic policy for new dwellings in existing clusters is less detailed than CTY2a in the criteria to be adhered to, however, the main provisions are detailed and no new or additional criteria have been added. More specifically the regional strategic policy does not detail the types/number of buildings deemed to be a cluster. It doesn't define what constitutes a focal point nor does it state that the site should provide a suitable degree of enclosure or adversely impact on residential amenity. Council needs to consider if this level of detailed is required in the new LDP if we are including a policy for a dwelling in an existing cluster.
- 5.24 A key objective of the Councils Sustainability Appraisal is to maintain and enhance the character and quality of local landscapes. If a dwelling is approved in an existing cluster adhering to all the policy criteria of CTY 2a then this

objective of maintaining and enhancing the character of a particular rural area should be achieved.

- 5.25 CTY 2a, as it stands, is in conformity with the Council objective “To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities”. This policy provides an option for those wanting to live in existing clusters in the countryside. It will ensure that these clusters are kept vibrant and that new development can benefit from existing services such as access and drainage.

REPLACEMENT DWELLINGS – CTY 3

- 5.26 The replacement of existing dwellings is important to the renewal and upgrading of rural housing stock in Mid Ulster. The 2011 Census reported that there were 754 empty dwellings in Cookstown District, 1204 in Dungannon and South Tyrone and 529 in Magherafelt. The Census also reported that there are more unfit dwellings in rural areas than there are in urban areas. This would indicate that there is definitely a need to have a policy in the new LDP which will allow the replacement of these empty and unfit rural dwellings, along with the replacement of other dwellings, in order to achieve sustainable rural growth.
- 5.27 CTY 3 as it exists, goes some way to bringing vacant dwellings back into use to contribute to housing stock. At the time of writing PPS21 there was concern that replacing rather than upgrading older dwellings was depleting our vernacular dwellings which are an important element of our built heritage. CTY 3 of PPS 21 is an attempt to help retain these vernacular dwellings rather than replace them. It also allows for the option of replacing them in certain circumstances as well as allowing the replacement of non-vernacular dwellings.
- 5.28 The policy approach of the SPPS includes promoting the re-use of previously used buildings. This sustainable approach facilitates new development which can benefit from existing services whilst mitigating against adverse impacts on rural amenity and landscape character. Similarly, CTY 3 seeks to help retain vernacular dwellings and promote their sympathetic renovation and continued use rather than replacement. As such, this criteria within CTY 3 conforms to the approach of the SPPS.
- 5.29 A main objective of the SPPS is to “conserve the landscape and natural resources of the rural area, protecting it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution”. CTY 3 helps to ensure the conservation of our built environment by promoting re-use over re-build. The CTY 3 criteria which states that new dwellings should not have a visual impact greater than the existing dwelling and siting within the

established curtilage where possible goes some way to negating against any obtrusive development in the countryside. A requirement in CTY 3 for high quality design and availability of services also conforms to this objective.

- 5.30 The SA acknowledges that the new LDP must contain policies which, amongst other things, protects and enhances local distinctiveness and sense of place. Retaining important non-listed vernacular buildings will protect the distinctiveness of rural Mid Ulster and the provisions of CTY 3, as it exists, goes some way to doing this.
- 5.31 CTY 3 conforms to both Council objectives to enhance the environment and to provide vital and vibrant rural communities. The policy promotes retention of vernacular dwellings where possible and restricts the size of new builds. This can only enhance our rural areas. The provision of a policy for replacements contributes to the vibrancy of rural communities and provides an option for people to live in the countryside
- 5.32 This SPPS regional strategic policy for replacement dwellings does not go into the level of detail contained in CTY 3 however it covers some of the primary themes. This is acceptable given the fact that the SPPS is a strategic policy, however it does omit some important detail. It does not include that agricultural buildings or buildings of a temporary construction will not be eligible for replacement. Council may consider that it is important to include this in order to prevent over use of the policy. Given the fact that Mid Ulster is a predominantly rural district it will have an excessive number of agricultural buildings. To have policy which allows these types of buildings to be replaced would not be sustainable and would be contrary to the objectives of both the SPPS and the RDS. This policy does not promote the replacement of redundant non-residential buildings with single dwellings where their replacement brings about environmental benefits. Nor does it have a provision for replacing fire damaged buildings. Another difference between this policy and CTY 3 is that it does not include specific criteria for the replacement of non-listed vernacular dwellings and it doesn't include criteria which would be considered general principles.
- 5.33 It could be argued that this SPPS policy does not do enough to promote the re-use of previously used buildings. This would actually be at odds with the approach of the SPPS and may not stand up to SA.

THE CONVERSION AND REUSE OF EXISTING BUILDINGS – CTY 4

- 5.34 This policy provides for the reuse and conversion of “suitable” existing older buildings often found in the countryside for a variety of alternative uses, including use as a single dwelling. Whilst no definition of “suitable” is provided, examples referenced in the justification and amplification of the policy include school houses, churches and older traditional barns and outbuildings. Their

reuse and conversion is seen as being a sustainable approach to development in the countryside and for certain buildings may be the key to their preservation.

- 5.35 CTY 4 as it exists, is in conformity with the RDS, which has a core objective to sustain rural communities living in smaller settlements and open countryside. The conversion and reuse of buildings is more sustainable than demolishing an existing building and replacing it with a new build. The preservation of certain buildings in the countryside also ensures that the rural landscape and our built heritage is protected and enhanced.
- 5.36 CTY 4 also conforms to the policy approach of the SPPS which promotes the reuse of previously used buildings. It facilitates new development which can benefit from the utilisation of existing services such as access and drainage, whilst also mitigating against potential adverse impacts on rural amenity and landscape character. It provides for the conversion and re-use of existing buildings for a variety of uses, including use as a single dwelling, unlike the SPPS which has a specific strategic policy for the conversion and reuse of existing buildings “**for residential use**” as well as having a separate policy for the conversion and reuse of existing buildings for “**non-residential use**”.
- 5.37 CTY 4 specifically refers to “suitable buildings” unlike the SPPS regional strategic policy which specifically refers to “locally important buildings”. It could be argued here that the term “suitable buildings” is too open ended and may not stand up to SA. The intention of CTY 4 is to convert/re-use buildings that may have some degree of vernacular or architectural merit, but the way it is worded means that any type of building could be converted or re-used.
- 5.38 Agricultural and temporary buildings are not eligible for conversion or re-use under CTY 4. Council may consider that it is important to retain the agricultural element of this criteria in the new LDP in order to prevent over use of the policy. Given the fact that Mid Ulster is a predominantly rural district it will have an excessive number of agricultural buildings. To have policy which allows these types of buildings to be converted or re-used may not be sustainable and may be contrary to the objectives of both the SPPS and the RDS. CTY 4 already contains a criteria which states that a building must be of permanent construction so there is no need to have criteria preventing the conversion/re-use of temporary buildings.
- 5.39 As CTY 4 promotes the conversion and reuse of existing buildings, it conforms to the SPPS objective to conserve rural landscapes by way of protecting our built heritage. It also conforms to one of the key objectives of the SA (ie) to maintain and enhance the character and quality of landscapes and townscapes. The very notion of converting and reusing rather than building new is an attempt to maintain and enhance what is already there. It improves the landscape character and visual amenity of open spaces as well as protecting and enhancing local distinctiveness and sense of place.

- 5.41 CTY 4, as it currently exists will provide for vital and vibrant rural communities. It will also ensure the protection and enhancement of built environment by way promoting re-use as well as good quality design. As such, CTY 4 can be regarded as being in compliance with the Council's objectives for sustainable development in the countryside.
- 5.42 The regional strategic policy in the SPPS separates the policy for conversion and re-use into a residential policy and a non-residential policy. This approach refers to converting and re-using a "locally important building" rather than a "suitable building". There is no criteria in the regional strategic policy for the building to be converted/re-used to be of permanent construction. This may be considered by Council to be an important criteria to include in the LDP although it could be argued that any building of "local importance" would be of permanent construction and therefore there is no need for this criteria to be included in the LPD. This approach does not include any "general principles" criteria and this would be welcomed as these would be dealt with elsewhere in the LPD. Like CTY 4 it does provide for the conversion/re-use of a locally important building to more than one dwelling in certain circumstances and finally it does make reference to dwellings that have previously been replaced and retained as ancillary buildings not being eligible for conversion/re-use. This criteria is important to include in the new LDP as it also will reduce unsustainable overdevelopment in our rural areas.

SOCIAL AND AFFORDABLE HOUSING – CTY 5

- 5.43 Planning policy normally resists groups of dwellings in the countryside but this policy is an exception, subject to a specific social/affordable housing need being demonstrated by the Northern Ireland Housing Executive.
- 5.44 Social housing needs are influenced by affordability of housing, accessibility to finance, job/income status and family circumstances. Affordable housing is defined as "*social rented housing and intermediate housing, for eligible households*". Social rented housing is provided by registered Housing Associations at an affordable rent. It is only available to households in need or households who are living in unsuitable or insecure accommodation. Intermediate housing consists of shared ownership provided through a registered Housing Association and helps households who can only afford a small mortgage. In effect there is part ownership between the household and the Housing Association.
- 5.45 When examining a policy for affordable housing, it is important to note that planning cannot control house prices which are primarily influenced by factors such as interest rates and the availability of lending. However, the provision of social housing in both urban and rural areas, can address the concerns of

affordability, in particular for migrant workers, single parents and the needs of young people and the elderly.

- 5.46 An Oxford Economics Report, January 2015, has identified that social housing as a share of total households has been on the decline in Northern Ireland and to a greater extent, in Mid Ulster. Dungannon district has however fallen by a lesser degree than the regional average. Between 2001–2011 social housing tenures within NI reduced by over 6%. In contrast, demand for social housing has been on the increase throughout NI, increasing by 6% between 2001-2011. Social housing applications and transfer requests within Mid Ulster were found to far exceed the regional demand over the same 10 year period. The Dungannon district had by far, the largest increase in demand for social housing. Applications within Dungannon district increased by over 90% between 2001-2011. This was near double that of the Cookstown and Magherafelt waiting list. Oxford Economics also predicted that the current social housing uptake in the Dungannon authority would need to expand by over 50% in order to clear the waiting list as of 2011.
- 5.47 The NIHE waiting list can also be utilised to determine the pressure for social housing in an area. In Magherafelt District, 64% of those categorised as being in “housing stress” were accommodated in 2014, compared to only 34% in Dungannon and South Tyrone (Table 10) and 46% in Cookstown. So while there is a reduction in the proportion of NIHE accommodation across Mid Ulster there is a demand for social housing. Of the applicants in housing stress, single people form the largest grouping, followed by small families (1 or 2 persons aged 16 or over with 1 – 2 children), and the elderly. Therefore it appears that the demand for social housing is focused on smaller households/ dwellings.
- 5.48 These statistics do not make a differentiation between the need for social housing in urban and rural areas but they do present an argument for the retention of this policy in the new LDP to meet the demand of the district, particularly in the Dungannon area. Having such a policy in the LDP will go some way to meeting this demand on lands just outside settlements. Zonings and key site requirements could address the demand in an urban context.
- 5.49 One of the aims of the RDS is to promote development which improves the health and well-being of communities. The RDS recognises that one way to help build strong, balanced, healthy communities is to provide more social and affordable housing. CTY 5 provides for social and affordable housing in the countryside in certain circumstances and therefore conforms to the RDS in this regard.
- 5.50 The primary aim of the SPPS is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, whilst supporting and sustaining rural communities. CTY 5 sits

well with this aim as the policy provides an opportunity for those who require social/affordable housing to live in a rural area whilst also including criteria in relation to appropriate siting and design – striking this balance.

- 5.51 CTY 5 conforms to the SPPS objective to promote high standards in design and siting. The policy has a specific criteria which states that all proposals should be sited and designed to integrate with their surroundings. The requirement to allow only one group of no more than 14 dwellings will ensure that the countryside is protected from excessive development, in line with an objective of the SPPS.
- 5.52 CTY 5 includes criteria relating to DRC's and how any new social or affordable housing must be located adjacent to or close to a focal point in a DRC. Whilst DRC's are not recognised in the SPPS, this siting criteria conforms to the overall objective of the SA to maintain and enhance the character and quality of local landscapes. A requirement to site beside a focal point may also ensure the protection of local distinctiveness and sense of place. The CTY 5 criteria which states that all proposals should be sited and designed to integrate sympathetically with their surroundings will also ensure conformity with the SA objectives to improve the landscape character and visual amenity of open spaces as well as minimising visual intrusion and protecting views.
- 5.53 CTY 5 is also in conformity with the Council's own sustainability objectives. Primarily it will contribute to vital and vibrant rural communities by making it achievable for those who require social/affordable housing to live in the countryside.
- 5.54 Alternatively, the regional strategic policy in the SPPS does not state that only Housing Associations can make an application. It opens this policy up to be used by others. Like CTY 5, this approach does require a need to be demonstrated by the NIHE or a Housing Association, but the regional strategic policy doesn't actually detail how this need should be assessed. This is afforded some attention earlier in the SPPS where specific reference is made to Housing Needs Assessment (HNA) and Housing Market Analysis (HMA). The SPPS states that this evidence base should influence how LDPs facilitate a reasonable mix and balance of housing tenures and type and that the Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA. A main difference with this regional strategic policy is that it does not provide a numeric limit on the number of dwellings allowed, unlike CTY 5, which limits this to 14 dwellings. Council should consider how not detailing a numeric limit can stand up to SA and how it leaves this policy open to contributing to unsustainable overdevelopment. Furthermore it does not detail the sequential test in terms of locating an acceptable site. Council should consider how this will impact on the vitality and vibrancy of our rural settlements as well as the impact on the visual setting of these settlements. Like most of

the regional strategic policies of the SPPS, there is no criteria relating to siting and design.

PERSONAL AND DOMESTIC CIRCUMSTANCES – CTY 6

- 5.55 CTY 6 is centred on permitting dwellings in the countryside for those who may have special personal or domestic circumstances (eg) a young adult who requires a high level of care but who also will benefit from independent living. It specifically refers to the applicant as being the person who has long term needs. It is not however entirely clear from the wording of this policy if it can be used in the case of providing a dwelling for a care giver – this is open for discussion.
- 5.56 The recent Mid Ulster Council Position Paper on Health, Education and Community Uses, as well as research carried out for the Council by Oxford Economics recognises that the proportion of Mid Ulster residents suffering from limiting long term illness (19%) is just below the regional average of (21%). Cookstown DEA however has resident proportions of limiting long term ill (22%) greater than the regional average. It also recognised that considering recent population increases, the percentage increase in the number of long term sick is in fact on par with the Northern Ireland average. Policy CTY 6 as it exists gives opportunity to these people suffering limiting long term illnesses to put a case forward for a dwelling in the countryside if required.
- 5.57 The research also recognised that the Mid Ulster council area is less reliant on residents performing caring roles than elsewhere in Northern Ireland. The proportion of these carers, however, is on the increase throughout the District. The numbers of carers within Mid Ulster have increased by 20% over a ten year period. Carers are defined as members of the population who provide unpaid care for family, friends or neighbours to some degree. Given this 20% increase Council may decide that there is scope to relax this policy to include a provision for carers in the rural area. This would undoubtedly contribute to a more vital and vibrant rural community as well as accommodating development which allows carers to remain within their own rural communities.
- 5.58 CTY 6 as it exists is in conformity with SFG13 of the RDS (2035) which has an objective to sustain rural communities living in smaller settlements and open countryside, in that it provides an opportunity for those who have specific long term needs to live in the countryside where they otherwise may have to consider alternative accommodation (eg) care home, in an urban area, away from their family and support systems.

- 5.59 The SPPS has an objective to manage growth to achieve appropriate and sustainable patterns of development which will support a vibrant rural community. CTY 6 is an inclusive policy, albeit, it could be more specific about who can apply for planning permission under CTY 6. Being so inclusive helps create vibrant rural communities, accessible by all and as such the policy is in line with this SPPS objective.
- 5.60 The Mid Ulster Council Growth Strategy contained within Position Paper 1 sets out an objective which is specific to carers (i.e) *“To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the environment”*. Policy CTY 6, whilst not being overly clear that it has a provision for care givers, may be the policy which will ensure conformity with this objective.
- 5.61 CTY 6 includes criteria which requires the applicant to demonstrate compelling and site specific reasons as to why they need a dwelling in a particular rural location. The policy goes on to explain the level of detail required. Whilst this level of detail may guide an applicant as to the type of information required to support a CTY 6 application, Council should decide if this is necessary or if it is overly prescriptive.
- 5.62 The regional strategic policy in the SPPS is less prescriptive than CTY 6. Whilst it requires the applicant to demonstrate compelling and site specific reasons for a dwelling as well demonstrating that there are no alternative solutions, it does not go on to refer to the level/type of detail required. It puts the onus on the applicant/agent to put an acceptable case forward.
- 5.63 Like CTY 6, this approach conforms to SFG13 of the RDS in that it provides an opportunity for those who have specific long term needs to live in the countryside where they otherwise may have to consider alternative accommodation. It obviously adheres to the aims and objectives of the SPPS, and like CTY 6 it goes some way to conforming to the Mid Ulster Council objective *“To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the environment”*. This approach does not include a criteria to attach an occupancy condition.
- 5.64 This regional strategic policy complies with some of the relevant objectives in the SA (Draft Scoping Report) for Mid Ulster. In particular it adheres to the objective to improve the health and wellbeing of the population. By having a provision for a dwelling in the countryside to meet the personal and domestic circumstances of individuals goes some way to improving mental and physical

health. It also conforms to the Housing objective to provide everyone in Mid Ulster with the opportunity to live in a decent home, having regard to an individual's personal and domestic circumstances.

- 5.65 Council may wish to adopt a policy that is similar to the regional strategic policy but is more prescriptive/relaxed as to who actually can qualify for a dwelling to meet their personal and domestic circumstances. Paragraph 10.2 identified that the numbers of carers within Mid Ulster have increased by 20% over a ten year period. Carers are extremely important in the context of rural Mid Ulster. They are required to support our elderly, our youth and our disabled. The new DP may need a policy that provides not only for those who need care but to the care givers. This is a sustainable approach to development in the countryside, providing for vital rural communities. It is also in line with the Council's agreed Growth Strategy objective to recognise the needs of carers of the elderly and disable, as well as adhering to the SA in terms of Housing and Health and Wellbeing Objectives.

DWELLINGS FOR NON-AGRICULTURAL BUSINESS ENTERPRISES-CTY7

- 5.67 It may arise that an established and authorised non-agricultural business in the countryside requires residential accommodation so that an employee can live on site. CTY 7 states that the applicant must demonstrate a site specific need for a new dwelling and if the business has been operating successfully without a dwelling then the policy requires the applicant to demonstrate why accommodation is now required. Security/theft is currently not considered to be a strong enough argument for a new dwelling under this policy.
- 5.68 One of the objectives of the RDS is to sustain rural communities (SPG13). CTY 7, which provides an opportunity for gaining approval for a dwelling in connection with a non-agricultural business can be considered as conforming to this objective of the RDS as it can help sustain local non-agricultural businesses, which are very common in rural Mid Ulster. Keeping these type of businesses operational in the countryside keeps rural areas vibrant and keeps the economy strong. As such, this policy should remain to be included in the new LDP.
- 5.69 The SPPS has one of its core sustainable development objectives to manage growth to achieve appropriate and sustainable patterns of development which will support a vibrant community. As stated above, if the provision of a dwelling under policy CTY 7 ensures that a non-agricultural business can survive, then it can only contribute to a sustainable and vibrant rural area. Another key objective of the SPPS is to facilitate development which contributes to a sustainable rural economy. CTY 7 does exactly this.

- 5.70 The regional strategic policy in the SPPS is a similar but less detailed policy to CTY 7. It does not include criteria relating to siting or integration and it does not state that any approval under this policy should have an occupancy condition.
- 5.71 This regional strategic policy is in keeping with the SA objectives to encourage economic growth and to offer everyone the opportunity for rewarding and satisfying employment. By having a provision for a dwelling for non-agricultural business enterprises could help improve business development and enhance productivity.

RIBBON DEVELOPMENT – CTY 8

- 5.72 Ribbon development is a form of development that is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance and can sterilise back-land. Ribbon development has consistently been opposed by planners and should continue to be unacceptable in the new Mid Ulster LDP. A “ribbon” does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.
- 5.73 CTY 8 resists ribbon development but allows for the development of a small gap, sufficient only to accommodate up to a maximum of two houses within a built up frontage and provided this respects existing development patterns. The policy defines what constitutes a built up frontage (3 or more buildings) and it also has a provision for infilling a gap site with an appropriate economic development proposal, including light industry, provided it meets standard planning and environmental considerations.
- 5.74 CTY 8 as it exists, conforms to the RDS in that, allowing infill development contributes to sustainable rural communities by way of giving an opportunity to build a dwelling in a rural area. By resisting ribboning, rural character is retained and as such the policy conforms to the RDS objective of protecting and enhancing our rural areas.
- 5.75 Similarly, CTY 8 also adheres to the objectives of the SPPS. Having a policy which resists ribbon development helps conserve the rural landscape and protects it from excessive, inappropriate and obtrusive development. The provision for infilling a gap site with an economic development proposal contributes to a sustainable rural economy and the inclusion of criteria relating to planning and environmental requirements helps promote high standards in design, siting and landscaping.

- 5.76 The SA (Draft Scoping Report) for Mid Ulster has an objective to protect and enhance the character and quality of landscapes and townscapes. Having a policy which prevents ribbon development goes some way to meeting this objective and therefore must be retained in the new LDP.
- 5.77 In order to achieve sustainable development in the countryside, Mid Ulster Council, in its Growth Strategy, has an objective to provide for vital and vibrant rural communities whilst protecting the countryside in which they live. CTY 8 is in conformity with this objective as it provides an opportunity for rural living whilst also protecting our rural landscape from inappropriate development.
- 5.78 Council may wish to consider if CTY 8 is overly prescriptive. It details that a gap site can accommodate a maximum of two houses and that a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. If this detail was omitted/amended, would this policy be less sustainable? Would it leave the policy more open, resulting in over use and over development? Consideration is also needed as to whether the policy should have a provision for filling a gap with an economic development proposal. It is questionable as to how this existing provision has been utilised since the introduction of PPS21. Nevertheless, retaining this provision is in keeping with the Mid Ulster Economic Development Policy Review Paper, in particular, the option for providing economic development proposals in the countryside. This option provides for small workshops for self-employment ancillary to a dwelling, where it will not harm the character of the rural area. On this basis, is it even necessary to have this similar provision in another policy?
- 5.79 The regional strategic policy for infill/ribbon development in the SPPS differs from CTY 8 in three ways. It does not define the size of an acceptable gap and it does not define what constitutes a built up frontage. Furthermore, it does not have a provision for infilling a gap site with an economic development proposal. In one regard this approach is more restrictive as it only has provision for dwellings but on the other hand it leaves it more open as it doesn't define the size a gap has to be or what constitutes a built up frontage. Could we tailor this to meet the circumstances of Mid Ulster?
- 5.80 This approach, like CTY 8, conforms to the RDS, SA and Council objectives to protect and enhance rural character as it clearly states that planning permission will be refused for a building which creates or adds to ribbon development. Similarly it adheres to the objectives of the SPPS to support a vibrant rural community and to conserve the landscape. The omission of the economic element is at odds with the SPPS criteria to contribute to a sustainable rural economy, however, if Council agrees to the policy option for economic development in the Countryside there may be no need to include this criteria in a policy for sustainable development in the countryside as it will be picked up elsewhere.

- 5.81 The most contentious element of this approach is therefore the omission of what constitutes the size of gap site and a built up frontage. As it stands, if a gap can accommodate two dwellings then in most case two dwellings will be applied for. It is suggested that the appropriate size of a gap site, the number of dwellings which it can accommodate and what constitutes a built up frontage is something that public views should be sought on in the Preferred Options Paper.

RESIDENTIAL CARAVANS AND MOBILE HOMES – CTY 9

- 5.82 Residential caravans and mobile homes, in certain circumstances, may be a sensible temporary solution, to meeting the need for residential accommodation in the countryside. One such example would be to provide accommodation pending the development of an approved permanent dwelling. The design and finishes of these structures limits potential for integration and as such they historically have only ever been granted approval for a temporary period of time.
- 5.83 It is difficult to argue how a policy which provides for temporary residential caravans and mobiles homes conforms to the strategic objective of the RDS to sustain rural communities. What can be derived from the provision of such a policy is that it grants approval for a temporary structure and in most cases this temporary structure is a short term solution to a specific circumstance. The end result (eg) permanent dwelling or accommodation for unpaid carer or elderly relative, may in fact contribute, in the long term, to a more sustainable rural community, as is one of the key objectives of the RDS.
- 5.84 CTY 9 conforms to the policy approach of the SPPS in only one regard (ie) it includes criteria which ensures that the caravan/mobile home is clustered/grouped with existing buildings.
- 5.85 Similar to the RDS, it is difficult to ascertain whether or not CTY 9 conforms to the objectives of the SPPS in relation to sustainable development in the countryside. By their very nature, caravans and mobiles do not promote high standards in design. Their siting can be controlled to a degree as they are not permanent structures. Landscaping could be seen as beneficial but CTY 9 makes no reference to the need for a detailed landscaping scheme. These type of structures are viewed by many as being inappropriate in rural locations, however they may contribute, albeit to a limited degree, to supporting vital and vibrant local communities in certain circumstances.
- 5.86 A key objective of the SA is to maintain and enhance the character and quality of landscapes and townscapes. It could be argued that the inclusion of this

policy as it stands, to allow for residential caravans and mobile homes in the Countryside, does not contribute to improving landscape character or visual amenity in rural areas. It does nothing for protecting or enhancing local distinctiveness or sense of place and depending on siting, it is unlikely that such temporary structures minimise visual intrusion or protect views. The only “saving grace” is that any approval under this policy will be temporary.

- 5.87 The regional strategic policy in the SPPS, like CTY 9, recognises that temporary approval will only be granted for a residential caravan or mobile home in exceptional and site specific circumstances. It does not specify that there has to be a 3 year time limit on any approval under this policy nor does it include any siting, planning or environmental criteria. The fact that the wording of this policy states that it will only be a temporary approval means it is unnecessary to add a criteria relating to a temporary time limit. This SPPS policy, although providing only for a temporary structure, may in fact contribute in the long term, to a more sustainable rural community, as is one of the key objectives of the RDS, SA and Mid Ulster Council.

DWELLINGS ON FARMS – CTY 10

- 5.88 According to NISRA, around one-third of the population of Northern Ireland live in rural areas (in the countryside or in villages/settlements up to a population of 5,000). Agriculture, fishing and forestry are common forms of employment in rural NI. In the context of Mid Ulster, NISRA have confirmed that in Cookstown District 5.12% of 16-74 year olds are employed in agricultural, fishing and forestry, in Dungannon District this figure is 5.01% and in Magherafelt District this figure is 3.83%. These figures would indicate that on average approximately 4.7% of 16-74 year olds are employed in agricultural, fishing and forestry in Mid Ulster.
- 5.89 Specifically in relation to farms/farmers, there were 24,200 active farms in Northern Ireland in 2014. In the context of Mid Ulster, The Agricultural Census (NI) 2015, confirmed that there were 4,155 farms in Mid Ulster. This was 2nd only to Fermanagh and Omagh. These farms ranged in size from very small, small, medium and large. The main farm type in Mid Ulster is Cattle and Sheep farms in Less Favoured Areas (LFA). In Mid Ulster there is also an agricultural labour force of 7669, 2nd again only to Fermanagh to Omagh.
- 5.90 CTY 10 was introduced in recognition of changing farming practices and to help support rural communities. It was considered that there was a continuing need for new dwellings on farms to accommodate those engaged in the farm business and other rural dwellers. The new LDP for Mid Ulster should continue

to support rural communities but what Council needs to decide is whether CTY 10 as it exists goes far enough to help farmers and other rural dwellers.

- 5.91 The RDS has a clear policy aim which is to deliver development in a more sustainable manner. This means providing additional housing in the main urban centres whilst also sustaining rural communities so that they do not begin to decline at the expense of the main urban hubs. CTY 10 provides an opportunity for those involved in farming and other rural dwellers to live in the countryside. A similar policy should therefore be included in the new LDP to ensure that rural farming communities are sustained in Mid Ulster.
- 5.92 One criteria of CTY 10 is that the business should be active and established for at least 6 years. There is no justification for changing this criteria. It makes sense to have a requirement that a farm business is active and established in a policy for farm dwellings. It also means that DARD can be consulted to confirm these facts. This criteria ensures that rural growth can be managed, in line with one of the objectives of the SPPS.
- 5.93 The second criteria requires that no dwellings or development opportunities are sold off the holding in the previous 10 years. It is often the case that more than one dwelling is required on a farm holding, particularly if the farmer has a large family. It could be argued that this criteria overly restrictive in this regard in that it disadvantages farmers who may have other development opportunities on their holding (eg) replacement dwelling.
- 5.94 The third criteria requires that any new dwelling must be clustered/visually linked with existing buildings on the farm. It also has a provision for siting away from farm buildings in certain circumstances. This siting criteria conforms to the approach of the SPPS which promotes clustering, consolidating and grouping new development with existing buildings. It ensures the protection of rural amenity and landscape character. As such, it is also in line with one of the SPPS objectives to conserve the landscape. The provision for siting away from the farm buildings is often used in applications for farm dwellings. It is understandable that there may be some cases where it is not possible to site a dwelling beside farm buildings. Council needs to decide if having this provision is sustainable in the context of Mid Ulster? Will it result in harm to rural character and will it stand up to SA?
- 5.95 The main difference between CTY 10 and the regional strategic policy for new dwellings on farms is the regional strategic policy does not give the option of siting a dwelling at an alternative site away from the farm buildings. This is more in keeping with the approach of the SPPS to cluster and consolidate. Like CTY 10 it requires that the farm business be active and established for a minimum of 6 years and that no development opportunities can be sold off the holding

within 10 years of the date of application. It also has the provision that only one dwelling will be approved under this policy every 10 years.

FARM DIVERSIFICATION – CTY 11

- 5.96 Farm diversification proposals are currently accommodated under PPS 21 and to a lesser degree under PPS 4. CTY 11 could be regarded as taking quite a strict approach to farm or forestry diversification proposals in the countryside. It does however adhere to the aims and objectives of the SPPS. The SPPS strategic policy states that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. In relation to development in the countryside, the SPPS also has specific objectives to manage growth to support a vibrant rural community, to conserve the landscape, facilitate development which contributes to a sustainable rural economy and to promote high standards in design, siting and landscaping.
- 5.97 CTY 11 provides for farm/forestry diversification proposals in the countryside and therefore goes some way to supporting a vibrant, diverse rural community whilst also contributing to a sustainable rural economy. It contains criteria to protect character as well as the natural and built heritage. This ensures that the landscape is conserved. It also promotes the re-use of existing farm buildings over new builds. This is in keeping with the policy approach of the SPPS to promote the reuse of previously used buildings. Where a new building is applied for under CTY 11, it should be grouped with existing buildings. This also is in keeping with the approach of the SPPS to cluster new buildings with existing buildings.
- 5.98 There is very little scope for making any amendments to this policy given its compliance with the objectives of the SPPS regarding development in the countryside.

AGRICULTURAL AND FORESTRY DEVELOPMENT – CTY 12

- 5.99 It is argued that CTY 12 is overly prescriptive with criteria. Whilst it requires that a need is demonstrated for this type of development, it also includes criteria relating to character, scale, integration, impact on natural and built heritage and amenity. It also requires that existing buildings can't be utilised and that alternative site can be accepted in exceptional circumstances.
- 5.100 CTY 12 as it exists adheres to the policy approach and objectives of the SPPS. In cases where a new building is proposed it must be sited adjacent to existing

farm or forestry buildings. This conforms to the SPPS approach to cluster consolidate and group new development with existing established buildings. By having a policy provision for this type of development goes some way to supporting rural communities, many of which are involved in agriculture and forestry. It also will contribute to a strong and sustainable rural economy. The policy includes criteria to protect landscape character, natural and built heritage and residential amenity. The inclusion of these criteria conform to the SPPS objective to conserve the landscape. In cases where new buildings are applied for under this policy, criteria must be adhered to which relate to design and materials. This is in keeping with the SPPS objective to promote high standards in the design and siting of development.

- 5.101 The regional strategic policy in the SPPS for agriculture and forestry development is less detailed than CTY 12. The main difference is where new buildings are proposed, the SPPS policy does not require the applicant to demonstrate that there are no suitable existing buildings on the holding that can be utilised.

DESIGN AND INTEGRATION – CTY 13, RURAL CHARACTER – CTY 14 AND THE SETTING OF SETTLEMENTS – CTY 1

- 5.102 PPS 21 contains a number of specific policies relating to integration and design, character and setting. The SPPS, on the other hand, does not deal with these issues by way of regional strategic policies. Rather they are referred to generally and are expected to be taken into consideration in all regional strategic policies.
- 5.103 CTY 13 is a policy that is applied to all development in the countryside. It ensures that buildings integrate harmoniously with their surroundings, thereby protecting the amenity and character of the countryside. Visual impact is a main test of the policy and it is assessed by considering location, attributes of the site and suitability of design. CTY 13 is in conformity with the SPPS objectives to conserve the landscape from excessive, inappropriate or obtrusive development and to promote high standards in the design, siting and landscaping of development.
- 5.104 The countryside in Mid Ulster is valued for its intrinsic landscape character, however over the years this has been slowly eroded by constantly changing human activity. CTY 14 is an attempt to ensure that new buildings in the countryside do not result in a detrimental change to, or further erode the rural character of an area. CTY 15 recognises the importance of landscapes around settlements and how they have a special role to play in maintaining the distinction between town and country.
- 5.105 The RDS sets out a clear strategic objective to sustain rural communities (SPG 13). This will ensure sustainable growth in the countryside as well as protecting

and enhancing the environment. CTY 14 and CTY 15 are very much in conformity with this objective as its main aim is to protect rural character by resisting prominent buildings, build-up, non-traditional settlement patterns and ribbon development, all of which will protect and enhance our rural areas.

- 5.106 Unlike PPS21, there is no specific regional strategic policy for Rural Character in the SPPS. The SPPS does however state that all new development in the countryside must integrate, respect rural character and be appropriately designed. It should not mar the distinction between a settlement and the countryside or result in urban sprawl. CTY 14, as it exists conforms to this approach to respect rural character. Its specific criteria ensures that local landscapes are conserved and protected from excessive development (build-up) and inappropriate development (ribboning).
- 5.107 CTY 14 is one of the key policies which should stand up to SA. A key objective of the Sustainability Appraisal should be to maintain and enhance the character and quality of local landscapes. CTY 14, as it exists, ensures that the landscape character of rural areas are not negatively impact upon. It helps improve visual amenity, minimise visual intrusion and protects local distinctiveness.

6.0 Recommendations

- 6.1 Having examined how PPS 21 currently adheres to the objectives of the RDS, SPPS, SA and the LDP objectives and having listened to views brought forward at the workshop, we can now detail how, through the LDP, we intend to meet these SPPS objectives as well as setting out our strategy for sustainable development in the countryside and policy options for going forward with sustainable rural development Mid Ulster.

SPPS REGIONAL STRATEGIC OBJECTIVES

- 6.2 **Objective 1 - Managing growth to achieve appropriate and sustainable patterns of development which will support a vibrant community.**

Growth will be appropriately and sustainably managed in the new LDP by adhering to the objectives of the Councils LDP Growth Strategy. Due consideration will also be given to the HGI's for Mid Ulster. These will ensure that adequate housing is provided in the countryside over the plan period and could result in 25%-30% more dwellings than the current trend allows for.

- 6.3 **Objective 2 - Conserving the landscape and natural resources of the rural area, protecting it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution**

This SPPS objective will be adhered to in the new LDP by the designation of Areas of Outstanding Natural Beauty (AONB's), Special areas of constraint (eg) Areas of Significant Archaeological Interest (ASAI's), Areas of Archaeological

Potential (AAP's) and Special Countryside Areas (SCA's) around Lough Neagh and Lough Beg, within which certain types of development may be constrained (eg) tall/high structures. Issues such as pollution will form part of the general policies of the plan.

6.4 Objective 3 - Facilitating development which contributes to a sustainable rural economy

This SPPS objective will be adhered to in the new LDP by including more simplified and tailored Economic Development Policy for proposals in the Countryside. The LDP will also include policy which will promote Farm Diversification, and address other land uses such as Retailing and Mineral Extraction.

6.5 Objective 4 - Promoting high standards in design, siting and landscaping

The LDP will include a specific policy which will deal with the integration of buildings in the Countryside, will ensure protection of rural character, will require all proposals to be appropriately designed and will protect against urban sprawl. Regional Design Guidance will be adopted and it is also possible that our own new Design Guidance may be formulated.

PROPOSED STRATEGY

6.6 In preparing our new LDP we must bring forward a strategy to facilitate sustainable development in the countryside. It must promote clustering, consolidation, grouping new development with existing buildings and re-using previously used buildings.

6.7 This strategy, together with appropriate policies, will reflect the aims and objectives of the SPPS and will be tailored to our own specific circumstances in Mid Ulster.

6.8 In addition to meeting the aims and objectives of the SPPS, this Strategy will take into account two of the key objectives of Mid Ulster Councils Growth Strategy:

1. To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.
2. To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the environment.

NON-RESIDENTIAL

6.9 Agriculture and Forestry Development

The LDP will facilitate appropriately located agriculture and forestry development. These industries, and in particular agriculture, are very prevalent in the context of Mid Ulster. It is important that there is adequate provision in the LDP for this type of development to ensure sustainable growth in our rural communities.

6.10 Industry and Employment

The LDP will have a provision for non-agricultural rural based businesses and services in Mid Ulster. This will promote self-sufficiency through entrepreneurialism and it will provide for new workshops in the rural area and for established businesses that are successful. Farm Diversification schemes will also be facilitated, as will shops which specifically meet the needs of the rural community (eg) farm shops, craft shops and shops serving tourist or recreational facilities. Such retail facilities should be required to be located within existing buildings.

6.11 Community Facilities

There will be provision for community facilities which are required to meet the needs of local rural communities. These must be located within small settlements or associated with existing clusters. They can also be located within a Dispersed Rural Community.

RESIDENTIAL

6.12 The LDP must allow for balanced and sustained residential growth across the Mid Ulster Countryside in order to accommodate the needs of the rural community. Single dwellings will be facilitated in the following circumstances:

- Within existing Clusters and Ribbons;
- On established and active farms or within a farm cluster;
- To meet the site specific needs of an existing non-agricultural business;
- In conjunction with a community facility;
- Where it will be a Replacement Dwelling;
- Where it will involve the re-use of an existing building;
- To meet an individual's personal and domestic circumstances and where care is being provided/obtained.

6.13 The LDP will also facilitate sustainable social and affordable housing developments to meet local needs identified by the NIHE, provided no land is available in a nearby settlement. Within a DRC, small housing developments will only be allowed where they are sited at a focal point.

ENVIRONMENT

- 6.14 We must strive to protect our most important natural and environmental assets in the Countryside and this will be achieved by including special designations in the new LDP (eg) Special Areas of Constraint and Special Countryside Areas. In order to conserve our valuable landscapes, while facilitating sustainable rural development to meet the needs of our rural communities we must also avoid obtrusive development and promote high standards in design.

POLICY OPTIONS

- 6.15 It is suggested that Council give consideration to having policies for development in the countryside which are grouped and worded as follows.

- Policy 1 –Location, Siting and Design**
- Policy 2 –Single Dwellings in the Countryside**
- Policy 3 – Social and Affordable Housing**
- Policy 4 – Dispersed Rural Communities (DRC's)**
- Policy 5 – Farm Diversification**
- Policy 6 – Agriculture and Forestry Development**
- Policy 7 – Temporary Caravans/Mobile Homes**

Options for Policy 1 - Location, Siting and Design

- 6.16 It is considered that there are no realistic alternative options available for Policy 1 as this approach is a requirement of the SPPS. Suggested wording for this policy could be along the following lines:
- 6.17 **Policy 1 – Location, Siting and Design**

All development in the Countryside shall be required to:

- *Integrate with its setting by utilising existing vegetation and landform and avoid unduly prominent or artificially created sites;*
- *Respect rural character by complimenting settlement patterns in the locality and avoid creating or adding to ribbon development;*
- *Avoid contributing to urban sprawl or mar the distinction between a settlement and the surrounding countryside;*
- *Be of appropriate design in terms of height, size, scale, massing, architectural detail and finishes.*
-

Options for Policy 2 – Single Dwellings in the Countryside

- 6.18 **Option 1** – Return to a policy approach based on location, siting and integration (Similar to the Rural Strategy). This is unrealistic and can be ruled out as it would result in the erection of too many dwellings and a dispersed pattern of development in the Countryside. This option would be contrary to the approach

of the SPPS which is to cluster and consolidate development and would not be considered sustainable.

- 6.19 **Option 2** – Adopt the current policy based approach. This is considered to be a realistic option. However, PPS 21 adopts a policy approach that is much stricter than we require in rural Mid Ulster and based on the revised HGI figures will not deliver the required number of dwellings over the plan period. PPS 21 doesn't recognise the particular needs of our rural area. Mid Ulster has one of the most densely populated rural areas in Northern Ireland. It also has a successful and self-dependent rural population, evident by the high concentration of rural industry and rural entrepreneurs (Economic Development Position Paper). An effective countryside policy is required which will provide for the domestic and business needs of local people to ensure vital and vibrant rural communities. It is considered that the current policy doesn't adequately provide this.
- 6.20 **Option 3** – Tailor the current policies to be more prescriptive. This is a realistic approach and would be easy to administer. However, it could become overly technocratic and we could lose the ability to consider each case on its merits.
- 6.21 **Option 4** – Introduce new policies which provide a little more flexibility. This is realistic and would not conflict with the regional strategic criteria set out in the SPPS. This policy could be tailored to bring it more in line with the objectives of our strategy to meet the domestic and business needs of the rural community. This is our preferred option. Suggested wording for these policies could be.

6.22 **Policy 2 – Single Dwellings in the Countryside**

A Single 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 4 or more substantial buildings and be located at a focal point (i.e.) a cross roads or a community building and can be absorbed through rounding off or consolidation. The site must have existing buildings on at least two sides.*

(b) Dwelling Infilling a small Gap Site - *In a small gap site (of not more than 70m frontage) capable of accommodating up to 2 dwellings. The gap must be located between 3 substantial buildings, each with their own defined curtilage, fronting onto a road or laneway.*

Exceptionally a single dwelling may be permitted on a smaller gap site (of not more than a 35m frontage) located between 2 dwellings, each with their own defined curtilage, fronting onto a road or laneway.

(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.*

- (d) Conversion/re-use of Existing Buildings** - The building must be of permanent construction. "Steel framed" buildings such as those used for the purposes of agriculture, industry or storage are not eligible. Alterations should be sympathetic to the existing building and any extension should be minor.
- (e) Dwelling on a Farm** – The dwelling must be on a farm which has been established for 6 years and is currently active (as verified by DAERA) 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 a group of substantial farm buildings. Where there are health and safety reasons or reasons relating to the efficient use of the farm or its expansion consideration will be given to a site which is visually linked to the farm. Only in exceptional circumstances will a site be considered not visually linked to a farm group, 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)** Exceptionally, on farms that are not active and/or established or where a permission has been obtained in the past 10 years, a dwelling may be accommodated within a farm cluster. The cluster must comprise 3 or more substantial farm buildings (excluding domestic garages and small sheds) and the site must be located within the farm holding and bounded by a building on at least 2 sides.
- (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 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.

Occupancy conditions will be used where a Personal and Domestic Circumstance case, a Caring case or a Business Enterprise case is presented. In all instances the onus will be on the applicant to demonstrate how they meet any of the criteria.

In cases relating to dwellings within farm and non-farm clusters, infill sites or an attached dwelling (dwelling for a carer) 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, portacabins and other temporary structures. Farm buildings must be on the farm holding and relate to the operation of the farm.

Options for Policy 3 - Social and Affordable Housing

6.23 It is considered that there are no alternative options for Policy 3 as this approach is a requirement of the SPPS. Suggested wording for this policy could be along the following lines:

6.24 Policy 3 – Social and Affordable Housing

Groups of Dwellings in the Countryside will conform with the plan where they provide Social and Affordable housing to meet the needs of the rural community as identified by the relevant housing authority and where they are located adjacent to or near a settlement.

Options for Policy 4 - Dispersed Rural Communities (DRC's)

6.25 It is important to note that DRC's are not settlements but are a countryside designation where all other countryside and appropriate policies apply. There are two policy options considered appropriate for Mid Ulster:

6.26 **Option 1** – In line with the SPPS, remove all reference to DRC's within the LDP. Given that DRC's exist already in Mid Ulster this option would not accommodate them on any way and would mean that the benefits that they bring would be lost. This approach would of course be in line with strategic policy but in no way would be tailored to the needs of this district.

6.27 **Option 2** – Better define the current PPS21 DRC policy in relation to what is acceptable. This could include controls for single dwellings and “clachan” type development within a DRC. Our preferred option would be this policy approach as there are certain remote areas in the district with very low development pressure where the facilitation of limited residential development would assist in the regeneration of that rural area. Suggested wording for the policy could be:

6.28 Policy 4 –Dispersed Rural Communities

A Single Dwelling in a Dispersed Rural Community will conform with the plan where the applicant has a strong connection to that community or where they

make a substantial economic or social contribution to that community. In such cases an occupancy condition will be attached.

A group of Dwellings in a Dispersed Rural Community will conform with the Plan where it represents a "Clachan" style development of no more than 6 dwellings, located at a focal point (i.e) Community Building or Cross Roads.

Tourism and communities facilities and Cottage Industries will also be accommodated in Dispersed Rural Communities

Options for Policy 5 - Farm Diversification

6.28 It is considered that there are no alternative options in relation to Farm Diversification as this policy approach is a requirement of the SPPS. Suggested wording for the policy could be along the following lines:

6.29 Policy 5 – Farm Diversification

Farm Diversification, involving the reuse or adaptation of existing buildings, on an active and established farm (for a minimum of 6 years) will conform with the plan providing the proposal is run in conjunction with the agricultural operations on the farm.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaption and re-use or cannot be adapted to meeting the requirements of other statutory agencies. The scale and character of the new building must be in keeping with the established rural character.

Options for Policy 6 - Agriculture and Forestry Development

6.30 **Option 1** – Adopt the current policy approach contained within PPS21. This approach is considered to be too restrictive and overbearing and does not allow for this type of development for someone starting out in the agriculture or forestry industry where they do not have an established farm.

6.30 **Option 2** – Adopt a more simplified and relaxed policy approach. This is our preferred option as it caters for a rural district like Mid Ulster where agriculture is a strong presence. Suggested wording for the policy could be along the following lines:

6.31 Policy 6 – Agriculture and Forestry Development

Development ancillary to the operations of an active and established farm/forestry holding will conform with the plan where it is to be located next to

an existing building on the holding and must not appear incongruous to the rural setting.

In exceptional circumstances an alternative site away from existing buildings may be considered where there are demonstrable business reasons, health and safety reasons or a need to protect the amenity of nearby residents to site away from an existing building.

Options for Policy 7 - Temporary Caravans/Mobile Homes

6.32 **Option 1** – Adopt the current policy approach of PPS21. It is considered that this is too restrictive in terms of the siting of the caravan/mobile home and does not facilitate someone who is planning to or currently building a permanent house.

6.33 **Option 2** – Adopt a more simplified and relaxed policy approach in terms of siting. The SPPS does not include siting criteria and therefore it could be argued that the current operational policy of PPS21 is stricter. This option is our preferred option. Suggested wording for the policy could be along the following lines:

6.34 **Policy 11 – Temporary Caravans/Mobile Homes**

Temporary Caravans/Mobiles Homes will conform with the Plan where they are for a temporary period of up to 3 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 a new building is to be constructed or within or next to an existing building group.

7.0 Conclusions

7.1 It is clear from this paper that there is a need and scope for tailoring policies in the new Mid Ulster Local Development Plan that are slightly more flexible in some circumstances than the existing PPS 21 policy approach. There are policy aspects that need to be tailored to address local circumstances in Mid Ulster, in particular, policy relating to:

- Ribbon Development
- Dwellings on Farms
- Dwellings for Business Enterprises

7.2 There is also scope for the creation of new policies which can address the high dependency on carers in Mid Ulster and can allow for the siting of dwellings within existing farm clusters.

7.3 It is clear that there is merit in putting forward a case to retain our existing Dispersed Rural Communities and to include policies for development within these. Furthermore consideration could be given to designating additional DRC's within the Mid Ulster District, namely Slate Quarry (NE of Pomeroy), Curglassan (N of Stewartstown) and Aghamullan and it is proposed that these be put forward within the Preferred Options Paper.

8.0 Recommendation

8.1 The proposed strategy and policy options, including the preferred options contained within this paper together with the options for the designation of new Dispersed Rural Communities and the recommendation to ask public opinion on the size of an acceptable gap site and a built up road frontage will be subjected to Sustainability Appraisal and Strategic Environmental Assessment before any final decisions are made on which options should go forward to the Preferred Options Paper (POP).