

Planning Committee Report LA01/2019/1267/O	28 April 2021
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

No: LA01/2019/1267/O **Ward:** Route

App Type: Outline Planning

Address: Approx 165m East from 53 Ballybrakes Road, Ballymoney.

Proposal: Site for replacement dwelling with domestic garage.

Con Area: n/a **Valid Date:** 20.11.2019

Listed Building Grade: n/a

Agent: R. Robinson & Sons Ltd, Albany Villas 59 High Street, Ballymoney

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- Outline planning permission is sought for a replacement dwelling with domestic garage.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The existing building was subject to previous planning permission for replacement granted in 2012 and has since expired.
- Evidence indicates that the building has substantially deteriorated since planning permission was granted and the external walls of the structure are no longer substantially intact.
- The principle of development is considered unacceptable having regard to Policy CTY 3 as there is no structure that exhibits the essential characteristics of a dwelling with all external structural walls substantially intact.
- DFI Roads, Environmental Health, NI Water and NI Transport Holding Company were consulted on the application and raise no objections.
- There are no third party objections to the proposal.
- The application is recommended for Refusal.

Drawings and additional information are available to view on the Planning Portal - <http://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 relates to a roadside site located 165m east of No 53 Ballybrakes Road, Ballymoney. The site comprises a fairly rectangular plot of land extending to approximately 0.2ha tapering from the front (roadside) boundary of 30m to the rear boundary which is approximately 18m. With the exception of the existing structure and surrounding overgrown area the site mostly comprises poor quality agricultural land. It is set at a slightly lower level than the public road but is generally fairly flat and extends back from the public road approximately 80m. The site is set to the rear of a 1m wide roadside verge with the front boundary defined by a low hawthorn hedge.
- 2.2 An informal access track exists along the eastern boundary which is partially defined by a low hedgerow and a single mature tree. The western boundary is also partially defined by a mix of hedgerow and mature trees. The rear boundary is undefined with additional lands in the ownership of the applicant outside the defined site to the north, east and west. A railway line is sited approximately 25m north of the proposed site.
- 2.3 The subject building is located fairly centrally within the site and comprises a small rectangular, stone structure extending to approximately 7m x 9.5m. The building is in a fairly derelict state of repair with only part of the external structure remaining and the internal area consisting of rubble with a significant level of mature trees and vegetation growth. The area immediately surrounding the structure also comprises a significant level of

vegetation which screens the structure and likely formed the original curtilage.

- 2.4 The site is within a rural location and not within any specific designation as per the Northern Area Plan 2016. It is within close proximity of a local landscape policy area located to the north of the site (BYL 02 – Ballymoney River Lower) but does not have a significant visual relationship with this designation, the outer extent of which comprises lands on the opposite side of the railway line to the north. The settlement development limit of Ballymoney Town exists approximately 700m east of the site.
- 2.5 The character of the area quickly becomes rural beyond the development limit with the immediate surrounding area comprising a fairly flat landscape of agricultural land with a small number of individual rural dwellings.

3 RELEVANT HISTORY

D/2012/0048/O - Proposed New Replacement Dwelling and Domestic Garage. Permission Granted 30.05.2012

LA01/2019/0336/O – Proposed site for replacement dwelling and double garage. Application withdrawn.

4 THE APPLICATION

- 4.1 The application proposes outline planning permission for a replacement dwelling with domestic garage.

Habitat Regulations Assessment

- 4.2 The potential impact 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Coleraine Chronicle 11.12.2019.

Neighbours: There are no objections to the proposal.

5.2 Internal

DfI Roads: No objections.

Northern Ireland Water: No objections.

Environmental Health: No objections.

NI Transport Holding Company: 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 both 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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS2 – Natural Heritage

PPS 3: Access, Movement and Parking - Access, Movement and Parking

Policy AMP 2: Access to Public Roads

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1: Development in the Countryside

Policy CTY 3: Replacement Dwellings

Policy CTY 13: Integration and Design of Buildings in the Countryside

Policy CTY 14: Rural Character

Policy CTY 16: Development Relying on Non-Mains Sewerage.

Supplementary Planning Guidance

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

DCAN 15: Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to; principle of replacement and previous planning history, visual integration and traffic matters.

Planning Policy

- 8.2. The site is located outside any settlement limit and is in the Countryside as shown in the Northern Area Plan 2016.
- 8.3. The site is within close proximity of a local landscape policy area located to the north of the site (BYL 02 – Ballymoney River Lower) but does not have a significant visual relationship with this designation, the outer extent of which comprises lands on the opposite side of the railway line to the north. The settlement

development limit of Ballymoney Town exists approximately 700m east of the site.

- 8.4. The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.5. Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states 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. This includes a number of instances where planning permission will be granted for an individual dwelling house including replacement dwellings in accordance with CTY3. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations.
- 8.6. The current application includes a supporting statement which states that farm maps have been submitted illustrating the extent of land owned and farmed by the applicant. This is not the case although this information is not required as both the application form and supporting statement make it clear that the application is submitted for a replacement dwelling under the context of policy CTY3.
- 8.7. Policy CTY3 of PPS21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY3 also states that for the purposes of this policy all references to “dwellings” will include buildings previously used as dwellings.
- 8.8. The site and building have been the subject of previous planning history including planning permission granted in 2012 for a replacement dwelling (D/2012/0048/O). The retained policy of PPS21 was the relevant policy context at that time. A more

recent application for replacement of the current structure (LA01/2019/0336/O) was subsequently withdrawn by the applicant. The reserved matters were not submitted subsequent to the outline application in 2012 and this permission has expired. It is therefore necessary to apply the relevant policy context to the current structure.

- 8.9. The subject building comprises a small, rectangular structure extending to approximately 7m x 9.5m located fairly centrally within the defined site area. The building is of random rubble stone construction with red brick quoins and detailing around window and door heads and reveals.
- 8.10. The front (southern) elevation is fairly intact to approximately wall plate level and includes a front door opening and single window openings either side with the remains of timber heads and window and door frames evident. Sockets for timber joists remain just above the level of the door and window openings which the supporting statement suggests is an indication of first floor accommodation. Based on the wall plate height above these sockets this assertion would appear to be accurate although it is likely the level of accommodation at first floor was very limited.
- 8.11. The rear (northern) elevation incorporates three additional openings which are in a greater state of dereliction than those on the front elevation and includes one with an unusual curved red-brick reveal. This elevation is less intact than that to the front with greater areas missing between the top of openings and wall plate level. The ground level to the rear appears to have increased from that which would have originally existed as evidenced by the relationship with the remaining openings.
- 8.12. Both gables have suffered significant structural deterioration most probably due to root and tree growth internally within the structure which appears to have occurred over a significant period of time. Both gables are missing large percentages of the original structure with the entire central section missing from ground level on the western gable and the majority of the southern half absent on the eastern gable, again from ground

level. Due to the level of deterioration no evidence remains of chimneys or flues.

- 8.13. Internally the building comprises a substantial amount of structural remains and rubble along with significant mature tree growth. No evidence remains of internal fireplaces or subdivision within the property.
- 8.14. In terms of the primary policy test of CTY3, although much of the building is absent and there is no discernible internal evidence of those elements which would generally be characteristic of a dwelling house, the external form, materials and design of the remaining building including window and door openings and details bear all the hallmarks of a dwelling and as such meets this part of the policy.
- 8.15. In terms of the second part of the policy test of CTY3, as evidenced above the building has suffered significant deterioration. No part of the roof structure remains and although the front elevation of the original structure remains generally intact, the three remaining elevations have significantly deteriorated and in particular the two gables, large portions of which are entirely absent. All external walls are not substantially intact and therefore the proposal fails the policy test of CTY3.
- 8.16. Additional information has been submitted by the agent including recent photographs, a supporting letter and a copy of the supporting statement which was submitted as part of the previously approved planning application D/2012/0048/O.
- 8.17. The recent photographs corroborate the assessment above and indicate significant portions of the existing structure are absent.
- 8.18. The 2012 supporting statement includes a number of contemporaneous photographs of the structure and also makes a number of statements /assertions. This includes information no longer apparent on site including evidence of a fireplace which supports the determination that the existing building was indeed a dwelling.
- 8.19. The 2012 Supporting Statement also includes photographs of the eastern gable which at that time remained intact approximately to wall plate level. Although the 2012 supporting

statement asserts that the lack of gable peaks at that time was due to the structure comprising a hipped roof, this would be unusual in the construction of a modest rural dwelling of this era and is not supported by the form of the remaining western gable which retains evidence of gable peaks.

- 8.20. Regardless, the gable as photographed at that time has deteriorated substantially in the interim and could no longer be considered to be reasonably intact. On this basis it is apparent that the structure has significantly deteriorated since planning permission was granted in 2012 and no longer meets the relevant replacement policy.
- 8.21. The additional information submitted in relation to the current application asserts that in 2012 approximately 88% of the overall structure remained intact and that approximately 80% of the external walls remained so. Although it is not possible to put an exact figure on the percentage of structure which remained in 2012, the extent of deterioration to the original structure currently evident on site is such that all external walls could not be considered to be substantially intact and as a result does not meet the requirements of Policy CTY3.

Integration

- 8.22. Proposals are also required to meet additional criteria outlined in Policy CTY3 in relation to siting / curtilage, size / integration, design and the provision of services and access. Although an outline application, a conceptual site section plan has been submitted. In relation to this, the proposed replacement structure is located generally within the original siting and what could be considered the original curtilage. Existing trees are indicated to be retained and additional planting proposed (matters which could be satisfactorily conditioned).
- 8.23. In terms of size and integration a dwelling of modern, single storey or chalet bungalow proportions appropriately designed and sited to reflect the existing scale would satisfactorily integrate and not result in a significantly greater visual impact. A reasonable sense of enclosure is achievable.

Non-mains Sewerage

8.24. The application proposes the use of a septic tank to serve the development as well as mains water connection. The site area is capable of accommodating this and services to the dwelling are achievable as per consultees. Consent to discharge is necessary in relation to the use of a proposed septic tank. Standing advice from DAERA Water Management Unit is relevant.

Access

8.25. In terms of access, Policy CTY3 requires that in all replacement cases access to the public road is available which will not prejudice road safety or significantly inconvenience the flow of traffic. Based on the historic residential use of the site the current proposal would represent a significant increase in use of an access which is currently used solely for agricultural use. The applicant proposes upgrading the current access. DFI Roads has been consulted and advise that the necessary access arrangements including visibility splays and forward sight distance are achievable.

Natural Heritage

8.26. In relation to natural heritage issues, although a biodiversity checklist has not been submitted, the site is not within immediate proximity of a watercourse nor is it within any specific designation. The subject building is in a poor state of repair and would be considered unsuitable for roosting bats. The surrounding land is agricultural in use and the proposal incorporates the retention of existing trees and hedgerows on the site boundaries. The proposal will not significantly impact on biodiversity or habitat.

Amenity

8.27. The site is located approximately 30m from the railway line which has the potential to raise issues regarding safety and amenity. NI Transport Holding Company has been consulted

and raise no objections to the proposal subject to no encroachment or discharge of storm or foul water onto NITHC property. As a historic railway connection no prejudice could be caused and any potential amenity issues such as noise etc would be evident to owners. The local Environmental Health Department has been consulted and no objections raised.

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 Planning Policy Statement 21 – Sustainable development in the Countryside. It has not been demonstrated that the proposal is one of the acceptable types of development permitted under policy CTY 1. Having considered Policy CTY 3 this proposal fails to meet the policy requirements for a replacement dwelling. Previous planning permission has expired for some time and the subject building has deteriorated substantially in the interim. Refusal is recommended.

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 CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling with all external structural walls substantially intact.

