

Planning Committee Report LA01/2018/1291/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>	LA01/2018/1291/O	<u>Ward:</u>	Dervock
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Adj. to 41 Lisconnan Road, Beerhill, Ballymoney		
<u>Proposal:</u>	Dwelling, with double garage, on a farm.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	23.10.2018
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr William A. McKeeman, 39 Lisconnan Road, Ballymoney		
Agent:	R. Robinson & Sons, Albany Villas, 59 High Street, 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 is located Adj. to 41 Lisconnan Road, Ballymoney. The site is located on a farm holding comprising grazing land, farm buildings and two existing dwellings (Nos. 37 & 39 Lisconnan Road). The farm cluster is located down a long private laneway accessed from Lisconnan Road. The site is located west of the existing farm grouping and comprises part of a larger agricultural field. It is relatively flat located immediately behind No. 41 Lisconnan Road. Boundary treatment of the site consists of hedging and fencing along the western boundary and hedging along the northern boundary. The southern and eastern boundaries are currently undefined.
- 2.2 The site is located within the countryside outside the limit of any settlements as defined by the Northern Area Plan 2016. The surrounding area is characterised by agricultural fields, farm clusters and dispersed dwellings.

3.0 RELEVANT HISTORY

- 3.1 D/2005/0395/O: Rear of 41 Lisconnan Road, Ballymoney: Proposed site for new dwelling – Refusal - 27.10.2005

4.0 THE APPLICATION

- 4.1 Outline planning for Dwelling, with double garage, on a farm.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

No representations have been received in relation to this application.

5.2 Internal:

Environmental Health: No objections

DFI Roads: No objections

NI Water: No objections

DAERA: Water Management Unit: No objections

DARDNI: See remainder of report

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 application site is located within the countryside outside the settlement limit as defined in the Northern Area Plan 2016.
- 8.2 The proposed farm 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 and access.

Principle of Development

- 8.3 Policy CTY 1 of PPS 21 advises there are a range of types of development which in principle are acceptable in the countryside. Planning permission will be granted for a dwelling on a farm in accordance with Policy CTY 10.
- 8.4 Policy CTY 10 states planning permission will be granted where all of the following criteria are met:

(a) the farm business is active and established for at least 6 years

DARD was consulted and confirmed that the applicant has a registered farm business ID which has been in existence for more than six years. This business ID submitted claims for Single Farm Payment 2005 – 2010 but no claims have been submitted since. DARD also advised that the proposed site is located on land associated with another farm business. Following a meeting with the agent on 15th March 2019, it was confirmed that the applicant's cousin farms the land and they maintain it. This does not constitute active farming under the business ID submitted as submitted and fails to meet this criterion.

(b) no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application (applicable for dates after the 25th November 2008)

A planning history check of the farm holding based on page 7 out of 10 shows a Dwelling North of 33 Lisconnan Road, Ballymoney was approved for the same applicant Mr William McKeeman under application D/2005/0393/O. This site appears to have been sold off because a reserved matters application was submitted for the same location but the applicant was Mr & Mrs C Gorman under planning reference D/2006/0428/RM. No other relevant permissions have been found on this land. The applicant has indicated on the P1c form that no dwellings or development opportunities have been sold off from the holding since 25 November 2008.

A full planning history check cannot be completed for this application as only page 7 out of 10 farm maps have been submitted for consideration. Page 7 relates to a different

Business ID number from the one quoted on the P1c form. The proposal therefore fails this criterion as it is unknown whether other development opportunities have been sold off due to insufficient information provided.

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

The farm holding consists of several farm buildings and 2 farm dwellings which are grouped together and accessed up a laneway from Lisconnan Road. The application site is located west of this farm grouping immediately behind No. 41 Lisconnan Road. The application site does group and visually link with No. 41 Lisconnan Road but this dwelling is not under the same ownership as the farm holding as it is located outside blue lands. The proposed indicative dwelling location is approx. 110m away from the closest farm shed and approx. 95m away from the closest farm dwelling.

Public views of the site are possible from Lisconnan Road when travelling both directions. On approach to the site when travelling northwards, the proposed dwelling sits too far away from the existing farm cluster to be visually linked as it would not appear to be an integral part of that particular building group. From certain vantage points along this road, the application site does not have connection with the existing farm grouping. When travelling southwards along Lisconnan Road, views of the site are partially restricted by the existing roadside boundary vegetation. However, glimpses of the site show that a proposed dwelling would be more visually linked with No. 41 Lisconnan Road as opposed to the existing farm grouping. The farm buildings from certain vantage points do appear in the background of the site. However, a proposed farm dwelling at this location is not considered to visually link with these buildings due to the large separation distances between the proposed dwelling and the existing farm grouping.

Access to the site will be obtained via a new lane running parallel to the southern boundary of No. 41 Lisconnan Road which is contrary to this policy as existing accesses should be utilised where possible. Blue lands include agricultural fields surrounding the farm grouping so a proposed farm dwelling

would be more suited to a field immediately adjacent to these buildings either to the north or south of the grouping. These fields are closer to the farm grouping and therefore a farm dwelling would visually link and cluster and would also be able to utilise the existing access from Lisconnan Road meeting relevant planning policy requirements.

Following a meeting with the agent on 15th March 2019, an email was received on the 21st March 2019 showing a sketch for consideration. The site location plan was amended to show the red line of the site increased in size with the dwelling moved further away from No. 41 Lisconnan Road in an attempt to visually link with the existing farm buildings. It is important to note that the red line of the site cannot be increased under this current application. However, this amendment does not address previous issues detailed under criteria (a) and (b) of Policy CTY 10 and is still located too far away from the existing farm buildings to visually link contrary to criteria (c) of Policy CTY 10.

- 8.5 Following assessment of all information submitted the proposal is contrary to paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 10 of PPS 21.

Visual Impact and Rural Character

- 8.6 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design (Policy CTY 13 of PPS 21). Permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area (Policy CTY14 of PPS 21).
- 8.7 The proposal is for a dwelling on the farm with an indicative siting shown on the location plan for the dwelling and garage. The undefined boundaries of the site will be formed with new boundary planting. The site is relatively flat but open with only 2 out of 4 boundaries defined by hedging. A new access is proposed to the south of No. 41. As this is an outline application, the exact height of the dwelling and garage is unknown however, details on the indicative plan state it is for a bungalow and double garage.

- 8.8 The proposal is considered contrary to criteria (a), (b), (c), (f) and (g) of Policy CTY 13 and criteria (a) of Policy CTY 14. The proposed dwelling and garage is located on a prominent, open site with only 2 out of 4 boundaries being defined with hedging. Public views of the site are possible from Lisconnan Road when travelling both directions. The site lacks long established natural boundaries and does not provide adequate enclosure to facilitate integration of the proposal into the landscape. Additional planting would be required along remaining boundaries and to attempt to screen the new access laneway which runs to the south of No. 41. In addition, the farm dwelling is not visually linked or sited to cluster with an established group of buildings on the farm as assessed in detail under Policy CTY 10 above.
- 8.9 The proposal is therefore contrary to paragraph 6.70 of the SPPS and Policies CTY 13 & 14 of PPS 21 as the new dwelling does not result in acceptable visual integration and would harm rural character.

Access

- 8.10 PPS 3 relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads was consulted in relation to this application and offer no objections subject to a condition. A scale plan showing the new access to be constructed should be submitted as part of the reserved matters application.

Habitats Regulations Assessment

- 8.11 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

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 policy in terms of the principle of development as the farm business is not currently active for at least 6 years and it has not been demonstrated that no other developments have been sold off from the farm holding. The proposed dwelling and garage does not visually link or is sited to cluster with an established group of buildings on the farm. The proposal will be prominent and fails to integrate sympathetically into the landscape thus harming rural character. Refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and criteria (a), (b) and (c) of CTY 10 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the farm business is not currently active for at least 6 years; it has not been demonstrated that no other developments have been sold off from the farm holding; the proposal does not visually link or is sited to cluster with an established group of buildings on the farm; and the proposal does not merit being considered as an exceptional case.
2. The proposal is contrary to Paragraph 6.70 of the SPPS, CTY 1 and criteria (a), (b), (f) and (g) of Policy CTY 13 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, be prominent and fail to integrate sympathetically into the landscape and would result in a dwelling not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 14 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, be prominent in the landscape harming rural character.

Site Location Map

