



## COMMITTEE OF ADJUSTMENT Planning Staff Report

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**Meeting date:** February 6, 2025  
**Department:** Building, By-law and Planning  
**Report No.:** BBP-2025-09  
**Submitted by:** Alyssa Soldo, Planner  
**Reviewed by:** Tim Williams, Manager, County of Middlesex  
Erin Besch, Planner  
**Approved by:** Jake DeRidder, Senior Development Coordinator  
**SUBJECT:** Application for Consent (B22-2024) – 8040 Irish Drive  
Owners: Roger & Nancy Lefebvre Agent: Pete Gubbels (LCP Farms Inc.)

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**RECOMMENDATION: THAT: Application for Consent B22-2024 be denied.**

### **PURPOSE:**

The purpose of this application is to sever a surplus farm dwelling from a larger farm parcel as a result of farm consolidation.

### **BACKGROUND:**

The subject property is located on the north side of Irish Drive, east of Christina Road (see Location Map). The lands are approximately 19.8 hectares (49 ac) in size, with approximately 245 metres (803.8 ft) of frontage along Irish Drive and 602 metres (1975 ft) of frontage along Christina Road.

The proposed lands to be severed are approximately 0.4 hectares (1 ac) in size, with approximately 61 metres of frontage along Irish Drive and is currently vacant of any buildings or structures. The applicant has advised that the land had a farm dwelling at this location, which was removed in 2005, and the foundation is still present. The applicant has also advised that the proposed severed lot is not in farm production and their intent is to restore the lot to its state in 2005, constructing a new dwelling at the existing location. The proposed lands to be retained are approximately 19.4 hectares (48 ac) in size, with approximately 184 metres (603.7 ft) of frontage along Irish Drive and 602 metres (1975 ft) of frontage along Christina Road and contains agricultural land in crop production.

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Irish Drive and Christina Road are both classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc. Surrounding land uses are predominantly agricultural and rural residential in nature.

Planning staff note that the property currently does not contain any dwellings on either the proposed severed or retained lands, therefore, they do not qualify for a surplus farm dwelling severance. The subject application is for lot creation in the agricultural area.

## **POLICY AND REGULATION BACKGROUND:**

### 2024 Provincial Planning Statement (PPS)

The lands are located within a 'Prime Agricultural Area' as defined by the 2024 Provincial Planning Statement. The Provincial Planning Statement (PPS) provides policy direction on land use planning matters that are of Provincial interest and all planning decisions 'shall be consistent' with the PPS.

The PPS seeks to protect 'prime agricultural areas' for long-term use for agriculture and discourages lot creation within the 'prime agricultural area.' In this regard, Section 4.3.3.1(a) of the PPS permits lot creation for:

*"agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations"*

Section 4.3.2.1 of the PPS states that "in prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses." Further: "Proposed agriculture-related and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations"

Section 4.3.3.2 states that within prime agricultural areas "all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards."

Section 4.3.3.1(c)(2) states that lot creation in the prime agricultural area is permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Section 4.3.3.3 of the PPS states that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c) (surplus farm dwelling severances).

### Middlesex County Official Plan, 2023

The subject property is located within the 'Agricultural Area' designation on Schedule 'A' of the County Official Plan. The intent of the 'Agricultural Area' designation is to protect lands for agricultural uses.

Section 2.2.2.1 identifies that all of the Agricultural Area, comprising all lands outside of the identified Settlement Areas, is determined to be Prime Agricultural Areas as defined by the Provincial Planning Statement.

Section 3.3.2 of the County Plan states that farm parcels shall remain sufficiently large to ensure flexibility and the economic viability of the farm operation. The creation of parcels of land for agriculture of less than 40 hectares shall generally not be permitted.

Additionally, section 2.3.1 of the County Official Plan demonstrates the growth management policies to achieve efficient growth patterns that respect hierarchy of services. It states that in agricultural areas, consents (lot creation) shall only occur in compliance with section 4.5.3.

Section 4.5.3.4 of the County Official Plan indicates that consents to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the residence was built at least 10-years prior, the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The definition of 'Residence Surplus to a Farming Operation' means a habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

#### Strathroy-Caradoc Official Plan

The subject property is located within the 'Agricultural' designation on Schedule 'H' of the Strathroy-Caradoc Official Plan. The intent of the 'Agricultural' designation is to ensure the continuation of farming as the predominant use in this area – free in its ability to function and expand in accordance with sound farm management techniques and conservation practices and without the constraints imposed by potentially conflicting land uses. The primary use of land in this designation shall be for the cultivation of land, the raising of livestock and the growing of trees. A full range of agricultural activity shall be *permitted* including general farming, livestock farming, cash crop farming, market gardening, tobacco farming, specialty crops, horticulture, and forestry.

Section 2.2.1 of the Official Plan outlines the goals and objectives of the Plan in regard to policies related to the agricultural area. They are listed as follows:

- a) To preserve and protect the Municipality's rich agricultural heritage and prime agricultural land;
- b) To maintain and promote agriculture as a major component of the local economy;
- c) To protect agricultural operations from the unwarranted intrusion of nonagricultural activities which potentially limit or conflict with these operations.

Section 5.3.1.6 states the splitting of *prime agricultural land* into smaller parcels shall generally be discouraged. Where the splitting of *prime agricultural land* is proposed, the owner shall demonstrate that the resulting smaller parcels would have no detrimental impact on agricultural productivity, operating efficiency and future farming *options*. In considering such applications, the Municipality shall also have regard to:

- a) the need to discourage the unwarranted fragmentation of farmland;
- b) the agricultural capability of the land;
- c) the type of agricultural activity engaged in and proposed to be engaged in;
- d) whether both the severed and retained parcels are sufficiently large to permit flexibility in farming in order to meet changing market conditions;
- e) whether both the severed and retained parcels are suitable for the type of agriculture in the *Municipality* and the size of both parcels is appropriate to the type of agriculture proposed;
- f) the requirements of the Planning Act;
- g) the minimum farm parcel size as established in the Zoning By-law;
- h) the criteria for the division of farm parcels in the County Official Plan.

Section 5.3.1.8 requires that dwellings considered surplus to a farming operation may be severed from the balance of the farm, only as a result of *farm consolidation* and provided the residential dwelling was built prior to January 1, 1999. Staff note that the Strathroy-Caradoc Official Plan defines 'Farm Consolidation' as the acquisition of additional farm parcels, not necessarily contiguous, to be operated as one farm operation. Staff also note that the Strathroy-Caradoc Official Plan defines 'Surplus Farm Dwelling' as an existing farm residence that is rendered surplus as a result of farm consolidation and surplus to the needs of the farm.

Section 5.3.1.15 states that the creation of new residential building lots in the agricultural designation shall not be permitted for purposes of farm family members (whether or not they are engaged in the farm operation), farm workers, rural or estate residential *purposes*, or for any other non-farm residential purposes with the exception of lots created for the purposes of disposing a *surplus farm dwelling*.

Section 5.3.1.8 of the Strathroy-Caradoc Official Plan states that dwellings considered surplus to a farming operation may be severed from the balance of the farm provided the residential dwelling was built prior to 'January 1, 1999'. Through OPA 14, the Strathroy-Caradoc Official Plan was updated to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Planning Statement (PPS), and reflect changing community needs for the next 25-years. OPA 14 amended the date of construction for surplus farm dwellings from 'January 1, 1999' to a rolling date of 'at least 10-years prior to the date of the application', which was reflective of the change to the County Official Plan. However, OPA 14 is currently under appeal, which means the dwelling construction date of 'January 1, 1999' still applies.

#### Strathroy-Caradoc Zoning By-Law

The subject property is zoned 'General Agricultural (A1) Zone' according to the Strathroy-Caradoc Zoning By-law. The 'A1' zone permits a wide range of agricultural uses, as well as a single detached dwelling with a minimum lot size of 40 hectares, minimum lot frontage of 150 metres, minimum front yard depth of 20 metres, minimum side yard width of 15 metres, minimum rear yard depth of 30 metres, and maximum lot coverage of 20%.

## **CONSULTATION:**

Notices have been circulated to agencies and the public in accordance with the requirements of the *Planning Act*. At the time this report was completed, the following comments were received:

The Senior Development Coordinator noted that, if approved, a drainage reassessment would be required.

Middlesex County Emergency Services provided the following conditions:

- 1) That the lands to be severed retain the existing 911 municipal property address of 8040 Irish Drive. The owner is to ensure that the 911 property address sign is installed to municipal standards, visible and unobstructed so emergency responders can easily identify the 911 address when responding from either direction on Irish Drive.
- 2) That the lands to be retained have a proposed municipal 911 property address that is sequential in existing 911 addressing and depending on the location of the main entrance to the retained lands that the municipality approves to Irish Drive or Christina Road and that number be submitted to the Municipality of Strathroy-Cradoc in consultation with the County of Middlesex for approval. When the proposed address is approved and its location at the main entrance to the retained lands the 911 property address sign/post is to be installed to municipal standards, visible and unobstructed so emergency responders can easily identify the 911 address when responding from either direction on Irish Drive or Christina Road.

At the time of preparing this report, no concerns or comments have been received from the public.

## **ANALYSIS:**

Agriculture is the predominant land use within the County and an important component of the economy and culture. The protection of agricultural land therefore represents a major pillar of the County's Official Plan and of the Provincial Planning Statement. A component of managing the agricultural resource is the general discouragement of land assembly which results in an undersized agricultural parcel.

Although the application proposes to separate the parcel from the existing farmland through a surplus farm dwelling severance, the application does not qualify for this type of severance as it does not meet requirements, more specifically:

- 1) *Does the proposed severed lot contain a dwelling that was built prior to January 1, 1999?*  
No, since 2005 there has only been part of a foundation remaining.

- 2) *Is the dwelling on the lot habitable?*

No, there is currently no habitable structure, which is required within the Middlesex County definition of a residence surplus to a farming operation. The Strathroy-Caradoc Official Plan definition also requires the dwelling to be existing. It is staff's opinion that the remnant foundation of the previous home does not meet the requirements of an existing and habitable dwelling.

The application is simply requesting lot creation in the agricultural area for a residential use, to which there is no policy support in this circumstance.

It is for the reasons listed above that planning staff are unable to support the application as proposed. The Provincial Planning Statement, County Official Plan, and the Strathroy-Caradoc Official Plan

have strong policy direction in regard to consents in the agricultural area in order to protect the fundamental economic base of the Municipality and prevent the further fragmentation of farmland. The proposal is inconsistent with these policies.

**CONCLUSION:**

Based on the above analysis, it is recommended that the application for consent under Section 53 of the *Planning Act* be **denied** as the application is not consistent with the Provincial Planning Statement, is not in conformity with the County Official Plan and is not in conformity with the Strathroy-Caradoc Official Plan.

**ATTACHMENTS**

Location Map

Location Map

