

Planning Committee Report LA01/2018/1520/O	28th August 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>	LA01/2018/1520/O	<u>Ward:</u>	Ballymoney
<u>App Type:</u>	Outline Application		
<u>Address:</u>	197m NW of 18 Ballybogey Road, Ballymoney.		
<u>Proposal:</u>	Site of dwelling and garage on a farm.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	17/12/2018
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	01/04/2019
<u>Applicant:</u>	Mr. M. McKenna, 18 Ballybogey Road, Ballymoney.		
<u>Agent:</u>	Simpson Design, 42 Semicock Road, Ballymoney, BT53 6PY.		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

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

1 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 SITE LOCATION & DESCRIPTION

- 2.1 The application site, located 197m North West of 18 Ballybogey Road, is located on a farm. The existing use of the land is for agriculture. The site is currently bound on its north, west and south sides by a mix of post and wire fencing and vegetation. The eastern boundary of the site is undefined and forms part of a larger roadside agricultural field. The topography of the site raises to the centre of the site. Access to the site is proposed to be achieved via the protected route, Ballybogey Road.
- 2.2 The site is located within the rural area outside any settlement limits as designated in the Northern Area Plan 2016.

3 RELEVANT HISTORY

No relevant surrounding planning history.

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a dwelling and garage on a farm on lands currently used for agricultural purposes. The application site is located 197m North West of 18 Ballybogey Road and includes a new access onto the Ballybogey Road.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There is one objection to this proposal from No. 20 Ballybogey Road.

5.2 Internal

DFI Roads: Recommend refusal. Would result in the creation of a new access onto a Main Traffic Route/Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

NI Water: No objections

Environmental Health: No objections

NIEA: No objections

DAERA: No objections

Rivers Agency: No objections

6 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)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 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 the development, access and the impacts on the surrounding rural area.

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state 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, is assessed against Policy CTY 10 (Dwellings on a Farm) as well as Policy CTY 13(Integration and Design of Buildings in the Countryside) and Policy CTY 14 (Rural Character).
- 8.3 Policy CTY 10 sets out the acceptable criteria for a dwelling house on a farm. Firstly, the farm should be currently active as well as being established for at least 6 years. This was determined and confirmed following the consultation with

DAERA. Their findings prove that the farm meets the above criteria as single farm payments and claimants from the basic payment scheme were completed from 2005 to the present day. Secondly, no dwellings or development has been sold off from the farm holding within the past 10 years.

- 8.4 Part C of Policy CTY 10 outlines how the dwelling should be visually linked or sited to cluster with an established group of buildings on the farm. This proposal does not comply with this part of the policy. Located between the application site and the applicants existing farm cluster of established group of buildings is the residential property, No. 20 Ballybogey Road, and associated garages and sheds. These units are not associated with the established farm business.
- 8.5 The property at No. 20 Ballybogey Road would be sandwiched between farm buildings associated with the same farm business. Paragraph 5.41 of PPS 21 states 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 interlinked with those buildings, with little appreciation of any physical separation that may exist between them’. The paragraph goes on to state that it is not acceptable to position a new dwelling with buildings which are on a neighbouring farm holding. As the proposed application site for a dwelling on a farm is to be disconnected from the established farm’s units by No. 20 Ballybogey Road, this proposal fails to meet criterion c of Policy CTY 10.

Integration and Rural Character

- 8.6 The location plan (Drawing 01) indicates a shaded siting area in the northern most portion of the site. At this siting a dwelling would read as an unduly prominent feature, failing to integrate due to the site’s topography and low level of existing natural boundaries available to it, with the eastern boundary of the red line being entirely open to views of the site from the heavily trafficked Ballybogey Road. Furthermore, the proposal does not respect the settlement pattern in the immediate surrounding area. For these reasons the application is assessed to be incompliant with Policy CTY 13 – Integration and Design of

Buildings in the Countryside and Policy CTY 14 – Rural Character.

Access

- 8.7 Policies AMP 2 (Access to Public Roads) and AMP 3 (Access to Protected Routes) (Consequential Revision) of PPS 3 were considered when assessing this application. These policies outline that proposals shall not prejudice road safety nor should they prejudice the free flow of traffic on main traffic or protected routes. DFI Roads were consulted to determine acceptability of this scheme in regards to PPS 3. DFI Roads found the proposal to be unacceptable stating that ‘if permitted, (the application would) result in the creation of a new vehicular access onto a main traffic route / protected route, thereby prejudicing the free flow of traffic and conditions of general safety. The proposal fails to meet the requirements of Policy AMP 3 of PPS 3.

Representations

- 8.8 One letter of objection was received from neighbouring property No. 20 Ballybogey Road raising concerns in relation to the residential amenity (overlooking, overshadowing, and noise and air pollution), road safety and impact on property value.

9.0 Conclusion

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1 and CTY 10 as the proposed site does not visually link or cluster with an established group of buildings on the farm. The proposal is contrary to Policy CTY 13 and CTY 14 of PPS 21 as the proposal fails to integrate into the surrounding landscape and it would have a detrimental impact on the rural character of the area. The proposal is also contrary to Policy AMP 3 of PPS 3 as it involves the creation a new access onto a Protected Route which would prejudice the free flow of traffic and conditions of safety.

10.0 Refusal Reasons

- 10.1 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.
- 10.2 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.
- 10.3 The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site would be an unduly prominent feature; is unable to provide a suitable degree of enclosure; relies on new landscaping; fails to blend with the landform and would not visually link to a cluster of established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 10.4 The proposal is contrary to Paragraph 6.70 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 be unduly prominent in the landscape nor does it respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside.
- 10.5 The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 3, in that it would, if permitted result in the creation of a new vehicular access onto a main a Main Traffic Route / Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

SITE LOCATION PLAN

