

Planning Committee Report LA01/2018/0339/O	26 June 2019
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>App No:</u> LA01/2018/0339/O	<u>Ward:</u> Dunloy
<u>App Type:</u> Outline Planning	
<u>Address:</u> 158m South East of 243 Garryduff Road Dunloy.	
<u>Proposal:</u> Site of dwelling and garage on a farm.	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 16.3.18
<u>Listed Building Grade:</u> N/A	
 Applicant: Mr R O'Neill	
Agent: Simpson Design, 42 Semicock Road, Ballymoney	
 Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1.0 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises extensive lands to the north-west and south-east of an existing group of buildings which extends from No 241 Garryduff Road to the existing agricultural buildings at No 243. The site consists of a cut out of a large agricultural field to the immediate north-west of No 241 as well as additional lands to the immediate south-west of the existing farm grouping at No 243 comprising a stoned area utilised for the storage of feedstock as well as an additional cut out of a larger adjacent field to the south-east. The two main areas are linked by a narrow strip of land to the rear of No 241 and the farm grouping at No 243. The proposed siting as identified comprises a cut out of a large field to the south-east of No 243, is set behind a high mature hedgerow and rises quickly to the south-west. The north-western and south-eastern boundaries are defined by a mix of mature trees and hedgerow.
- 2.2 The application site is located within the rural area as identified within the Northern Area Plan 2016. The site is not located within any specific environmental designations.

3.0 RELEVANT HISTORY

- 3.1 None

4.0 THE APPLICATION

- 4.1 Outline planning permission is sought for dwelling and garage on a farm

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There are no objections to the proposal.

5.2 Internal:

DFI Roads: No objections

Environmental Health: No objections

NI Water: No objections.

NIEA WMU: No objections.

DAERA Countryside Management Compliance Branch: Farm Business in existence for more than 6 years and claims made.

6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, visual impact and rural character, access, and health and safety.

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. 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 it is otherwise allocated for development in a development plan. The application was submitted as a dwelling on a farm and therefore falls to be assessed against Policy CTY 10.
- 8.3 Policy CTY 10 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

a) the farm business is currently active and has been established for at least 6 years;

DARD were consulted in relation to this application and confirmed that the Farm Business number identified on the P1C form has been in existence for more than 6 years and claims have been made.

b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008;

2016 farm maps were submitted. A planning history search was carried out on the land identified within the farm maps provided which confirmed that no other permissions have been granted within 10 years of the date of this application.

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

- 8.4 The applicant has indicated a roadside siting location in yellow on a submit block plan which is a minimum of 80 metres from the nearest farm building. The applicant has indicated an area of hardstanding to the immediate south-east of the farm buildings and yard to create an area identified on the submitted plans as a storage area for bales. Bales are currently stored in this location, however it would appear that up until recently, these bales would have been stored within the yard area immediately adjacent to the existing farm buildings rather than extending along the roadside. Due to the separation distance between the proposed siting and the established group of buildings on the farm a dwelling at the location would not visually link or cluster with the existing farm grouping. There are no verifiable plans to extend the farm-holding and no demonstrable health and safety reasons have been offered. The proposal therefore fails to comply with part (c) of CTY10.

Integration and Rural Character

- 8.5 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and is of an appropriate design (Policy CTY13 of PPS21). Permission will be granted where the proposed building will not cause a detrimental change to, or further erode rural character of an area (Policy CTY14 of PPS21).
- 8.6 Although the site is roadside, it is set back behind a wide public footpath and verge and incorporates extensive vegetation along the road side boundary which appears to be capable of retention. The site also incorporates mature vegetation on the southern boundary as well as part of the north-western boundary. Although the site is slightly elevated above the public road and does rise very steeply to the south-west, a single storey dwelling appropriately positioned would satisfactorily integrate.
- 8.7 Whilst Policy CTY10 provides for dwellings on farms which are visually linked or sited to cluster with an established group of buildings on a farm, it does not sanction the creation or extension of a ribbon of development. The SPPS, Paragraph 6.73 (bullet point 5) and Policy CTY8 states that planning

permission will be refused for a building which creates or adds to a ribbon of development.

- 8.8 The proposed site forms part of a larger field and surrounding agricultural context which currently helps maintain rural character on the western side of the Garryduff Road. As per paragraph 5.34 of the justification and amplification text of CTY 8, the infilling of these gaps will not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage.
- 8.9 The proposal would lead to a suburban style of build-up of development within this area given the separation distance between the site and the existing group of farm buildings. It would create another opportunity for an infill site if permission were granted for this siting. The proposed site will create a ribbon of development by extending road frontage development along the public road and as such will cause a detrimental change to the rural character of the area on the western side of Garryduff Road. The proposal therefore does not represent an exception to Policy CTY8 and fails to comply with (b) and (d) of Policy CTY14 of PPS21.

Non mains Sewerage

- 8.10 The proposal involves a connection to the mains for water supply, the disposal of surface water via soakaways and the use of a septic tank for disposal of foul sewage. DAERA Water Management Unit and NI Water were both consulted on this application and neither have made any specific comments but the use of standard conditions and informatives for this type of development. The discharge consent process is the most appropriate mechanism to regulate this matter.

Roads Issues

- 8.11 DFI Roads were consulted in relation to this application and offered no objections to the proposal.

Habitats Regulations Assessment

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

9.0 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to the SPPS and Policies CTY 1, CTY8, CTY 10 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would create or add to a ribbon of development and would result in a detrimental change to rural character. As such the proposal is recommended for refusal.

10.0 REFUSAL REASONS

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Garryduff Road.
3. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an

exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

4. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

