

Laura Crawford

From: Chris Duffy
Sent: 22 September 2024 18:24
To: Planning
Subject: Re: Planning committee Speaking rights request LA01/2021/0403/F
Attachments: LA0120210403F MBA letter_Active & Established Farm Business.pdf; LA0120210403F Planning Committee Additional Evidence.pdf; LA0120210403F Statement JB Duffy.pdf

Hi Laura,

Thanks for coming back to me.

Please find attached planning committee information including new 'additional information'. This should be circulated to the planning committee members.

Regards,

Chris

On Sun, 22 Sept 2024 at 16:52, Planning <Planning@causewaycoastandglens.gov.uk> wrote:

Chris

I acknowledge receipt of the request for speaking rights in support of planning application LA01/2021/0403/F and accompanying submission.

Confirmation e-mails will be issued confirming allocated times once the deadline for speaking rights closes at 10am on Monday 23 September 2024.

Thanks Laura

Laura Crawford

Business Support Officer
Tel. 02870347100



www.causewaycoastandglens.gov.uk

From: Chris Duffy

Sent: Friday, September 20, 2024 9:42 PM

To: Planning <Planning@causewaycoastandglens.gov.uk>; Martin McErlain

Subject: Re: Planning committee Speaking rights request LA01/2021/0403/F

Completed templated now attached.

Chris

On Fri, 20 Sept 2024 at 21:16, Chris Duffy

wrote:

Dear Sir/Madam,

In addition to the below details, find attached completed speaking rights template in support of the application.

Supplementary evidence will be forwarded before 10am on Monday.23rd September.

Regards,

Chris

On Fri, 20 Sept 2024 at 17:22, Chris Duffy

wrote:

Dear Sir/Madam,

Please accept this email as a request for speaking rights at Wednesday 25th September.

Chris Duffy - Agent

LA01/2021/0403/F

In support of the application

Regards,

Chris

Causeway Coast and Glens Borough Council processes personal information in compliance with the Data Protection Act 2018. To learn more, you can review our privacy notice at <http://www.causewaycoastandglens.gov.uk/footer-information/privacy-statement>. If you have received this email in error, please contact the sender and securely delete. You must not copy, share or take any further action with the information contained therein without approval. Any opinions expressed are those of the author and do not necessarily represent those of Causeway Coast and Glens Borough Council. Please consider the environment before printing.

6th September 2023

Denise Dickson
Causeway Coast and Glens Borough Council
Planning Department
Cloonavin
66 Portstewart Road
Coleraine
BT51 1EY

Dear Denise,

Location: Lands approximately 30m south-east of No. 328 Foreglen Road, Dungiven

Proposal: 1 no. dwelling

Council ref: LA01/2021/0403/F

I have been asked by the agent Mr Duffy to write to you regarding this planning application.

He has indicated that the Council has raised a concern about compliance with Criterion A of PPS21 Policy CTY10 which requires that *'the farm business is currently active and has been established for at least 6 years'*.

In response, the applicant JB Duffy has prepared a Statement and included evidence to demonstrate that his farm business has been active for the required period and this is enclosed.

Relevant appeal decisions

Relevant appeal decisions on the interpretation and application of Criterion A are at **Annex 1**. These cases have established the following.

- Criterion A *"does not indicate any standards for how the evidence of agricultural activity is demonstrated, the type or variety of that evidence or the frequency of the activities undertaken to support the evidence"* (2021/A0087, para 5.9 of Commissioner's Report dated December 2022);
- Criterion A does not require a high or any specified level of activity, but simply that there is evidence to demonstrate at least some level of activity over the 6 year period (2018/A0194, para 10);
- it is not necessary to have a DARD business ID or to claim single farm payment (**SFP**)/ subsidies in order to have an active and established farm business (2009/A0297, 2010/A0012, 2015/A0165, 2018/A0194, 2019/A0035 and 2021/A0087);

- it is not necessary to keep stock in order to have an active and established farm business – agricultural activity can be simply maintaining land in good agricultural and environmental condition (**GAEC**) as per para 5.39 of PPS21;
- Leasing farm land out for 6 months a year and allowing the lease farmer to claim SFP is not fatal to compliance with criterion (a). This was the case in appeal 2018/A0194 where the appellant was deemed to have an active and established farm business because he was responsible for the annual cutting of grass as well as maintaining the land. The Commissioner stated at para 12 that *“Whilst the lease farmer grazes the land for 6 months of the year, the appellant maintains the land annually as well as cutting hay and silage over the remaining 6 months. Therefore I conclude that in these circumstances, the appellant makes a contribution that equates to the policy requirements”*.
- Appeal decision 2019/A0035 confirms that whether land within the holding has been farmed by other separate businesses within the 6 year period is not determining – the key issue is who was responsible for maintaining it and in that case the appellant demonstrated that he maintained it in GAEC and that it remained part of his farm business.

Evidence of Active & Established Farm Business

The Statement of JB Duffy confirms that he has maintained his farm holding in GAEC since he acquired it in 2008. Whilst other farmers use it for winter grazing, he has work carried out annually (including cutting silage and trees/hedges) and other work carried out as and when required (e.g. fencing and drainage works) and he is solely responsible for maintenance of the holding.

This application was submitted in March 2021. 25 invoices / receipts dating from April 2015 to September 2020 are attached to the Statement of Mr Duffy in relation to works he has carried out in order to maintain his holding in GAEC and to the purchase of parts for his significant farm machinery.

A number of these do not have Mr Duffy’s name or address on them as they were cash sales however Mr Duffy has confirmed that they all relate to products or services that he has paid for in relation to his farm business. There is no evidence contradicting this and in accordance with case law (*F W Gabbitas v SSE and Newham LBC [1985] JPL 639*) this evidence should be accepted.

In addition, Mr Duffy has also provided 6 invoices from 2015 to 2020 showing that he has sold round bales of silage made on his farm holding.

This evidence compares favourably to what was accepted by the PAC in appeal 2021/A0087 (Annex 1). In that case 10 receipts had been submitted for works carried out within the relevant 6-year period. They spanned a period of less than 3 years (from October 2017 to July 2020) – see para 5.8. The receipts submitted in that case related to the repair of a shed and installation of gates, flailing, hedge cutting, plant hire, and purchase of concrete. The Commissioner found that this evidence demonstrated a level of agricultural activity associated with the farm business and satisfied Criterion A.

There is significant evidence in this case demonstrating that the applicant has an active and established farm business. Criterion A of Policy CTY10 is met.

We understand that an issue relating to the design of the proposed dwelling has now been resolved and that there are no other issues with the application. In these circumstances we would respectfully ask that permission is granted.

Yours sincerely,

Dermot Monaghan
MBA Planning

ANNEX 1

planning appeals principles

4th edition 2014

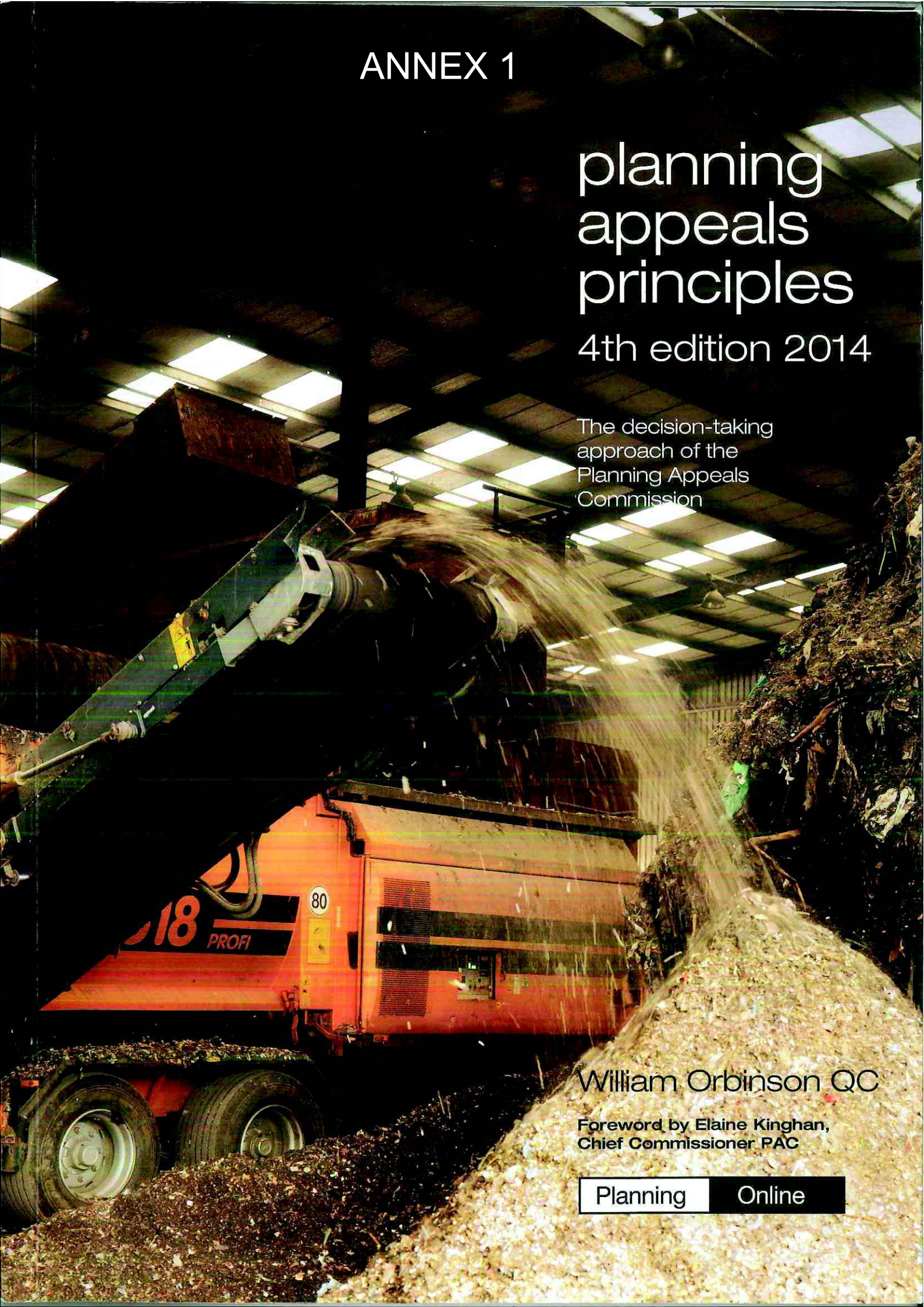
The decision-taking
approach of the
Planning Appeals
Commission

William Orbinson QC

Foreword by Elaine Kinghan,
Chief Commissioner PAC

Planning

Online



styled as “Justification and Amplification” in Planning Policy Statements. Where there is no conflict between the policy as expressed in the head note and the explanatory text, it is permissible to have regard to the explanatory text to interpret the content of the head note.

Illustration

In appeal 2002/A042 the Commission agreed with the approach the Appointed Commissioner had taken to policy R1 of the Belfast Urban Area Plan 2001 at paragraph 8.4 of his report:

“BUAP Policy R1 deals specifically with the protection of existing open spaces. The head note of this policy confirms that public and private open spaces within the built-up area will be retained. While there is no definition of open space within the Written Statement, it is evident from the chapter heading and the supporting text that Policy R1 is predominantly concerned about existing areas that are in active or passive recreation or open space use or which are important in terms of amenity.”

Essentially what the Appointed Commissioner did here was to use the explanatory text, and indeed the chapter heading, as an aid to interpretation of the R1 head note. He was able to do this because these ‘external’ materials were not in conflict with what was said in the head note.

- **The policy head note takes precedence over the explanatory text accompanying the head note, and cannot be extended or reduced in scope by the explanatory text**

On occasion, there may appear to be conflicts or variations between the policy head note and its explanatory text, which poses the question of which has primacy. The Commission’s answer is that the content of the head note comprises the policy, and that the explanatory text is subsidiary and cannot be allowed to distort the meaning of the policy itself.

Illustration

Flooding was an issue in appeal 2001/A375. The wording of then policy PSU 10 of the Planning Strategy for Rural Northern Ireland (now superseded by the policies in Planning Policy Statement 15: Planning and Flood Risk) as expressed in the head note was somewhat different from the literal words of the amplifying text. The Commission resolved this apparent conflict in the following way:

“... the head note of Policy PSU 10 sets out the key consideration which is that development will not normally be permitted in areas known to be at ‘serious risk from flooding’. Given this reference to ‘serious risk from flooding’, the Commission concludes that when the explanatory text under Policy PSU 10 refers to ‘risk’ from flooding the context is ‘serious risk’ or to express it differently, significant risk from flooding.”

In appeal 2005/A065, the Department refused planning permission for the extension and conversion of an existing redundant outbuilding to provide a single dwelling in the Green Belt around Downpatrick. One reason for refusal was that the proposal was contrary to policy BH15 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. The Appointed Commissioner identified a disparity between the requirements of the policy itself and those of paragraph 9.4 of the explanatory text, noting, at paragraph 6.3 of the report:

“Paragraph 9.4 of the explanatory text to Policy BH 15, in referring to residential use as being the key to the conversion of a building of local architectural merit or historic interest, is seeking to apply a higher test in Green Belts and Countryside Policy Areas than in other parts of the countryside. The Policy does not, however, make such a distinction and is phrased in more permissive language. Where there is tension between the explanatory text and the Policy Headnote it follows that greater weight must be attached to the latter. Accordingly I find that the higher test set down in paragraph 9.4 should not weigh against the proposal.”

For other examples of this principle in practice, see appeals [2001/A375](#), [2002/A042](#), and [2002/A209](#). More recently, in appeal [2008/A0228](#), the proposal was for housing on a cleared site that had once been used for industry and storage. Policy PED7 of Planning Policy Statement 4: Planning and Economic Development contained in the headnote a presumption against the loss of existing industrial or storage and distribution uses, while the Justification and Amplification text purported to extend that presumption to land last used for those purposes. The Commissioner gave greater weight to the headnote, observing:

“Clearly the explanatory text sets a higher requirement than the policy head note in referring to the ‘last use’ as opposed to the ‘existing use’ of the site, as set out in the head note. It is an established principle that where there is tension between the explanatory text and the policy head note greater weight will normally be attached to the latter, as it is the head note that comprises and determines planning policy”.

Accordingly, the Commissioner held that the proposal was consistent with policy PED7.

Appeals [2008/A0262](#) – 4 involved a proposal to relocate a rugby club from Carrickfergus to the countryside and to build houses on the old club site – a classic boom-time proposal. The Commissioner noted that the level of public support for a proposal is rarely, if ever, a determining factor in planning appeals, going on to observe that it is not a specific requirement of Policy OS1 of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation, but was referred to in the Justification and Amplification.

The point arose again in appeal [2009/A0297](#). There, the appellant argued that his proposal for a dwelling on a farm complied with policy CTY10 of Planning Policy Statement 21: Sustainable Development in the Countryside. The Department was not satisfied that there was a currently active farm business on the land and that it had been established for at least six years in accordance with CTY10, given the absence of a Department of Agriculture and Rural Development business ID number. The requirement to provide the business ID number and other evidence to prove active farming over the required period is contained in the Justification and Amplification, and not in the policy headnote itself, which the appellant considered should take precedence. Having regard to the totality of the evidence in the case, the Commissioner found that the policy tests of CTY10 were met, notwithstanding the absence of a business ID number. In so doing, the Commissioner referred to guidance on the application of CTY10 issued by the Department’s Headquarters, though it is not apparent from the decision letter that that guidance was necessarily a significant influence on his decision. It should be noted that in *Re Lamonts’ application* [2014] NIQB 3, Treacy J held that this guidance was not in fact guidance at all, but rather a policy addition to CTY10 that should have been produced in accordance with the procedures set out in the Planning (Northern Ireland) Order 1991.

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference: 2010/A0012
Appeal by: Mr Paul McMullan against the refusal of full planning permission.
Development: Dwelling and garage.
Location: Land adjoining 63 Ballywillwill Road, Castlewellan.
Application Reference: R/2009/0551/F
Procedure: Written Representations with Commissioner's Site Visit on 29 October 2010.
Decision by: Commissioner Damien Hannon, dated 3 November 2010.

Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions set out below.

Reasons

2. The appeal site is in the rural area and the main issue is therefore whether the development is appropriate to a location in the countryside outside a settlement development limit. The Department's reason for refusal is based on policies CTY1 and CTY10 of Draft Planning Policy Statement 21 - Sustainable Development in the Countryside (dPPS21). DPPS21 has been withdrawn and replaced with Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS21), which was issued in June 2010. However, there has been no significant change between the provisions of dPPS21 and PPS21 relevant to consideration of the Department's objection to the proposal. I therefore consider the relevant policy background to be embodied in PPS21.
3. Policy CTY1 of PPS21 sets out a range of development considered acceptable in the countryside and states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or where provision for such development is made in the development plan.
4. The appellant argued that the proposal fell within one of the types of acceptable development set out in CTY1, namely a dwelling on a farm in compliance with Policy CTY10. The only objection raised by the Department in this respect was based on Criterion (a) of CTY10 which requires the farm business to be currently active and to have been established for at least 6 years. Paragraph 5.38 of Policy CTY10 states "New houses on farms will not be acceptable unless the existing

farming business is both established and active. The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period".

5. The appellant stated, in the P1C form accompanying the original application, that the DARD agricultural business identification number (ID Number) for the land was allocated on 1 April 1999. This claim was disputed by the Department of Agriculture who, in their consultation dated 30 June 2009, stated that the ID number was issued on 17 May 2005. The Department of Agriculture claim was not subsequently refuted by the appellant in either his statement of case or rebuttal evidence. In these circumstances I prefer the evidence of the Department of Agriculture and am persuaded that the ID Number was not allocated until 17 May 2005.
6. The Department of Agriculture consultation also stated "the Applicant has been shown on the DARD system as registered on 1 April 1999. However, the business only became active on 17 May 2005 when a single farm payment application was made". Paragraph 5.39 of Policy CTY10 states "For the purposes of this policy 'Agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition". The appellant stated that from 1990 to the present, the land was maintained by the McMullan family and rented to a Mr McKinney to graze beef cattle. The appellant further added that between 1990 and 1999 the land was maintained by the appellant's father, after which the management of the farm passed to him. Documentary evidence illustrating ongoing maintenance of the land was submitted. These assertions were not disputed by the Department and I note that while the Department of Agriculture state that the farm became "active" on 17 May 2005 with a submission of a single farm payment application, they do not claim that the existing business was not established before that.
7. There is no dispute that a farming business is currently active and has an ID Number. The appellant states that between registration on the DARD system on 1 April 1999 and 17 May 2005, no subsidies were claimed under the single farm payment scheme. The policy does not require the applicant to have been in possession of an ID number for the full duration of the 6 year period in order to prove active farming over that time. Neither does the policy require the applicant to claim single farm payment subsidies over that period. I conclude that the undisputed evidence concerning the maintaining of the land in good agricultural and environmental condition and its use for grazing of beef cattle demonstrates that the existing farming business has been established for at least 6 years. The proposal complies with Policy CTY10 and therefore constitutes development considered acceptable in the countryside under Policy CTY1 of PPS21. In these circumstances I conclude that the Department's reason for refusal is not sustained.
8. For road safety reasons, the proposed visibility splays and an appropriately designed access should be provided prior to other work commencing. In the interest of visual amenity, adequate provision should be made for the soft and hard landscaping of the site. In the absence of sustained objection to the proposal planning permission is granted subject to the following conditions.

Conditions

- (1) Visibility splays of 2.4m by 100m, as illustrated by the 1:500 scale Proposed Site Layout drawing numbered R/2009/0551/03, shall be laid out in both directions along Ballywillwill Road before any building operations commence and shall be permanently retained.
- (2) The proposed access including boundary stone walling, as illustrated by the 1:500 scale Proposed Site Layout drawing numbered R/2009/0551/03, shall be constructed before any building operations commence and shall be permanently retained. The gradient of the access shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary.
- (3) The scheme of landscaping and planting as illustrated by the 1:500 scale Proposed Site Layout drawing numbered R/2009/0551/03 and including the proposed boundary timber post and wire fencing shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Department gives written consent to any variation.
- (4) The development shall be begun before the expiration of five years from the date of this decision.

This decision relates to drawings numbered R/2009/0551/01, 02, 03, 04, 05 and 06, all of which were received by the Department on 24 June 2009.

COMMISSIONER DAMIEN HANNON

Appeal Decision

Appeal Reference:	2015/A0165
Appeal by:	Marie Mc Cormick
Appeal against:	Refusal of Outline Planning Permission
Proposed Development:	Dwelling on a farm
Location:	110m north west of 138 Largy Road Carnlough
Planning Authority:	Mid and East Antrim Borough Council
Application Reference:	F/2014/0169/O
Procedure:	Written Representations with Commissioner's Site Visit on 14 th April
Decision by:	Commissioner Helen Fitzsimons on 25 th April 2016.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether proposed development would be acceptable in principle in the countryside.
3. The proposed development lies in the open countryside as designated by the Larne Area Plan 2010 (LAP). There are no plans or policies within LAP pertaining to the appeal site. The policy framework for the determination of this appeal is therefore Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is development in accordance with Policy CTY10 'Dwellings on Farms'.
4. Policy CTY 10 allows for the development of a dwelling on a farm provided three stated criteria are met. The Planning Authority raised objections under all three criteria. Criterion (a) requires that the farm business is currently active and has been established for at least six years. The appellant does not have an active and established holding under her own DARD Business ID number which was issued in 2011 and this is not in dispute
5. However, the appellant's evidence is that the subject land (holding) has been farmed as a unit since 1944. In 2007 the land was purchased from Mr O Kane the then active farmer and owner of the holding. At this time the lands became the subject of a conacre agreement with Mr O Kane for the period 2007-2013 and he

claimed the single farm payment in respect of the said lands. A Mr Montague then took the land in rent from late 2013 for a year.

6. In support of this the appellant presented me with a signed statement from Mr O Kane setting out the details of the transfer of the farm and the conacre arrangements entered into until 2013. Conacre agreement documents including receipts between the parties were provided for the period in question. Mr O Kane stated that he had stocked and grazed the land with sheep and cattle during the period that he took the land. The background papers also contain receipts in the appellant's name paid to agricultural suppliers and building contractors suggesting activity associated with maintenance of the farm during the six-year period. None of this evidence was disputed by the Planning Authority.
7. The policy does not require the appellant to play a part in actively farming the holding herself only that the holding is active and established. The land on the holding which contains the appeal site was bought in 2007 and has been farmed by Mr O Kane and Mr Montague for a period of seven years. At my site visit I noted the land to be well maintained and grazed. This suggests current farming activity. Given this and on the basis of the evidence submitted I am satisfied that this is an active and established holding for the purposes of Policy CTY 10 and criterion (a) is met.
8. Criterion (b) stipulates that no dwellings or development opportunities out with settlement limits have been sold off from the farm within 10 years from the date of the application. The Planning Authority argued that Mr O Kane the lessee of the land had been granted planning permission for a dwelling on his own farm holding in February 2013. The planning history map indicates that the location of this site is not on the appellant's farm. Even if I were persuaded that it was on the appellant's holding there is no evidence that this dwelling/development opportunity has been sold off. Criterion (b) is met.
9. In respect of criterion (c) of Policy CTY 10 that the new building is visually linked or sited to cluster with an established group of buildings on the farm paragraph 5.41 of CTY 10 says that to help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group or when viewed from surrounding vantage points, it reads as being visually linked with those buildings with little appreciation of any physical separation that may exist between them.
10. The appeal site is located one field away from the main farm grouping at No 138 Largy Road. This grouping comprises a derelict dwelling and a number of sheds. There is an outlying shed on the southern side of the road which is also owned by the appellant. The distance between this shed and the grouping at No 138 Largy Road is such that they read as two distinct entities in the landscape. For that reason, I consider the buildings at No 138 to be the established group of buildings on the farm. Given that the appeal site is separated from those buildings by a field it cannot be said to be positioned sensitively to form an integral part of that group.
11. Travelling along this part of Largy Road from the south a dwelling on the appeal site would be seen to link visually to the established group of farm buildings due to topography and the alignment of the road. However, this visual linkage would be

lost when past the appeal site and a strong impression of the physical separation between them would be apparent. Travelling east from the buildings at No 138 there would be no visual linkage between the farm buildings and the appeal site because of the intervening field. Given the distinct lack of visual linkage in both directions as described, the appeal proposal would fail to meet the requirements of criterion (c) of Policy CTY 10 of PPS 21. It would not be acceptable in principle in the countryside and consequently also fails Policy CTY 1 of PPS 21. The Planning Authority has sustained its reason for refusal.

This decision is based on the 1:2500 scale site location plan.

COMMISSIONER HELEN FITZSIMONS

2015/A0165

List of Documents

Planning Authority: -

C1 Written Statement (Mid and East Antrim Borough)

Appellant: -

A 1 Written Statement
A 2 Comments

Attendances

Planning Authority:-

Ms Norma Alexander

Appellant:-

Mr Mc Clean (Agent)
Mr Mc Cormick

Appeal Reference:	2018/A0194.
Appeals by:	Mr Andrew McMullan.
Appeal against:	The refusal of outline planning permission.
Proposal:	Proposed Dwelling on a Farm.
Location:	Rear of 300 Townhill Road, Rasharkin, Ballymena.
Planning Authority:	Causeway Coast and Glens Borough Council.
Application Reference:	LA01/2018/0842/O.
Procedure:	Written representations and accompanied site visit on 16 May 2019.
Decisions by:	Commissioner Pauline Boomer, dated 5 August 2019.

Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issue in this appeal is whether the appeal proposal is acceptable in principle in the countryside.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Ballymena Area Plan 1986-2001 (BAP) operates as a LDP. It contains specific provisions for residential development in the countryside; however these are out of date and are not of determining weight. The appeal site is outside any designated settlement development limit identified in the plan; therefore the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
4. The SPPS points out that provision should be made for a dwelling house on an active and established farm business. The farm business must be currently active and have been established for a minimum of 6 years. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The circumstances wherein planning permission will be granted for an individual dwelling house are outlined. This includes a dwelling on a farm in accordance with Policy CTY 10. This policy states that planning permission will be granted where three criteria are met with only Criteria (a) now in dispute.

5. Criterion (a) requires that *the* (my emphasis) farm business is currently active and has been established for at least 6 years. This statement is reiterated in Paragraph 5.38 of the Justification and Amplification text, which goes on to state that the applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.
6. The Appellant submitted a DARD business ID number and farm map that relate to a 1.98 ha farm business (Field No.1/B) located at 300 Townhill Road Rasharkin. The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the Business ID number [redacted] was issued to the appellant in 2005. The dispute between the parties relates to the Appellant's claim that his business is currently active and has been established for the required period of time.
7. Whilst the appellant owns the land, Policy CTY 10 applies to the farm business and is not concerned with land ownership. The appellant has had his own farm business ID No. [redacted] since November 2005 and claimed Single Farm Payment (SFP) on this land until 2014 with a copy of the 2014 form submitted. As DAERA does not produce farm maps for any farm business not in receipt of SFP, the appellant was not able to produce a more up to date farm map.
8. In his Statement of Case, the appellant stated that the holding is let in conacre for winter months whilst he has retained the Rights to use the land for the remainder of the year. A copy of the Conacre Agreement between Mr Wilson (the Leasee) and the appellant also submitted with the Statement of Case indicates this agreement extends from 01/06/2015 to 30/04/2020. Under the terms of this agreement signed on 1st March 2015, it was agreed that the leasee farmer would use this field for winter grazing between 21st September and 1st May annually and could claim SFP in respect of this land. Furthermore the appellant retained the rights to cut hay and silage over the summer months and was responsible for all maintenance of the land, including hedge cutting.
9. DAERA in their initial consultation response confirmed that the appeal site was located on lands associated with another farm business. The Farmer who takes the land in conacre (Mr Wilson) has his own farm business ID No. [redacted] and he has been claiming SFP on this land since 2015. Wilson farms a total of 65.24 ha including the useable 1.93 ha on the appeal site. Copies of Mr Wilson's 2019 farm maps were submitted by the appellant at appeal stage along with the farm schedule. The LPA argues that as the leasee farmer rather than the appellant claims SFP on the land and no other subsidies are claimed by the appellant, the appeal proposal does not comply with Policy CTY10. It is not the responsibility of DAERA to determine whether a farm is active and as there is no reference to SFPs in Policy CTY10, a farm does not have to be in receipt of this or other subsidies in order to be considered active for the purposes of the policy. The evidence submitted in the Appellant's Statement of Case indicates that the farm land now under consideration is farmed for 6 months each year by the Leasee farmer and for the remainder of the year by the appellant. This was undisputed by the LPA.

10. Paragraph 5.39 states that for the purposes of Policy CTY 10, agricultural activity refers to, among other things, maintaining land in good agricultural and environmental condition. Policy does not require a high or any specified level of activity, but evidence must be provided to demonstrate at least some level of activity over the last 6 years in order to satisfy the policy requirements. It is noteworthy that despite several requests from the LPA to provide evidence that the appellant's farm business was currently active and had been established for at least 6 years, the appellant failed to provide any evidence to this effect. However in his Statement of Case, he supplied invoices for cutting and round bailing dated 09/07/2015, 19/07/2016, 10/08/2017, and 17/07/2018 as well as an invoice for grass topping dated 11/02/2014. He also provided invoices for cutting hedgerows dated 03/07/2014, 17/06/2016, 24/01/2017 and 02/07/2018 with further invoices for spreading slurry dated 15/07/2015, 26/07/2016, 27/08/2017 and 24/07/2018. That all relate to the appeal land was not disputed by the LPA. The appellant was in full control of the farm holding until the conacre Agreement was signed in 2015 and I am satisfied that since then he has been responsible for the annual cutting of grass and silage as well as maintaining the land.
11. Taking account of the submission of this new evidence supplied at appeal stage, the LPA's response has been that each of the tasks invoiced could be accomplished in a few hours over a full calendar year. They remain of the opinion that this documentation shows very limited evidence of maintaining the land and does not therefore demonstrate active farming. They have not moved from their original conclusion that it is Mr Wilson's farm business rather than the appellants that is carrying out the agricultural activity on this land.
12. The test posed by Criterion (a) is not whether the applicant is an active farmer but whether the farm business is active and established. Policy CTY 10 does not outline a specific number of man hours of work on the farm which must be carried out and I am satisfied that the cutting of hedgerows and spreading of slurry on land is necessary for its annual maintenance, regardless of the length of time taken to complete these tasks. Policy does not make particular reference to the role of a leasee farmer or the possibility of the sharing of responsibility for actively farming the land between the landowner and the leasee on a partnership basis. Whilst the lease farmer grazes the land for 6 months of the year, the appellant maintains the land annually as well as cutting hay and silage over the remaining 6 months. Therefore I conclude that in these circumstances, the appellant makes a contribution that equates to the policy requirements. The land is in good agricultural and environmental condition and at the site visit was ready for silage to be cut. From this evidence and my own on-site observations, I am therefore satisfied that the appellant's farm business is currently active and has been established over the last 6 years. In this evidential context, I conclude that criterion (a) is complied with.
13. Accordingly, the LPA has not sustained its objection in respect of Criterion (a) of Policy CTY 10. As it finds support in Policy CTY 10, the appeal proposal also complies with Policy CTY 1. The reason for refusal has not therefore been sustained and the appeal is allowed.
14. With regards to conditions, in the interest of residential amenity, it is necessary to orientate the front elevation of the dwelling and garage to the north with no upper floor windows allowed in the eastern elevation in order to protect the privacy of the occupants of No. 300. To ensure that the new dwelling integrates into the

landscape, the ridge height of the dwelling and garage should be restricted to 6.5m with 0.45m underbuild. In the interest of road safety, visibility splays of 2.4m by 120m are required to be provided prior to the commencement of development and permanently retained. In the interest of visual amenity, the existing mature hedgerow along the southern boundary should be retained and a landscaping scheme including hard and soft landscaping should be submitted to and agreed with the LPA, including planting behind the required sightlines and around all other site boundaries.

Conditions

- (1) Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the Planning Authority – the siting, design and external appearance of the dwellings and the means of access thereto.
- (2) The front elevation of the dwelling and garage hereby permitted shall be orientated to the north and its ridge height shall not exceed 6.5m above finished floor level and underbuilding shall not exceed of 0.45m. No first floor windows shall be provided in the eastern elevation of the dwelling.
- (3) Visibility splays of 2.4m by 120m shall be laid out on Townhill Road before any building operations commence and shall be permanently retained thereafter.
- (4) No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing hard and soft landscaping, including the retention of the hedgerow along the southern boundary, the trees and hedgerows to be provided along all other boundaries of the site including to the rear of the visibility splays, the location, numbers species and sizes of trees to be planted within the sites during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged shall be replaced during the next planting season with others of a similar size unless the Planning Authority gives written consent to any variation.
- (5) Application for approval of reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
- (6) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to Drg. No. L01 -1:2500 site location plan date stamped received by the LPA on 10 July 2018

COMMISSIONER PAULINE BOOMER

2018/A0194

List of Appearance

LPA	Ms Anne McDermott from Causeway Coast & Glens Borough Council
Appellant	Mr Chris Cassidy

List of Documents

LPA 1	Statement of Case from Causeway Coast & Glens Borough Council
LPA 2	Rebuttal from Council
APP 1	Statement of Case & appendices from Appellant.

Appeal Reference:	2019/A0035
Appeal by:	Mr Sean O'Hare
Appeal against:	The refusal of full planning permission.
Proposed Development:	Farm building and animal handling facility
Location:	Land approximately 200 metres south west of 59 Demesne Road, Seaforde, Ballynahinch, BT24 8NS
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/1266/F
Procedure:	Written representations and accompanied site visit on 29 October 2019
Decision by:	Commissioner Rosemary Daly, dated 25 November 2019

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal relate to the:
 - principle of the development in the countryside; and
 - whether the proposed building visually integrates into the surrounding countryside.
3. The Ards and Down Area Plan 2015 operates as the statutory local development plan for the area where the appeal site is located. The plan offers no specific policy to determine farm buildings in the countryside therefore the provisions of regional policy as set out by the Strategic Planning Policy Statement for Northern Ireland (SPPS) must be considered. The SPPS indicates that the provisions of Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) are retained and will continue to apply until such times as a new development plan is in place for the council area.
4. Policy CTY1 of PPS21 relates to development in the countryside and sets out a range of types of development which in principle are considered to be acceptable in the countryside that will contribute to the aims of sustainable development. One type is agricultural and forestry development in accordance with Policy CTY12. Policy CTY12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that stated criteria are met.
5. The appeal site is located off and set back from the Demesne Road, north of the small settlement of Seaforde. An existing entrance and access exist to the site across and running back through a flat agricultural field. Along the roadside the land is relatively

flat and the appeal site continues to match similar levels of the road and then around mid-point on the host field the land begins to rise up. The proposed farm building will be positioned some 75 metres back from the road side, on the lower part of a sloping landscape in the area. The proposal relates to a multi-purpose shed and a small store.

6. On the 17 May 2013 the appellant made a planning application (R/2013/0227/F) on the appeal site, for a proposed 'isolated farm building and animal handling facility'. On the 4 April 2016 the application was refused. The reasons for refusal related to it not being demonstrated that the farm business was active and established; that the building was not necessary for the efficient use of the agricultural holding; and that it had not been demonstrated there were no other alternative sites available to accommodate the proposal. An additional concern at that time was that the ancillary works do not integrate with their surroundings. Referring to the case officer's report at the time I note that DARD had confirmed the appellant farm business number had not been established for a period of 6 years and it was considered the shed was not necessary for the functioning of the farm at that time. Furthermore in the consideration of this application the Council appeared to have more concern with the appearance of the access to the site rather than the proposed building. Notwithstanding this decision and owing to the passage of time the matters relating to this case must take account of the current policy and up to date considerations presented in this case.
7. Before considering the specific criteria of Policy CTY12 the first matter to determine in this appeal is does the appeal proposal relate to an established and active farm business. Paragraph 5.56 of the justification and amplification of Policy CTY12 states that *'for the purpose of this policy the determining criteria for an active and established business will be that set out under Policy CTY10'*. The first criterion set out in Policy CTY10 and applicable to the appeal development is that the farm business to which it relates must be currently active and established for at least 6 years. The appellant is therefore required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.
8. The evidence presented by the appellant states that he obtained the farm land from his grandfather, Mr James Gibney, in 2009. This is as confirmed by a copy of a solicitor's letter dated 7 May 2009. The letter also states that the land has been registered with DAERA (formerly DARD) as a business and he has held a DEARA Business ID number since 2009. The appellant is not a full time farmer. The land to which the farm business relates extends to 5.6 hectares (14 acres) including and around the location of the appeal site. A farm map was provided with a Business ID Reference No: [REDACTED] in respect of the appellants land. The map is addressed to 98 Tannaghmore Road, Ballynahinch. The consultation response from DEARA states that the farm business has been in existence for more than six years and that no Single Farm Payments or Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes have been claimed in the last 6 years. Comments from DEARA on their consultation response also state that the Business ID was issued on 26 May 2009; that no subsidy claims have been submitted; and that the proposed site is located on that associated with two different business from 2012 – 2014 and 2016 - 2017.
9. The appellant's evidence states that since he obtained the land in 2009 he has retained full responsibility for ensuring that the land has been kept in good agricultural condition. In doing this he states that he has:
 - Completed tax returns for farm income and expenses;
 - Improved the access to the land;

- Carried out fencing works;
 - Ensured the land has been actively utilised for grazing purposes; and
 - Completed an OPA awareness course (which entails diseases transmitted from sheep) passed exams at CAFRE and is presently a member of a farm business development course.
10. A sample of invoice receipts relating to expenses spanning from 2009 to 2018 were provided by the appellant in respect of his farm land known as 'Scrib Farm'. A number of copy invoices were provided, these include invoices from:
- McKelvey Bros Farm Supplies addressed to 'Scrib Farm'. These invoices relates to various supplies related to the appellant's land including posts and wire fences and date from 6/7/2009, 29/1/13, 11/2/2013 18/2/2013 and 22/4/13.
 - JB Brown Ltd, Hardware House for various supplies including water drums. Dated 23/6/2007 and 11/6/2018.
 - Befab Ltd for Poxo 13 x 3 Jun Green and fixings on 28/02/2018, not noted to any specific address.
 - P Turley & Sons, Builders Plumbers and Electrical Supplies for 1 x 10f gate, 1 closing post and 1 hanging post addressed to the appellant at Tannaghmore Road, Seaforde and dated 3/4/2013.
 - Aughrim Quarry for 50 mm clean stone for Scrib Farm dated 11/2/2013.
 - James Glover & Sons Ltd Fertilisers dated 14/6/2018 and 18/6/2018.
 - Martin Supplies for Flemming 6ft Topper dated 15/06/2018.
 - Multec Limited for Tractor Hitch Attachment dated 18/07/2018; and
 - Joseph Wans Ltd various farm materials dated 17/05/2018.
11. The appellant states that whilst he has worked to maintain and improve the land since he obtained it in 2009, he now has significantly increased his farming activity over the past 2 years to the point where he is now working considerable hours on the farm. The information submitted to my mind verify this claim. The appellant does not dispute that he has not claimed subsidies including Single Farm Payment on the holding. Nonetheless the appellant argues that in the intervening period since 2009 he had been maintaining the land in good agricultural condition and has been operating a farm business. The fact that some of these invoices were for cash sales to my mind does not undermine their validity and I find most of the 'invoices have been linked with the appellant's land at 'Scrib Farm' or at least to his home address at Tannaghmore Road.
12. The appellant's land is now not currently let in conacre. A movement record of 10 pedigree sheep bought for his holding in April 2018 was provided. These sheep have been grazing the land since then. The appellant now holds a flock number . At the appeal site visit I was told that an updated flock movement record is to be lodged in November 2019 and this will relate to a total of 25 pedigree sheep. These sheep were grazing the land at the time of the site visit. This evidence was clarified and not disputed by the Council's representative at the site. The appellant also submitted details of a quote for his farm insurance and tax on his farm vehicle.
13. As referred to by the Commission decision 2017/A0231 the test posed by Criterion (a) of Policy CTY10 is not whether the applicant is an active farmer but whether the farm business is active and established for at least 6 years. The SPPS sets out in a footnote on page 53 that 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013. The appellant in their evidence detailed what Article 4 states 'agricultural activity' to mean. The definition includes

maintaining an agricultural area in a state which makes it suitable for grazing and cultivation and carrying out a minimum activity on agricultural areas naturally kept in a state suitable for grazing or cultivation. This definition sets a very low threshold for active farming.

14. Taking account of the evidence before me I consider the following matters to be important in determining if the farm business is currently active and has been established for at least 6 years:
 - The appellant Business ID was issued on 26 May 2009;
 - No Single Farm Payment or other subsidies have been claimed by the appellant. This fact is not defining on whether or not agricultural activity has taken place during the required period;
 - Since 2009 the appellant has been maintaining his land in a state including the carrying out of fencing around the land to make it suitable for grazing or cultivation. Whilst agricultural activity was at a low level from 2009 the appellant has provided copies of some invoices which support that agricultural activity by the appellant has occurred at 'Scrib Farm' since 2009;
 - Land was associated with two different farm businesses from 2012 to 2014 and 2016 -2017, but I note that during this time the appellant provided evidence to indicate that he continued to maintain the land for agricultural purposes during that time. An example of this included investment and improvements to the farm land by means of improving the agricultural access and gate way;
 - I note from the case officers that a site visit was undertaken on the 30 July 2013 and that the access to the farm land was already in place. From my inspection it is evident this work was carried out to permit and facilitate vehicular access across the appellant's fields on the farm holding; and
 - the level of activity on the farm has steadily increased from the carrying out of minimum farming activity in the form of the maintenance of the land in a suitable state to now the rearing and breeding of sheep on the land.
15. In this instance there is no dispute that the farm business has been established since 2009. The fact the land has been farmed by other separate business up until 2017 is not determining as evidence has been provided to indicate that the appellant at a minimum maintained the land in a state suitable for grazing or cultivation at points during this period. The evidence indicates that since 2009 the farming activity has slowly but steadily increased from maintaining the land in a suitable state for grazing to now rearing and breeding sheep on the land. As the appellant has provided the farm's DEARA (DARD) business ID along with other evidence to prove active farming over the required period of 6 years I am satisfied the proposed development relates to an active and established agricultural holding.
16. The appeal development is for a new building. Policy CTY12 states in cases where a new building is proposed applicants will also need to provide sufficient information to confirm (1) that there is no suitable existing buildings on the holding or enterprise that can be used; (2) the design and materials to be used are sympathetic to the locality and adjacent buildings; and (3) the proposal is sited beside existing farm or forestry buildings.
17. The appeal proposal represents the first building on the farm holding. The farm map is addressed to 98 Tannaghmore Road, Ballynahinch but land identified on the map is entirely located along Demesne Road. This dwelling or any land at Tannaghmore Road are not detailed on the farm map. The appellant stated that he lives with his mother at 98 Tannaghmore Road, but that this property is not in his ownership and it

is not associated with the farm business. This evidence was not disputed. Furthermore the appellant stated at present it is only used as an address for correspondence given there are currently no existing buildings on the holding. My site inspection verified that this property is detached single storey dwelling with car port and domestic outbuildings. The buildings are small and not suitable for rearing and breeding of sheep. Furthermore there was no indication that the property is associated with farming activity on the land relating to the appellant's farm. Accordingly I am satisfied that the appellant has demonstrated that there are no existing buildings on the holding or enterprise that can be used for the farm business.

18. The proposed building is small scale some 85 square metres and will have a pitch roof with a maximum height of some 5.4 metres stepping down to a lower height of around 3.8 metres. There are no other buildings immediately surrounding the site. The proposed building will comprise two areas one used for storage and one area used as a shed. The finishes will comprise smooth render along the bottom topped with box profile PVC. The design is modest and typical of new agricultural buildings found in the countryside. The proposed design and materials to be used are sympathetic to the locality in the surrounding area. The appeal proposal meets this requirement of Policy CTY12.
19. As the appeal proposal represents the first building on the appellant's holding the third requirement to be sited beside existing farm buildings cannot be achieved. Accordingly the exceptional test of Policy CTY12 is therefore engaged.
20. Policy CTY12 states that exceptionally, consideration may be given to an alternative site away from an existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons. As I have already determined the dwelling and associated domestic outbuildings at 98 Tannaghmore Road are not part of the appellant's farm holding and there are no other sites available to the appellant the first provision of the exceptional test is satisfied.
21. The appellant stated the proposed buildings will be used for multi-purpose and that it is necessary to house and look after his sheep over the winter and during the lambing season. At the appeal site visit the appellant indicated that at present he has no buildings on the farm and that the sheep are kept outside all year around including the winter and lambing season. The existing arrangements are not good for the efficient operation of the farm. He stated he was concerned now for the welfare of his animals coming into the winter months and that previously the existing external working arrangements were fatal was when his sheep were unwell and there is no shelter available. This arrangement had already resulted in the loss of some lambs.
22. A number of letters of support were presented by the appellant. Notably the letter of support from Alderman Robert Gibson, whom states that he, himself, is a full time farmer for over 30 years and owns a breeds stock. With his experience he states when breeding stock it is essential to have a covered shed to facilitate the handling and safe lambing. He notes that without a shed the appellant has lost a number of lambs during lambing time in 2019 and states that the proposal is essential for appellant to improve the husbandry of the animals he owns and manages in a suitable environment.
23. The appellant's evidence also states that the proposed farm building is designed to assist the welfare of sheep as set out by Schedule 1 of the Welfare of Farmed Animals Regulations (NI) 2000. The building will also be used to store feedstuff,

fertiliser, medical equipment and machinery at the farm location. Accordingly the appellant states the building is essential for the efficient use of the holdings including the health and safety of the welfare of the animals on the holding. This evidence was not disputed. On the balance of probabilities and given the nature of the appellant's farm business, relating to the breeding and rearing animals, I am persuaded that the proposed building is essential for the efficient functioning of the farm business.

24. Taking account of the presented evidence I am satisfied there are no other existing buildings or suitable sites on the holding. Furthermore I consider the proposed building is essential for the efficient use of the agricultural holding. Accordingly the proposal satisfies the exceptional test of Policy CTY12 of PPS21. The Council's third reason for refusal is not sustained.
25. The Council's second and fourth reason for refusal both relate to the ability of the proposed development to integrate into the surrounding countryside. Criterion (c) of Policy CTY12 requires that development visually integrates into the local landscape and additional landscaping is provided where necessary. Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
26. Policy CTY13 policy states a new building will be unacceptable where it meets a number of concerns from (a) to (g). In this case the Council noted their concerns relate to points (b), (c), (d) and (e). Point (b) is where the new building is on a site that lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Point (c) is that the new building relies primarily on the use of new landscaping for integration.
27. The appeal site is set back in the second field from the side of Demesne Road. The roadside boundary is defined by a low lying hedge. Views of the appeal site and landform from the road side are possible. A small stream runs along the east boundary of the site. This boundary is defined by dense vegetation some 4-5 metres high. The proposed building will be sited some 40 metres to the rear of this boundary vegetation. The building will be positioned gable end towards the road. The proposed siting of the modest building one field back from the road and some 75 metres from the road edge when combined with surrounding intermittent boundary vegetation means that the building would satisfactorily integrate on the appeal site. Furthermore the rising land form to the west and rear part of the host field also provides a visual backdrop to the proposed 5.4 metre high building.
28. The Council did not fully explained their concerns relating to the visual impact of the ancillary works in the form of the lane. Despite the visual appearance of the access being an issue in the previous application (R/2013/0227/F) for an agricultural building I note the Council did not proceed to take enforcement action against what they considered to be an unacceptable form of development on the surrounding area. In the overall scheme I do not find the ancillary works associated with the access to be so visually unacceptable when viewed from the surrounding area. The lane is positioned on flat land where the existing roadside hedge screens views of it within the surrounding context. I do not consider the lane, which appears now to have been part of the character of this area for some time to be inappropriate for the site and locality. The proposal does not offend points (e) or (d) of Policy CTY13.
29. The proposal does not rely primarily on the use of new landscaping to enable the building to integrate on the site. However I do consider the augmentation and planting of native trees along the road side boundary would further break views of the

proposed farm building on the appeal site when viewed from the Demesne Road. Such planting could be ensured with the use of a planning condition as agreed by the appellant at the appeal site visit.

30. Having considered the criteria in both CTY12 and CTY 13 I am satisfied that the modest scale agricultural building would satisfactorily integrate into the landscape and its surroundings. The proposed set back from the road combined with the surround boundary vegetation and rising land form to the rear means the proposal would satisfactorily integrate into the landscape. The appeal proposal meets this requirement of Policy CTY12 and CTY13. In this regard The Council's concerns in this regard raised by reasons for refusal 2 and 4 are not sustained.
31. In the interests of road safety the necessary visibility splays of 2.4 metres by 90 metres as shown on the site access drawing date received, by Newry, Mourne and Down District Council, 6 Mar 2019, are in situ on the ground. I was told at the site visit that no third party land was required in respect of the provision of the necessary visibility splays. Given the width of the grass verge along the roadside, the visibility splays are in situ. I am satisfied the visibility slays do not require third party land. The third party concerns are not sustained in this regard. A condition requiring the retention of the visibility splays, to ensure a safe access to the site, is necessary in the interests of road safety.
32. I note an undesignated watercourse transverses the appeal site's eastern boundary and that the DFI Rivers Planning Advisory Unit have confirmed that the sites north east boundary may lie within a strategic flood plain. DFI note the proposal shows this area to be a paddock and the actual built development will take place on elevated ground and out of the floodplain. It was confirmed by the parties at the appeal site visit that because of the scale and position of the proposed building a drainage assessment was not required for the appeal development. I am satisfied these matters are not determining in this appeal.
33. As I have found the proposal to meet the requirements of Policy CTY12 and Policy CTY13 it consequently meets the provisions of Policy CTY1 as it falls within the range of the type of development which in principle is considered to be acceptable in the countryside. The Council's first reason for refusal is not sustained.
34. For the reasons set out above I find the Council's four reasons and third party concerns not to be sustained.

Conditions

- (1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
- (2) A row of native species trees, including at least five trees at some 2 metres in height, shall be planted along the inner side of the road side boundary of the site before development commences on the site. Thereafter the trees shall be permanently maintained and allowed to grow above that height. Any trees dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of similar size and species unless the Council give written consent to any variation.

- (3) The visibility splays as shown on the existing site access plan scale 1:500 dated Newry, Mourne and Down District Council received on the 6 March 2019 shall be kept clear and permanently retained.

This decision relates to the following drawings:

- Site Location Map Scale 1:2500 Rev A dated received by Newry, Mourne and Down District Council 28 September 2018;
- Siting site access Scale 1:500 dated received by Newry, Mourne and Down District Council 6 March 2019; and
- Plans and Elevations dated received by Newry, Mourne and Down District Council 16 August 2018;

COMMISSIONER ROSEMARY DALY

List of Appearances

Planning Authority:- A McAlaney, Newry, Mourne and Down District Council

Appellant:- Mr S O Hare, appellant
Mr D Donaldson, Donaldson Planning

List of Documents

Planning Authority:- "A" Statement of Case Newry Mourne and Down District Council
"A1" Comments Newry Mourne and Down District Council

Appellant:- "B" Statement of Case Donaldson Planning
"B1" Comments Donaldson Planning

Third Party:- "C" M McEvoy, Statement of Case

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

**Appeal by Vanessa McKay
against the refusal of full planning permission for the erection of a dwelling and
garage on a farm at
40m East of 268 Rathfriland Road, Dromara**

**Report
by**

Commissioner Cathy McKeary

Planning Authority Reference: LA07/2021/0024/F

Procedure: Informal Hearing on 4th August 2022

Report Date: 5th December 2022

1.0 BACKGROUND

- 1.1. Newry, Mourne and Down District Council received the planning application on 30th December 2020. By notice dated 2nd June 2021 the Council refused full planning permission giving the following reason.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the evidence indicates that the applicant is not currently running an active and established farm business at this location.

- 1.2. The Commission received the appeal on 10th August 2021 and advertised it in the local press on 25th August 2021. There were no representations from any third parties at either the planning application or appeal stage.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is a cut out of a larger agricultural field on the Rathfriland Road. All boundaries around the site are comprised of a post and wire fence. There has been cutting into the land at the north eastern boundary. The cut material is stored on the appeal site. There is an area of rough hardstanding between the public road and the access gate onto the site. The site is broadly level with the road except where the cut material is being stored.
- 2.2 Immediately across the road from the site is a dwelling at 268 Rathfriland Road. There are two agricultural buildings to the south west of the site. The larger building sits set back and perpendicular to the road. It is a two storey old stone building with a slate roof and has a roller shutter door on the elevation facing onto the road and a pedestrian door and windows to the side. The building stored a JCB, a tractor and other farm equipment and materials at the time of the site inspection. The single storey building sits parallel to the road and is made of currogated iron. The wider area is predominantly agricultural with occasional dwellings located at the roadside.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The application site forms a cut out of a larger agricultural field which is a road side plot along the Rathfriland Road. During an inspection in March 2021, works had commenced to clear and level the application site resulting in a cut out of land within the eastern corner of the application site and deposits of soil around the site.
- 3.2 Adjacent to the south west of the application site are two outbuildings. To the west and on the opposite side of the road is a two-storey dwelling and garage at 268 Rathfriland Road, setback from the road frontage. The area surrounding the site is rural in character and development mainly comprises of single dwellings with associated outbuildings. The site lies within the Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). The appeal site is not within any settlement development limit as defined in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP).

- 3.3 With regard to the consultees, the Department for Infrastructure Roads (DfI Roads) had no objections subject to conditions. Northern Ireland Water (NI Water) provided a generic response. The Department of Agriculture, Environment and Rural Affairs (DAERA) advised that the Farm Business ID has been in existence for more than 6 years, the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in any of the last 6 years and the proposed site is located on land associated with another farm business.
- 3.4 In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Banbridge, Newry and Mourne Area Plan 2015, the Planning Strategy for Rural Northern Ireland (PSRNI), Planning Policy Statement 21, Sustainable Development in the Countryside (PPS21) Planning Policy Statement 3, Access, Movement and Parking (PPS 3) and any other material considerations.
- 3.5 The policies contained in PPS21 are material to the assessment of this proposal. Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with Policy CTY10 is one such instance. Policy CTY13 Integration and design of buildings in the Countryside, Policy CTY14, Rural character, and Policy CTY16, Development relying on non mains sewerage, should also be considered.
- 3.6 Outline planning permission was granted on 10th January 2014 under Q/2013/0334/O and the subsequent reserved matters application under LA07/2016/1242/RM was granted approval on 4th April 2017 for the "Erection of Farm Dwelling and Garage". No development has commenced to enact this permission and thus the permission has lapsed.
- 3.7 Policy CTY10 states that permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, P1C form, farm maps and site location plan have been submitted. Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the appellant will be required to provide the farm's DARD (now known as DAERA) Business ID number along with other evidence to prove active farming over the required period.
- 3.8 DAERA's consultation response confirms that the farm business has been in existence for more than 6 years but the business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years. In DAERA's consultation response it has also been noted that "*the proposed site is located on land associated with another farm business*". The documents submitted with the planning application confirm this. The supporting statement outlines that the appellant farmer leases his lands to another farmer under the terms of a rental agreement. The rental agreement documents demonstrate that 19.5 acres of land at 268 Rathfriland Road, Dromara has been leased from 2016 – 2019, and a further agreement from 2019-2022. It states that "*any expense associated with the land e.g. fencing, hedge cutting and general maintenance will be the responsibility of the land*

owner." At the hearing it was advised that the lease has been further extended from 2022 for a further year.

- 3.9 DAERA cannot disclose if claims are being made by the tenant farm business for subsidy entitlements, however, it would be evidence in support of the tenant's business farming activity and not the appellant farmer's business. Legal advice has been sought on this matter in terms of what status renting in conacre has in terms of satisfying the active criterion of policy. The landowner is considered to be the landlord and the tenant is carrying out the farming activity with both the risks and benefits. The lands leased in conacre are the farm business and the appellant is the landlord. The main agricultural activity is carried out by the tenant, who takes the risks and receives the benefits of those activities. Single Farm Payment (SFP) is one way of demonstrating that a business is active. There also needs to be engagement in the farm business and a level of activity. The tenant is claiming SFP on the lands and is enjoying that benefit. An active farm business is where someone has all the decision making powers, can demonstrate input into the business, takes risks in relation to that business, and has full authority over the business.
- 3.10 Policy CTY10 allows for other evidence to prove active farming over the required period. Invoices in the name of the land owner and corresponding address have been submitted for consideration with various dates between 2014-2020. These invoices relate to the appellant's father's and the hire of a hedge cutting saw, hedgecutting flail, and the purchase of concrete, field gates and posts. Other invoices were submitted relating to other agricultural services including reseeding, spraying, ploughing, cutting and bailing of silage and for general maintenance and repairs. Based on the receipts provided, there is yearly hedge cutting. There are a limited number of invoices regarding new gates and gateposts and digger hire. There are no extensive hedgerows on site and hedgecutting is not a major activity on the farm. The Council would expect a greater variety of invoices and the evidence provided is not adequate. It is noted that the test posed by Criterion (a) of Policy CTY10 is not whether the appellant is an active farmer but whether the farm business is active and established.
- 3.11 In terms of the definition of agricultural activity, hedge cutting and fences do not fall within this definition. This goes beyond these works and relates more to field maintenance. This is evident in the invoices where nothing relates to the cultivation or improvement of the land. Invoices relating to pre 2016 and along with other pre were not considered because 2016 is the start of the conacre arrangement and the appellant's business was not active in that period.
- 3.12 The appellant is not actively farming the business due to the low level of activity being carried out and has not actively farmed because of the conacre arrangements over the required six years. The level of engagement by the landowner is low as evidenced by the receipts provided. The majority of the maintenance is hedge cutting which on its own is not evidence of a farm business. The Council only considered the evidence from 2016 and there is not sufficient evidence to demonstrate sufficient engagement in the farm business.
- 3.13 The Council considers that in this case the land has not been farmed by the appellant's father under their farm business for the required six years due to the entire land being leased out to a third party. The policy refers to the farm business

singular and there cannot be two agricultural businesses on the same land. This is fatal to the determination of an application for a farm dwelling. The farm business belonging to the third party renting the land is the business which is engaged in actively farming this land, not the appellant's father's business which is contrary to Criterion (a) of CTY10. Council does not disagree with appeal decision 2017/A0231 but considers that there also needs to be a level of evidence to demonstrate an active farm business. The Council conceded that conacre can exist alongside another farm business as long as there is evidence of active farming by that farm business.

- 3.14 Upon considering Criteria (b) and (c), and carrying out the relevant checks, the Council is satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under Policy CTY10. The Council is also satisfied that the new dwelling could visually link / cluster with the group of buildings on the farm which are positioned to the south west of the application site. The dwelling design is as previously approved under the reserved matters application, LA07/2016/1242/RM and is again considered suitable for the rural location.
- 3.15 The P1 form submitted with this application indicates that a treatment plant will be used to dispose of foul sewage and surface water will be disposed of via a piped drain. Any approval notice should contain a negative condition for the appellant to provide the Council with the consent to discharge before any work commences. The proposal is in general compliance with Policy CTY16.
- 3.16 Having considered the application in relation to the relevant policy as set out under Policy CTY10 this proposal is not acceptable. The farm business has not been active for the required 6 years as set out in the policy requirement.
- 3.17 The following conditions are suggested by the Council on a without prejudice basis:
- Time limit;
 - Access with visibility splays of 2.4m x 100m and gradient limitations in accordance with drawing S2/100/20;
 - Requirement for landscaping and definition of boundaries;
 - Requirement to replace trees and shrubs within 5 years if they are removed, uprooted, or destroyed;and
 - Requirement for provision of NIEA Consent to Discharge prior to commencement of works.

4.0 APPELLANT'S CASE

- 4.1 The application sought to secure full planning permission for a dwelling and garage on a site on a farm. The proposal remains unchanged for the same two storey dwelling on the same site previously approved on this plot under Q/2013/0334/0 & LA07/2016/1242/RM.
- 4.2 The appeal site comprises a plot adjoining an established farmyard and farm buildings, with a frontage onto the public road. It is the common position that the dwelling design and the selected site are considered to be acceptable. This is not in dispute. The sole reason for refusal refers to Policy CTY10 and arises from a refusal

to accept that the farm business of the appellant's father (John King), which he ran throughout his life, is currently active. He continues to carry out all maintenance, i.e. hedge cutting two to three times a year, drain clearing, provision of fences and gateposts, ploughing and reseeding as required.

- 4.3 The SPSS has replaced paragraph 5.39 of PPS21, which defines agricultural activity, with Article 4 of EU Regulation 1307/2013, 'Establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy'. The definition of agricultural activity within this is *"For the purposes of this Regulation, the following definitions shall apply: 'agricultural activity' means:*
- *(i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,*
 - *(ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by Member States on the basis of a framework established by the Commission, or*
 - *(iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation"*
- 4.4 The Council's report sets out the assessment of this application and acknowledges the receipt of invoices from the land-owner farmer, relating directly to maintaining the agricultural lands, over the period 2014-2020. The evidence provided in the statement of case is 17 receipts in the name of the farmer owner at his home address, copies of which have been included within the statement of case. These are from 9 different companies covering the period from August 2013 until July 2020. The services provided according to the receipts are repairs to fence, ploughing, harrowing, sowing grass seed, hedge cutting, purchase of sheep wire, spraying, reseeding, hire of plant, repair of shed roof and spouting, flailing, hanging and setting of gates. However, the Council adopts the position that renting the land in conacre *"is fatal to the determination of an application for a farm dwelling"*. At the hearing the appellant stated that they cut hedges two to three times a year and cleared drains, repaired fencing and gates and ploughed and reseeded as required.
- 4.5 This raises two issues. Firstly, it wholly ignores the terms of the lease agreement between appellant farmer and tenant farmer, where the expense associated with the land for example, fencing, hedge cutting and general maintenance will be the responsibility of the owner. Secondly, this reveals a misjudged reliance on the Single Farm Payment scheme as the indicator of the agricultural activity taking place on the farm holding, leading to the erroneous assertion that renting the land in conacre, *"is fatal to the determination of an application for a farm dwelling"*.
- 4.6 It should be the accepted position, of all the parties, that maintaining the land in Good Agricultural and Environmental Condition (GAEC) is agricultural activity within the definition included in Article 4 of Regulation 1307/2013. It would appear that the Council does not accept this point and adopts an untenable position that the tenant farmer's activity somehow negates the agricultural activity of the landowner farmer.
- 4.7 The tenancy agreement sets out that any expense associated with the land, for example, fencing, hedge cutting, and general maintenance are the responsibility of

the land owner. While this defines where the burden of associated costs for activities will lie, it does not necessarily indicate that the landowner farmer will undertake or manage the activities. The tenant farmer has no responsibility for maintenance or any expense for the land. The tenant uses the land solely for his benefit and does no work that does not add to his yield. He grazes the land from late March until around September. The lease has further been extended for 1 year from March 2022 until March 2023. The grazing is done on dry land and generally takes place at the same time as the maintenance works. Hedges can only be cut by the landowner in the months outside March until August.

- 4.8 The submitted invoices, for a range of maintenance work over the period 2013-2020, clearly demonstrate that the land-owner farmer, has been responsible for managing, organising and directing the works necessary to keep the land in GAEC. Furthermore, the necessary works have been carried out by a number of different contractors and suppliers, indicative of the degree of coordination and organisation required for the upkeep of the agricultural holding. Maintenance as per the definition of agricultural activity certainly includes maintenance of gates, fencing and hedges to allow the animals grazing to be secure, therefore these works are essential. If the hedges are not cut, the hedge becomes wide and encroaches on the lands for grazing or they grow tall and become open at the bottom and therefore not secure for livestock. This work forms an integral part of ensuring that the land is suitable for grazing.
- 4.9 The appellant considers an active farm business to be any business which is involved in agricultural activity as laid out in EU Regulation No. 1307/2013. The landowner's income is renting land in conacre which is dependant on him doing the work which the lease obliges him to do. In terms of financial risk, the appellant is involved with the outlays and the expenses to keep the land in a suitable condition that allows it to attract rent. Financial risk is not a planning consideration nor is it within the definition of agricultural activity, however it is required by DAERA in order to determine whether a person is eligible for SFP. SFP is only payable for the first category of agricultural activity as defined by EU Regulation No. 1307/2013 which relates to food production. The second and third categories of agricultural activity do not qualify for SFP. The appellant carries out category two activities therefore is not eligible for SFP.
- 4.10 The Council's Development Management Report, in reference to the principle of the tenant farmer claiming subsidy payments, states that, *"...this is an important consideration determining the activity of a farm business, DAERA has advised that the land comprising the application site is associated with another farm business and while they cannot disclose if claims are being made by this farm business for subsidy entitlements it is evidence in support of the tenant farm business farming activity and the applicant farmer's business. The Planning Department in this instance considers that the farm business of the third party renting the land is engaged in actively farming the land, not the applicant farmer's business"*. This consideration is clearly flawed. DAERA may have advised that the land in question is associated with another farm business, however, it is a leap to state that, *"it is evidence in support of the tenant farm business farming activity"*, much less a basis to wholly set aside the submitted evidence in connection with the landowner farmer's activity.

- 4.11 The appellant accepts that the tenant farmer rents the land and has the use of it for his benefit. This is not in dispute as the lands are used for grazing by the tenant's farm business. This activity would fall within category (i) of the EU Regulation outlined above. However, agricultural activity extends far beyond merely using the land, in this case, for grazing. The long-term upkeep of agricultural lands and maintaining them in GAEC, is recognised as an activity in itself, discrete from production. This falls within category (ii) of the EU Regulation. This is the activity currently undertaken by the land-owner farmer. It should be noted that this is often mistakenly referred to as the 'minimum' requirement to satisfy the planning policy, but would point out that the minimum requirement is actually category (iii). In this appeal case, the level of farming activity carried out by the landowner farmer is category (ii), in excess of the minimum requirement and is demonstrably an activity discrete from the farming activity of the tenant farmer.
- 4.12 In the statement of case the Council considers that the land rented out in conacre is fatal to the appeal, which is not the findings of the Commission. Appeal decision 2017/A0231 was submitted at the hearing for consideration. It is similar to this appeal in that there is a tenant and owner. Appeal 2017/A0231 was allowed because the farm does not need to be in receipt of subsidies to be active.
- 4.13 It is the appellant's submission that the land-owner farmer's business is currently active in keeping and maintaining the farm in GEAC and that supporting evidence has been provided. This agricultural activity meets the policy test as outlined in PPS21 and the SPPS and satisfies the requirements of CTY10, criterion (a). DAERA have already confirmed in their consultation response, dated 15 February 2021, that the business is in existence since April 2005 and is classified as Category 1.
- 4.14 The appellant requested that conditions relating to planting were amended to be carried out in the first available planting season after occupation of the dwelling, rather than prior to occupation of the dwelling.

5.0 CONSIDERATION

- 5.1 The main issue in this appeal relates to whether the proposal would be acceptable in principle in the countryside in accordance with Policy CTY10 of PPS21.
- 5.2 Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP) so far as material to the application and to any other material considerations. Section 6(4) of the Act requires that where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3 The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as the relevant LDP where the appeal site is located. In the plan, the site is located in the countryside. The site is also within the Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). There are no designations or policies that are determining to the proposal within the Plan.
- 5.4 The SPPS sets out transitional arrangements that will operate until a Plan Strategy for the Council area is adopted. To date there is no plan strategy for the Newry,

Mourne and Down District Council Area or for the area in which this site is located. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. No conflict arises between the policy provisions of the SPPS and the retained policy contained in PPS21 in so far as it relates to the appeal.

- 5.5 Policy CTY1 of PPS21 states that there are a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is for a dwelling on a farm in accordance with Policy CTY10, Dwelling on Farms.
- 5.6 Policy CTY10 requires that three criteria are met, plus the requirements of Policies CTY13 (a-f), CTY14 and CTY16. In this case the main area of contention between the parties is criterion (a) of Policy CTY10 of PPS21 where although the Council accepts that the business is established, it holds the view that it is not active.
- 5.7 An active farm business is one which is carrying out agricultural activity as laid out in paragraph 5.39 of the justification and amplification of Policy CTY10. This definition has been superseded by the SPPS and the footnote within it which relates to the three categories defined in Article 4 of EU Regulation 1307/2013 as laid out in the appellant's evidence. At the hearing the Council's position was contrary to their statement of case and they conceded that an active farm business can coexist with lands in conacre which are farmed by another active farm business.
- 5.8 The farm business is owned and operated by the appellant's father who lets it out in conacre. The agricultural activities carried out by the appellant's father, are repairs to fence, ploughing, harrowing, sowing, hedge cutting, purchase of sheep wire, spraying, reseeding, hire of plant, repair of shed roof and spouting, flailing, hanging and setting of gates as demonstrated by the receipts provided. Of the seventeen receipts provided, seven are dated before June 2016 which relates to the required six-year period. Therefore, the seven receipts outside of the required period can only be given limited weight. Of the remaining ten receipts, these relate to the period from October 2017 until July 2020 (two for 2017, three for 2018, three for 2019 and one for 2020), ie the six year period in question. The receipts demonstrate repair of a shed and installation of gates, flailing, hedge cutting, plant hire, and purchase of concrete. All receipts are issued to the owner farmer at his home address which is across the road from the appeal site. At the hearing the appellant also stated that they currently carried out drain clearing, provision of fences and gateposts, ploughing and reseeding as required. I find this evidence demonstrates a level of agricultural activity associated with the farm business.
- 5.9 The policy does not indicate any standards for how the evidence of agricultural activity is demonstrated, the type or variety of that evidence or the frequency of the activities undertaken to support the evidence. That is a matter of judgement. Considering the evidence provided, which has been substantiated with receipts to demonstrate agricultural activity in this instance, I am persuaded that the farm business has been active for the required period of six years. I also concur with the appellant that appeal decision 2017/A0231 is relevant and that the approach in this

case is consistent with that decision. The owner farmer’s activity therefore constitutes an active farm business and as detailed above, has been established for at least 6 years and criterion (a) of Policy CTY10 is satisfied.

- 5.10 A condition relating to the provision of visibility splays along the Rathfriland Road of 2.4m x 100m in both directions is necessary in the interests of road safety. As the site is relatively flat both in itself and adjacent to the road therefore I do not consider it necessary to specifically condition gradients beyond those indicated in the drawings. The provision of landscaping would define the boundaries and further aid integration of the proposal into this site located in AONB, therefore a condition to ensure the provision of boundary planting and landscaping is necessary. I do not consider it unreasonable for the condition to require the proposed landscaping to be carried out after the occupation of the dwelling. It is not a function of the planning system to duplicate pre existing legislation therefore I do not consider it necessary to apply a condition regarding Consent to Discharge.
- 5.11 For the reasoning given above, I find that the proposal meets CTY10 as a whole and also meets CTY1 and the Council’s reason for refusal is not sustained. Therefore, the principle of development is acceptable under Policies CTY1 and CTY10 for a dwelling and garage on a farm and the design submitted by the appellant is acceptable.

6.0 RECOMMENDATION

6.1 I recommend to the Commission that the appeal be allowed and full planning permission be granted, subject to the following conditions: -

- 1. Prior to building works commencing visibility splays of 2.4m x 100m shall be laid out in both directions at the junction of the proposed access with Rathfriland Road and thereafter retained.
- 2. The scheme of planting hereby approved shall be carried out in accordance with drawing S2/100/20 date stamped received by the Council on 30th December 2020 during the first planting season after occupation of the dwelling. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
- 3. The development shall be begun before the expiration of five years from the date of this permission.

6.2 This recommendation relates to the following drawings:-

Drawing No.	Title	Scale	Date
S1/100/20	Location Map	1:2500	Received by Newry, Mourne and Down District Council 30 th December 2020
S2/100/20	Site Plan	1:500/1:200	Received by Newry, Mourne and Down District Council

			30 th December 2020
W1/100/20	Proposed Plans	1:100	Received by Newry, Mourne and Down District Council on 30 th December 2020
W2/100/20	Proposed Elevations	1:100	Received by Newry, Mourne and Down District Council on 30 th December 2020

List of Appearances

Planning Authority:- Annette McAlarney

Appellants:- Tom Wilson (Tom Wilson Planning)
Vanessa McKay
Stephen McKay

List of Documents

Planning Authority:- "A" – Statement of case by Newry, Mourne and Down District Council

Appellant(s):- "B" – Statement of case by Tom Wilson Planning on behalf of Vanessa McKay

Appeal Reference:	2021/A0087
Appeal by:	Vanessa McKay
Appeal against:	Refusal of full planning permission
Proposed Development:	Dwelling and garage on a farm
Location:	40 metres east of 268 Rathfriland Road, Dromara
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2021/0024/F
Procedure:	Informal Hearing on 4 th August 2022
Decision by:	The Commission, dated 22 nd December 2022

The Commission has considered the report by Commissioner McKeary and accepts her analysis of the issues and recommendation that the appeal should succeed. The Commission agrees that the reason for refusal have not been sustained.

Decision – the appeal is allowed and full planning permission is granted, subject to the conditions set out below:

1. Prior to building works commencing visibility splays of 2.4m x 100m shall be laid out in both directions at the junction of the access with Rathfriland Road and thereafter retained.
2. The scheme of planting hereby approved shall be carried out in accordance with drawing S2/100/20 date stamped received by the Council on 30th December 2020 during the first planting season after occupation of the dwelling. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
3. The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings:

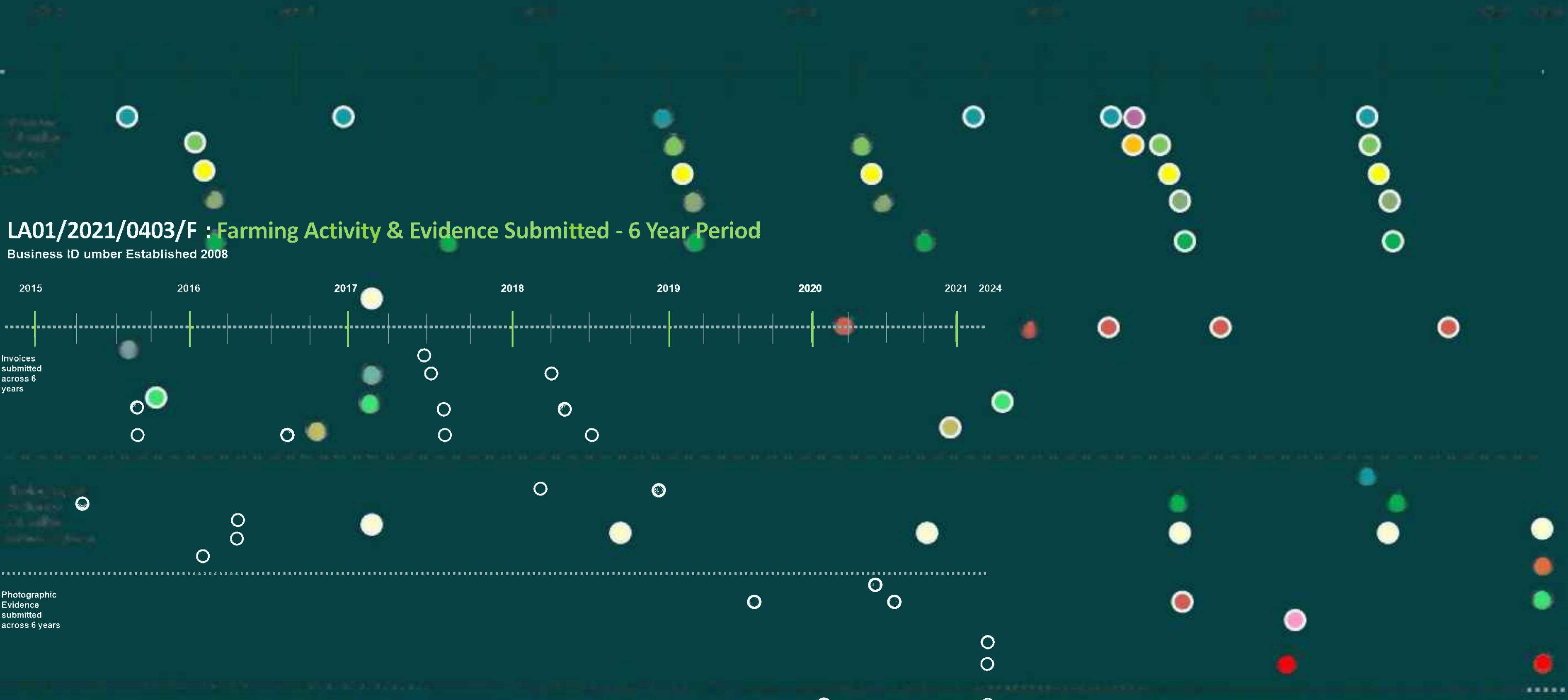
Drawing No.	Title	Scale	Date
S1/100/20	Location Map	1:2500	Received by Newry, Mourne and Down District Council 30 th December 2020

S2/100/20	Site Plan	1:500/1:200	Received by Newry, Mourne and Down District Council 30 th December 2020
-----------	-----------	-------------	--

ROSEMARY DALY
Principal Commissioner

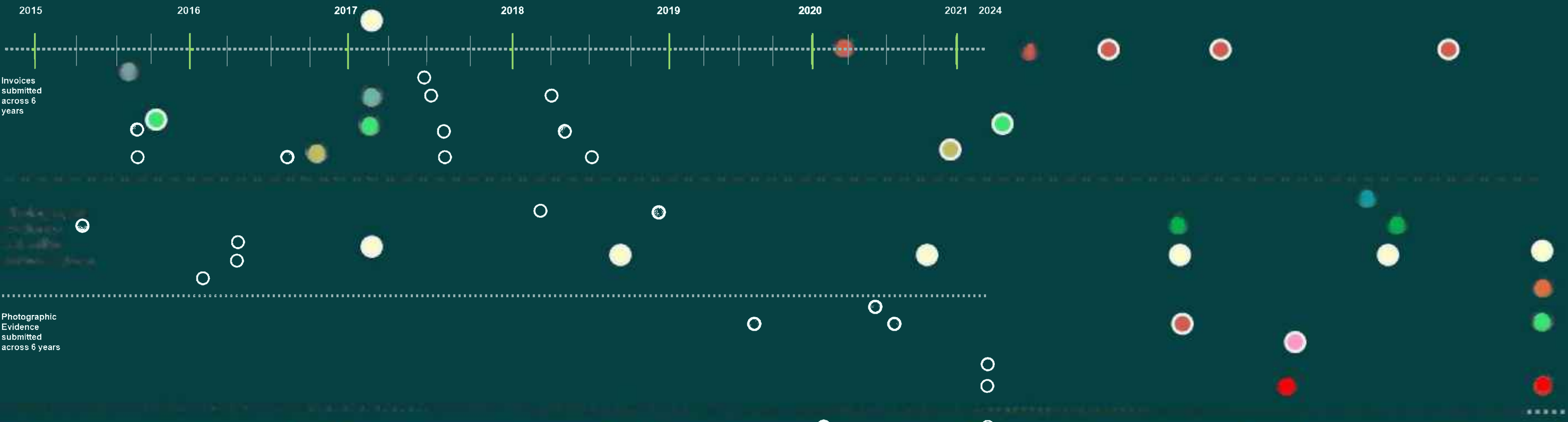
LA01/2021/0403/F : Farming Activity & Evidence Submitted - 6 Year Period

Business ID umber Established 2008



LA01/2021/0403/F : Farming Activity & Evidence Submitted - 6 Year Period

Business ID umber Established 2008



	WEED SPRAYING		3'S LANE MAINTAINANCE		FENCING & BOUNDARY TREATMENT		SOIL MANAGEMENT		SILAGE BALING
	FARM BUILDING UPKEEP		ACCE		TREE TRIMMING & CUTTING		MAINTAINANCE OF HEDGEROW		LAND DRAINAGE & PIPING
	FARM MACHINERY UPKEEP		SILAGE SALES		GATE POST REPLACEMENTS		LAND CULTIVATION		

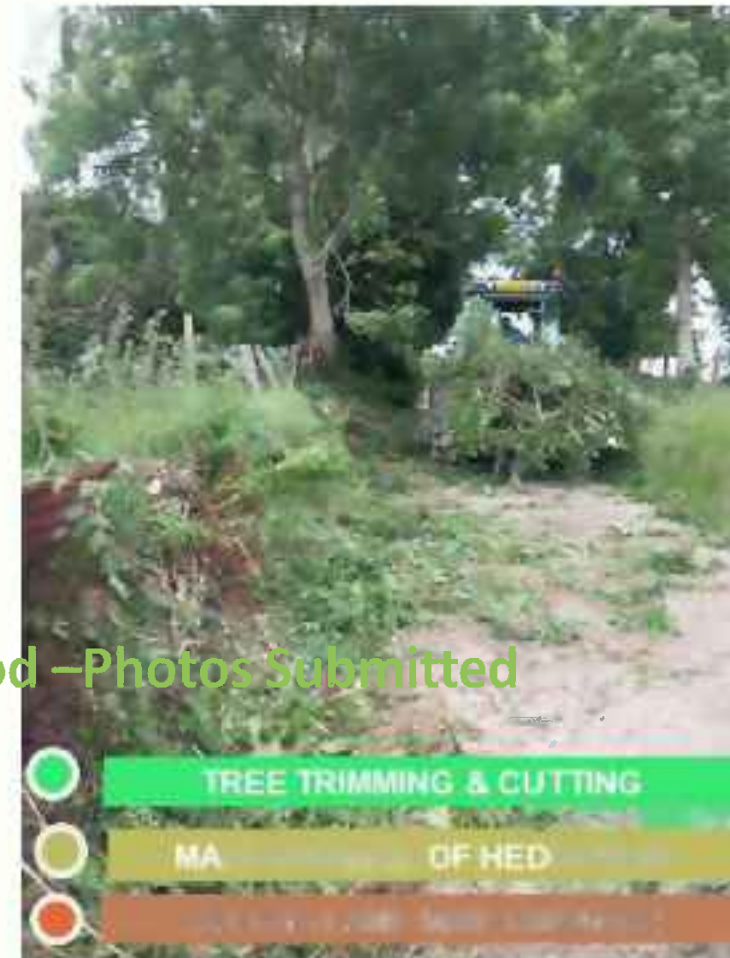


LA01/2021/0403/F : Farming Activity & Evidence - 6 Year Period - Photos Submitted

Color-coded legend with green, yellow, and red bars and circles.



Color-coded legend with green, yellow, and red bars and circles.



Color-coded legend with green, yellow, and red bars and circles. Text: TREE TRIMMING & CUTTING, MAINTAINANCE OF HEDGEROW.



Color-coded legend with green, yellow, and red bars and circles.



Color-coded legend with blue and yellow bars and circles.



Color-coded legend with green, yellow, and red bars and circles. Text: SILEAGE SALES, FARM MACHINERY + UPKEEP, ACCESS LANE MAINTAINANCE, GATE / POST REPLACEMENT.



Color-coded legend with yellow, purple, and green bars and circles. Text: INTAINANCE, GEROW, ACCESS LANE MAINTAINANCE, FERTILIZER SPRAYING, WEED SPRAYING, MANAGEMENT OF INVASIVE SPECIES, TREE TRIMMING & CUTTING.



Color-coded legend with green, yellow, and red bars and circles. Text: TREE TRIMMING & CUTTING, MAINTAINANCE OF HEDGEROW, ACCESS LANE MAINTAINANCE.



Color-coded legend with green, yellow, and red bars and circles. Text: SOIL MANAGEMENT, ACCESS LANE MAINTAINANCE, FARM BUILDING UPKEEP, TREE TRIMMING & CUTTING.



Color-coded legend with yellow, purple, and green bars and circles. Text: WATERCOURSE MANAGEMENT, LAND DRAINAGE, PIPING.



Color-coded legend with green, yellow, and red bars and circles. Text: MAINTAINANCE OF HEDGEROW, FENCING & BOUNDARY TREATMENT, TREE TRIMMING & CUTTING.

LA01/2021/0403/F : Visual Linked with Cluster of Existing Farm Buildings



**IN THE MATTER OF A PLANNING APPLICATION FOR A DWELLING ON A
FARM HOLDING AT NO 328 FOREGLEN ROAD, BALLYMONEY, DUNGIVEN**

STATEMENT OF FACT

I, John Bernard Duffy, of No. 198 Muldonagh Road, Claudy, BT47 4EJ, hereby confirm the following:

1. I bought the farm holding that the application site is located on in 2008. It comprises a farm house (No. 328 Foreglen Road), a number of farm buildings and agricultural fields. The holding has a total area of approximately 25.77 acres.
2. In 2010, I applied for and successfully obtained a Category 1 Farm Business ID.
3. I have maintained the farm holding in good agricultural and environmental condition (GAEC) since I acquired it. I have acquired the following machinery in order to carry out maintenance works:
 - 2no tractors (Massey Ferguson and David Brown);
 - 2no trailers;
 - Digger;
 - Link box;
 - Farm Quad;
 - Forklift;
 - Sower;
 - Sprayer;
 - 4x4 Off Road Jeep.(See photos at **Tab 1**).
4. The works I have carried out (either myself or hired others) in order to maintain the land in GAEC has included:
 - Drainage works;
 - Cutting trees and hedges annually;
 - Cutting silage and sowing fertiliser annually;
 - Erecting new fencing and repairing pre-existing fencing;
 - Treating Japanese Knotweed;
 - Spraying weeds.
5. A number of invoices and receipts in relation to these works and upkeep of my farm machinery are included at **Tab 2** and summarised in the table overleaf. Whilst a number of these do not have my name or address on them as they were cash sales, I can confirm that they all relate to products or services that I paid for in relation to my farm business.

	Supplier/ Business	Item	Date
1	T.P. Hegarty Contractor & Plant Hire	Drainage works at farm	13-Apr-15
2	Dungiven Farm Supplies Ltd	Weedkiller for farm	18-Apr-15
3	Kevin Ward	Cutting & baling silage and sowing fertiliser	15-Jul-15
4	Derek Buchanan Farm Machinery	Oil & parts for David Brown tractor	14-Oct-15
5	John McDevitt Tractor & Machinery Spares	Part for David Brown tractor	24-Oct-15
6	T.P. Hegarty Contractor & Plant Hire	Drainage works and hedgerow & tree trimming	24-Feb-16
7	Don Laughlin & Co Ltd	Posts for fencing on farm Forefront T for treatment of Japanese Knotweed on farm	28-Apr-16
8	T.P. Hegarty Contractor & Plant Hire	Drainage works, pipe laying, fencing, spraying weeds	15-Jun-17
9	Kevin Ward	Cutting & baling silage and sowing fertiliser	20-Jun-17
10	Nigel Deane & Son – Agricultural Service & Repairs	Repairs to Massey Ferguson tractor	21-Feb-18
11	Mickey O'Neill Claudy Tyre Centre	Tractor tyre	10-Apr-18
12	Kevin Ward	Cutting & baling silage and sowing fertiliser	2-Jul-18
13	T.P. Hegarty Contractor & Plant Hire	Drainage works, trimming hedgerows and trees	3-Oct-18
14	Mickey O'Neill Claudy Tyre Centre	Forklift tyres	17-Dec-18
15	T.P. Hegarty Contractor & Plant Hire	Drainage works, building dry stone wall, spraying weeds, trimming hedgerows and trees	18-Feb-19
16	Premier Car Parts	Tractor part	21-Mar-19
17	John McDevitt Tractor & Machinery Spares	Part for David Brown tractor	6-Apr-19
18	John McDevitt Tractor & Machinery Spares	Paint for David Brown tractor	20-Apr-19
19	David Brown Parts Limited	Parts for David Brown tractor	29-Apr-19
20	David Brown Parts Limited	Parts for David Brown tractor	10-May-19
21	Kevin Ward	Cutting & baling silage and sowing fertiliser	28-Jul-19
22	Premier Car Parts	Hydraulic oil	27-Nov-19
23	FP McCann Ltd	Precast drainage products	21-May-20
24	Kevin Ward	Cutting & baling silage and sowing fertiliser	30-May-20
25	Premier Car Parts	Hydraulic Oil	22-Sep-20

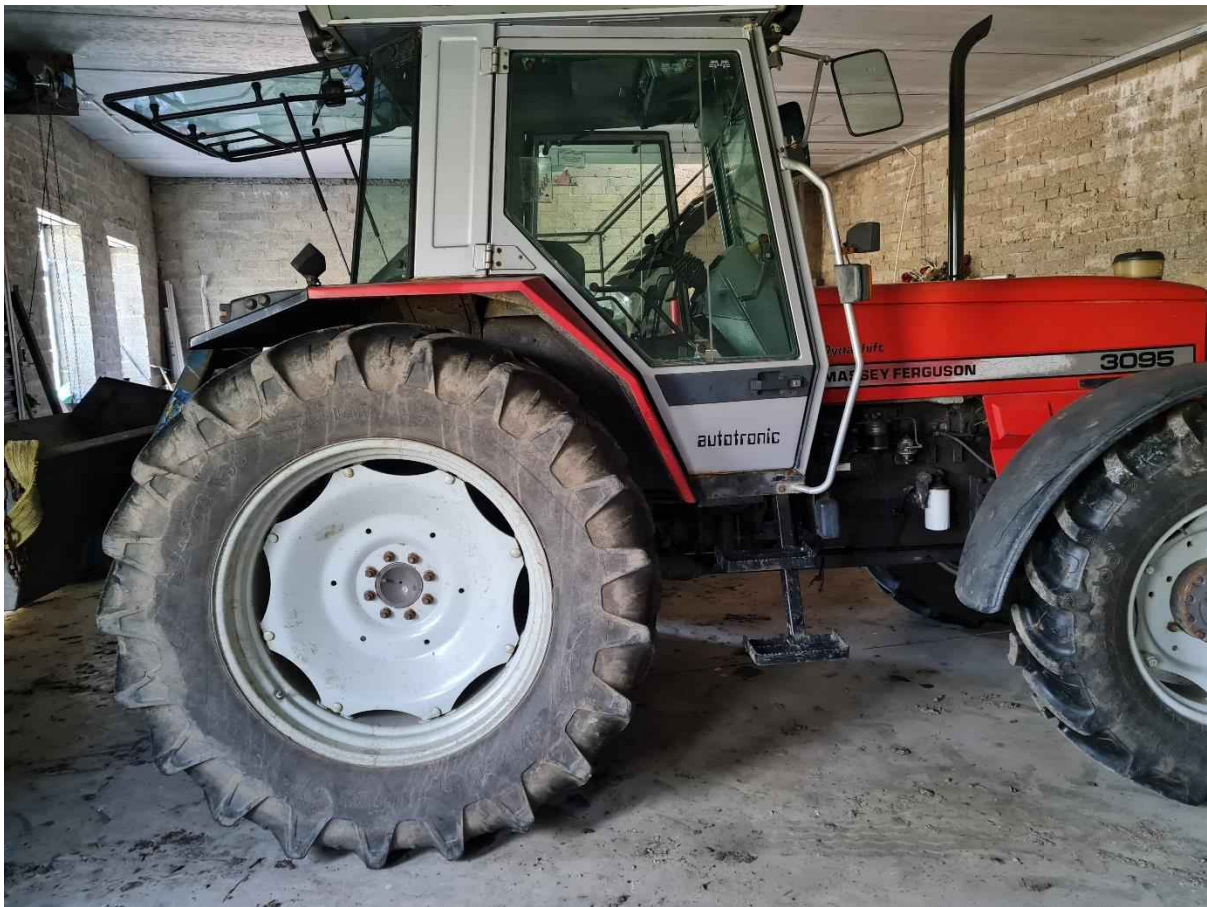
6. I have work including cutting and baling silage and sowing fertiliser carried out on an annual basis by Kevin Ward and in exchange I allow him grazing rights for a few months over winter. A number of other local farmers also grazed animals on the land during winter months however these were informal arrangements without any written leases.
7. However, I have always been solely responsible for the maintenance and upkeep of the farm holding. The maintenance work that I carry out or hire others to carry out on my behalf means that the land continues to be in good grazing condition.
8. I sell bales of silage cut from the farm and invoices in relation to this from 2015 to 2020 are at **Tab 3**.

Signed

John Bernard Duffy

Date 6th September 2023

Tab 1









T. P. HEGARTY CONTRACTOR & PLANT HIRE

136 Altmore Road, Dungiven, BT47 4QE



JB DUFFY, 328 FOREGLEN ROAD

JB DUFFY

DATE **DIGGER WORK AT FARM** **Monday, 13 April, 2015**

DRAINAGE WORKS

#####	MARTIN & 9 TON DIGGER	8 hrs	[REDACTED]
#####	MARTIN & 9 TON DIGGER	8 hrs	[REDACTED]
#####	MARTIN & 9 TON DIGGER	8 hrs	[REDACTED]
#####	MARTIN & 9 TON DIGGER	8 hrs	[REDACTED]
#####	MARTIN & 9 TON DIGGER	8 hrs	[REDACTED]

TOTAL

#####	TOMMY & 13 TON DIGGER	8 hrs	[REDACTED]
#####	TOMMY & 13 TON DIGGER	8 hrs	[REDACTED]
#####	TOMMY & 13 TON DIGGER	8 hrs	[REDACTED]
#####	TOMMY & 13 TON DIGGER	8 hrs	[REDACTED]
#####	TOMMY & 13 TON DIGGER	8 hrs	[REDACTED]

TOTAL

DETAILS ON PRICES

9 TON DIGGER @ [REDACTED]

MARTIN @ [REDACTED]

XXXXXX @ [REDACTED]

13 TON DIGGER [REDACTED]

120 LTRS FUEL PER DAY = [REDACTED]

T. Hegarty (Ireland) Ltd
t: 028 777 41924 | m:

e:



Sales Receipt

Tax Date	Sale No.
18/04/2015	32012

Sold To
Cash Sale

Dungiven Farm Supplies Ltd
 141 Main Street
 Dungiven
 Co. Derry
 BT47 4PG
 028 777 42289

Cheque No.	Payment Method	Company VAT Number
		574481712

Item	Description	Qty	Price	VAT	Amount
Gallup 5Litre	Weedkiller				
VAT Summary			Subtotal		
Rate	VAT	NET	VAT Total		
S@20.0%			Total		
TOTALS					

All Goods Remain Property Of Dungiven Farm Supplies Until Paid In Full

Kevin Ward Farm

120 Foreglen Road, Claudy,
Derry,
BT47 4ED

15.07.15

BILL TO

JB Duffy
198 Muldonagh Road
Claudy
Londonderry
BT47 4EJ

WORK ADDRESS :

Lands at 328 Foreglen Road, Dungiven
8 Ha/20 Acres Farm Land (PG)

QUANTITY

DESCRIPTION :

TOTAL

1

Cultivation, reseeding, fertilisation, baled silage, labour
and machinery

SUBTOTAL

SALES TAX AT 20%

SHIPPING & HANDLING

TOTAL DUE

**Services provided in return for
winter grazing privileges**

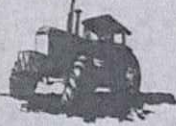
Danske Bank

Sort Code

Account Number:

DEREK BUCHANAN

- Farm Machinery
- Parts & Sales



91 Dunnyboe Road - Donemana - Co. Tyrone BT82 ORD
Home 028 7139 8176 Garage 028 7139 7121 Mobile [REDACTED]

M: CASH SALE

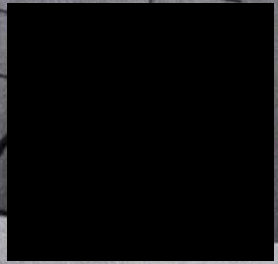
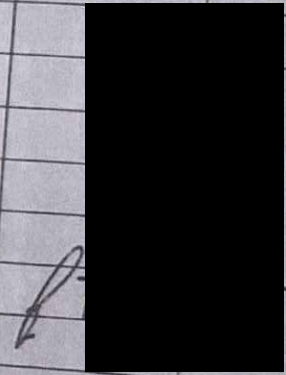
Date: 14-10-15

	SET of BRAMES	
4	OIL SEALS $\frac{1}{4}$ each	
	Hyo filter	
70	LITRES of 15/30 OIL	
2	LENS of THREADED BAR & NUTS	

PAID
DB

VAT Reg. No. 574 6107 33

Sub Total
VAT
TOTAL



JOHN McDEVITT

INVOICE No: **24682**

TRACTOR and MACHINERY SPARES • VINTAGE TRACTOR SPARES

Telephone: (028) 7776 5394 • Fax: (028) 7776 8077 • Mobile: [REDACTED]

Cash Sale

VAT Reg No. 574 4661 17

201 BARNAILT ROAD,
LIMAVADY,
BT49 9LS

DATE: *24/10/2015*

QTY	DETAILS	£	p
2	<i>LIMERS</i>	<i>52646</i>	<i>452300</i>
1	<i>CABLE</i>	<i>52730</i>	

[Handwritten Signature]

Sub Total

V. A. T.

TOTAL DUE £

T. P. HEGARTY CONTRACTOR & PLANT HIRE

136 Altmover Road, Dungiven, BT47 4QE



JB DUFFY, 328 FOREGLEN ROAD

JB DUFFY

DATE

DIGGER WORK AT FARM

Monday, 24 Feb, 2016

DRAINAGE WORKS

#####

TOMMY & 9 TON DIGGER

8 hrs

#####

TOMMY & 9 TON DIGGER

9 hrs

#####

TOMMY & 9 TON DIGGER

7.5 h

TOTAL

HEDGEROW + TREE TRIMMING

#####

TOMMY LABOUR

7.5 hrs @

#####

TOMMY LABOUR

7.5 hrs @

#####

TOMMY LABOUR

9 hrs @3

TOTAL = 912.00

TOTAL

T. Hegarty (Ireland) Ltd

t: 028 777 41924 | m: [REDACTED]

e: thegartyireland@outlook.com

DON LAUGHLIN & CO LTD
 35 Gelvin Road, Drumneechy
 DUNGIVEN
 Londonderry
 BT47 4QU
 028 777 42400
 VAT Registration No.:
 996599032

INVOICE TO
JOHN DUFFY

VAT Invoice 11446

PAID

DATE	QTY DESCRIPTION	RATE	VAT	AMOUNT
	2 50KG 27-4-4 TL		OOS - Inactive	
	5 50KG 27-4-4		OOS - Inactive	
	24 SPLIT POSTS		OOS - Inactive	
			Summary tax item for sales - Inactive	0.00
28/04/2016	5 FOREFRONT PCS 03800		OOS - Inactive	
			SUBTOTAL	
			VAT TOTAL	
			TOTAL	
			PAYMENT	
			TOTAL DUE	

T. P. HEGARTY CONTRACTOR & PLANT HIRE



136 Altmover Road, Dungiven, BT47 4QE

JB DUFFY, 328 FOREGLEN ROAD

JB DUFFY

DATE

DIGGER WORK AT FARM

Thursday, 15 June, 2017

DRAINAGE WORKS

#####

TOMMY & 9 TON DIGGER

7.5 hrs

#####

TOMMY & 9 TON DIGGER

8 hrs @

#####

MARTIN & 9 TON DIGGER

7.5 hrs

#####

MARTIN & 9 TON DIGGER

8 hrs @

TOTAL

PIPE LAYING

BLOCKED PIPES

FENCING, WEEDING SPRAYING

#####

TOMMY & 9 TON DIGGER

9 hrs

#####

TOMMY & 9 TON DIGGER

8 hrs

#####

MARTIN & 9 TON DIGGER

9 hrs

#####

MARTIN & 9 TON DIGGER

8 hrs

TOTAL =

Kevin Ward Farm

120 Foreglen Road, Claudy,
Derry,
BT47 4ED

20.06.17

BILL TO

JB Duffy
198 Muldonagh Road
Claudy
Londonderry
BT47 4EJ

WORK ADDRESS :

Lands at 328 Foreglen Road, Dungiven
8 Ha/20 Acres Farm Land (PG)

QUANTITY	DESCRIPTION :	TOTAL
----------	---------------	-------

1	Cultivation, reseeding, fertilisation, baled silage, labour and machinery	
---	--	--

SUBTOTAL

SALES TAX AT 20%

SHIPPING & HANDLING

TOTAL DUE

**Services provided in return for
winter grazing privileges**

Danske Bank

Sort Code:

Account N

NIGEL DEANE & SON

AGRICULTURAL SERVICE & REPAIRS

25 Mullaghmesh Road, Feeny, Co. Londonderry
 Tel: (028) 777 81426 Mobile: 07809 486330
 VAT REG No. 574 6379 00



3430

To:
 JB Duffy

YOUR ORDER NUMBER	DATE SENT	INVOICE DATE	% VAT
		21-02-2018	

QUANTITY	DESCRIPTION	EXCL VAT	VAT NET
X	Starter motor Massey 3075 Labaue		

VAT 20%

TERMS:
 UNLESS SPECIFICALLY QUOTED ABOVE THIS INVOICE IS NETT
 AND DUE FOR PAYMENT WITHIN 30 DAYS FROM THE INVOICE DATE.
 CLAIMS REGARDING DAMAGED GOODS OR NON-DELIVERY CANNOT
 BE ENTERTAINED UNLESS RECEIVED WITHIN 7 DAYS FROM THE
 DESPATCH DATE AND CONFIRMED IN WRITING.

SUB TOTAL

TOTAL

LPC 01/16/006



Invoice

25a Foreglen Road
Killaloo
Derry BT47 3TP

Cust VAT Reg.	Company VAT Reg.	Tax Date	Invoice No
	178 8598 28	10/04/2018	5999

PAID
10/04/2018

E-mail	Phone No.
claudytyres@outlook.com	02871338445

Invoice To
JB DUFFY

Ship To

Qty	Item	Description	Rate	Amount	VAT
1	tyre	Tyres - Tractor			

VAT Summary			Subtotal
Rate	VAT	NET	
S@20.0%			
TOTALS			VAT Total
			Total

Due to the bedding in process, please ensure all wheel nuts are re-checked within 12 hours or 30 miles of fitting.

Kevin Ward Farm

120 Foreglen Road, Claudy,

Derry,

BT47 4ED

02.07.18

BILL TO

JB Duffy
198 Muldonagh Road
Claudy
Londonderry
BT47 4EJ

WORK ADDRESS :

Lands at 328 Foreglen Road, Dungiven
8 Ha/20 Acres Farm Land (PG)

QUANTITY

DESCRIPTION :

TOTAL

1 Cultivation, reseeding, fertilisation, baled silage,
labour and machinery @ [REDACTED]

SUBTOTAL

SALES TAX AT 20%

SHIPPING & HANDLING

TOTAL DUE

**Services provided in return for
winter grazing privileges + portion of
silage bale**

Danske Bank

Sort Code: [REDACTED]

Account N [REDACTED]

T. P. HEGARTY CONTRACTOR & PLANT HIRE

136 Altmover Road, Dungiven, BT47 4QE



JB DUFFY, 328 FOREGLEN ROAD

JB DUFFY

DATE

DIGGER WORK AT FARM

Wednesday, 03 October, 2018

DRAINAGE WORKS + EXCAVATION

#####

TOMMY & 9 TON DIGGER

7.5 hrs

#####

TOMMY & 9 TON DIGGER

8 hrs @

#####

TOMMY & 9 TON DIGGER

8 hrs @

TOTAL =

TRIMMING DITCHES, HEDGEROWS + TREE

CLEARING/PROTECTION OF

SHEUGH/

WATERCOURSE

#####

MARTIN & 9 TON DIGGER

7.5 hrs

#####

MARTIN & 9 TON DIGGER

9 hrs @

#####

MARTIN & 9 TON DIGGER

8 hrs @

TOTAL =

PREMIER CAR PARTS

364 Foreglen Road, Dungiven, Co. L Derry

Tel: [028] 7774 1501 / 7774 1462 Fax: [028] 7774 1229



VAT Reg. No. GB 769 4463 79

SOLD TO:

John Duffy

CUSTOMER A/C NUMBER 00108

INVOICE NUMBER PI1014415

INVOICE DATE 21/03/19

ORDER NUMBER

PAGE

Page 1 of 1

QUANTITY	PRODUCT CODE	DESCRIPTION	RETAIL PRICE	UNIT PRICE	GOODS VALUE
1	NGK90144	MAF SENSOR			

CODE	RATE	TAXABLE	TAX
1	20.00		

TOTAL TAXABLE	TOTAL TAX	AMOUNT DUE

THE INVOICE MUST BE PRODUCED IF
GOODS ARE RETURNED FOR ANY REASON

TITLE OF GOODS SHALL PASS ON
PAYMENT OF THE WHOLE PRICE

TERMS: STRICTLY NETT MONTHLY



Invoice

Invoice Number: 13518 Date: 29/04/2019 Customer Ref:

To

John Duffy
198 Muldonagh Rd.
Claudy,
Co. Derry
BT47 4EJ

From

David Brown Parts Limited
Unit 1, Thomas Row, Haigh Inc
Ross on Wye, Herefordshire H
Tel.: +44(0)1989 562743; peter
Company No.: 08558240; VAT

* CUSTOMER NOT PRESENT *
I agree to pay the above final
amount according to the
card/merchant issuer agreement.

CUSTOMER COPY

Item	Item Code	Qty	UoM	Unit Price	Net Ar
915789 White bonnet beading	BB31	1.0			
41083 Decal Livedrive 6 Grille	B43b	1.0			
Carriage	Carr	1.0	each		

Delivery Address

United Kingdom

Net Amount

VAT Amount

Invoice Total

Terms

Payment with Order

Created by Advanced



Invoice

Invoice Number: 13658 Date: 10/05/2019 Customer Ref: Account Code: D070

To

John Duffy
198 Muldonagh Rd.
Claudy,
Co. Derry
BT47 4EJ

From

David Brown Parts Limited
Unit 1, Thomas Row, Haigh Industrial Estate
Ross on Wye, Herefordshire HR9 5LB
Tel.: +44(0)1989 562743; peter@davidbrownparts.com
Company No.: 08558240; VAT No.: 812066853

Item	Item Code	Qty	UoM	Unit Price	Net Amt	VAT Rate	VAT Amt
917065 Blackout Decal Large	F71	1.0					
900054 Lower link Pin, Cat. 1(Also takes Cat. 2 with bush).	H38	2.0	each				
41224 Grille Fastener Retaining spring Sel	C65	2.0					
Carriage	Carr	1.0	each				

Delivery Address

United Kingdom

Net Amount

VAT Amount

Invoice Total

Terms

Payment with Order

Created by Advanced

Kevin Ward Farm

120 Foreglen Road, Claudy

Derry,

BT47 4ED

28.07.19

BILL TO

JB Duffy
198 Muldonagh Road
Claudy
Londonderry
BT47 4EJ

WORK ADDRESS :

Lands at 328 Foreglen Road, Dungiven
8 Ha/20 Acres Farm Land (PG)

QUANTITY

DESCRIPTION :

TOTAL

1

Cultivation, reseeding, fertilisation, baled silage, labour and
machinery

SUBTOTAL

SALES TAX AT 20%

SHIPPING & HANDLING

TOTAL DUE

**Services provided in return for
winter grazing privileges**

Danske Bank

Sort Code

Account N

PREMIER CAR PARTS

364 Foreglen Road, Dungiven, Co. L'Derry
Tel: [028] 7774 1501 / 7774 1462 Fax: [028] 7774 1229



VAT Reg. No. GB 769 4463 79

SOLD TO:

JB DUFFY

CUSTOMER A/C NUMBER 00108
INVOICE NUMBER PI1035158
INVOICE DATE 27/11/19
ORDER NUMBER
PAGE Page 1 of 1

*** REPRINT ***

QUANTITY	PRODUCT CODE	DESCRIPTION	RETAIL PRICE	UNIT PRICE	GOODS VALUE
----------	--------------	-------------	--------------	------------	-------------

2	LPL25/46	OIL 20LTS			
---	----------	-----------	--	--	--



CODE	RATE	TAXABLE	TAX
1	20.00		

TOTAL TAXABLE	TOTAL TAX	AMOUNT DUE

THE INVOICE MUST BE PRODUCED IF
GOODS ARE RETURNED FOR ANY REASON

TITLE OF GOODS SHALL PASS ON
PAYMENT OF THE WHOLE PRICE

TERMS: STRICTLY NETT MONTHLY



FP McCann Ltd
 Head Office: Knockloughrim Quarry 3 Drumard Road Magherafelt BT45 8QA
 028 7964 2558 | salesledgerqueries@fpmccann.co.uk
 Precast Concrete Engineers | Civil Engineering & Building Contractors | Quarry Owners
 | Suppliers of Ready Mixed Concrete | Bituminous Surfacing Contractors



INVOICE COPY



CASH SALES PRECAST DIVISION

Invoice Number	755,003
Invoice Date	21-May-2020
Account No	CASPRE
Invoice/Credit	INVOICE
Currency	STERLING

Supply Date	Docket No	Product Description	Delivery Ref	Customer Order No	Qty	Unit Rate	Line Total
19/05/2020	1185983/PRECAST	P10 Man Ring 1200x1000mm SR4 D/STEP	Ex-works	N/A	2.00		
19/05/2020	1185983/PRECAST	P20 1200 C/Slab 600 Sq op SR4	Ex-works	N/A	1.00		

VAT @ 20.00%

Goods Total	
VAT Total	
Invoice Total	

Queries relating to this invoice should be emailed to: salesledgerqueries@fpmccann.co.uk

Payment Options

Direct Debit call office on 028 7964 2558

Telephone using credit or debit card 028 7964 2558

Online www.fpmccann.co.uk/payments (all major cards accepted)

Cheque / Cash

Payment strictly due by 30th of the month following invoice date

VAT No: GB 245876664 / VAT No: ROI4822562N

BACs



The title of the products listed above shall not pass until payment has been received in full. FP McCann Ltd reserves the right to enter premises to recover any products not paid for. All precast products herein are manufactured to BS EN 1916, BS EN 1917, BS 5911-1, BS 5911-3, BS 5911-4, BS 5911-6, BS EN 13369, BS EN 14844, BS EN 12839, BS EN 1340, BS EN 13225, BS EN 14992, BS EN 15258, BS EN 14843, BS EN 845-2 and consist of materials conforming to BS EN 197-1 (Cem 1 & 11), BS EN 12620, PD 6682, BS EN 934, BE EN 12878, BS 4449, BS 4482, BS 4483, BS8666, BS 5896, BS EN 10138-2.

Kevin Ward Farm

120 Foreglen Road, Claudy,

Derry,

BT47 4ED

30.05.20

BILL TO

JB Duffy
198 Muldonagh Road
Claudy
Londonderry
BT47 4EJ

WORK ADDRESS :

Lands at 328 Foreglen Road, Dungiven
8 Ha/20 Acres Farm Land (PG)

QUANTITY

DESCRIPTION :

TOTAL

1

Cultivation, reseeding, fertilisation, baled silage, labour
and machinery @ [REDACTED]

SUBTOTAL

SALES TAX AT 20%

SHIPPING & HANDLING

TOTAL DUE

**Services provided in return for
winter grazing privileges**

Danske Bank

Sort Code: [REDACTED]

Account No [REDACTED]

PREMIER CAR PARTS

364 Foreglen Road, Dungiven, Co. L'Derry

Tel: [028] 7774 1501 / 7774 1462 Fax: [028] 7774 1229



VAT Reg. No. GB 769 4463 79

SOLD TO:

JB DUFFY

CUSTOMER A/C NUMBER 00108
 INVOICE NUMBER PI1058279
 INVOICE DATE 22/09/20
 ORDER NUMBER
 PAGE Page 1 of 1

*** REPRINT ***

QUANTITY	PRODUCT CODE	DESCRIPTION	RETAIL PRICE	UNIT PRICE	GOODS VALUE
1	LPL25/32	32 SEC HYDRAULIC OIL (20LT)			

CODE	RATE	TAXABLE	TAX
1	20.00		

TOTAL TAXABLE	TOTAL TAX	AMOUNT DUE

THE INVOICE MUST BE PRODUCED IF
 GOODS ARE RETURNED FOR ANY REASON

TITLE OF GOODS SHALL PASS ON
 PAYMENT OF THE WHOLE PRICE

TERMS: STRICTLY NETT MONTHLY

JB Duffy Farm Business
Farm Business Number :

328 Foreglen Rd,
Dungiven,
Derry
BT47 4PJ

MR PETER HASSAN.
To: 59 GLENEDRA RD.
FEENEY BT47 4TP.

Job	Payment Terms	Due Date
	Due on receipt	20.7.17

Qty	Description	Unit Price	Line Total
24	BAKES		

Subtotal
Sales Tax
Total

Bank: Sort Code:

Account Number:
Cash

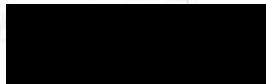
JB Duffy Farm Business
Farm Business Number :

328 Foreglen Rd,
Dungiven,
Derry
BT47 4PJ

To: *P. Hartman
y. Gibson
Joey*
Kard.

Job	Payment Terms	Due Date
	Due on receipt <i>22/6/2020</i>	<i>22/7/2020</i>

Qty	Description	Unit Price	Line Total
<i>30</i>	<i>30 bales</i>		

Subtotal	
Sales Tax	
Total	

Bank: Sort Code:

Account Number:

Cash Sale

