

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/0418/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> December 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Cathy McKeary

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<b><u>No:</u></b>	<b><u>Ward:</u>Glens</b>
<b><u>App Type:</u></b>	<b>Outline</b>
<b><u>Address:</u></b>	<b>Land approx. 38m east of the junction of Churchfield Road and Ballynagard Road (Losset Corner) Ballycastle</b>
<b><u>Proposal:</u></b>	<b>Application for outline permission for the siting of a modest dwelling within an existing cluster, required due to personal and domestic circumstances and compliant under CTY2A and CTY6 of PPS21</b>
<b><u>Con Area:</u></b>	<b>AONB</b>
	<b><u>Valid Date:</u> 9<sup>th</sup> April 2021</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>
<b>Agent:</b>	<b>Sean Mc Henry</b>
<b>Applicant:</b>	<b>Vincent and Beatrice Mc Caughan</b>
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>
<b>Support: 0</b>	<b>Petitions of Support: 0</b>

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

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for a dwelling within an existing cluster, required due to personal and domestic circumstances under CTY2A and CTY6 of PPS21
- The site is not located within any settlement development limit and is located within an Area of Outstanding Natural Beauty as identified within the Northern Area Plan 2016.
- The proposal fails to meet the criteria for the principle of development under Policies CTY2a and CTY6.
- The proposal fails CTY 8 and CTY 14 in that if a dwelling were to be approved at this location it would be detrimental to the rural character of the area by causing a ribbon development
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health, DEARA, and Historic Environment Division were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

## 1.0 **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 conditions set out in section 10.

## 2 **SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located within the rural area and within an Area of Outstanding Natural Beauty as identified within the Northern Area Plan (NAP) 2016. The site is located approx. 38m east of the junction of Churchfield Road and Ballynagard Road (Losset Corner), Ballycastle.
- 2.2 The site comprises a rectangular shaped plot which has been cut out of a larger agricultural field. The topography of the site falls from the roadside towards the east, whilst the surrounding area falls towards the south and rises towards the north. The northern boundary of the site is physically undefined whilst the eastern boundary is defined by a post and wire fence with hedging some 3+metres in height. The southern boundary (which abuts No. 30 Church Field Road) is defined by a post and wire fence. The western roadside boundary is defined by an approximately 0.5metre verge with a 0.5metre hedge located on top.

## 3 **RELEVANT HISTORY**

- 3.1 No relevant planning history
- 3.2 It is noted that Document 01 claims it was the intention to of the then local Council, pre 1970s, to develop this application site for social housing. This has been backed up by a letter from the Housing Executive and a map. The document states that this history is a material consideration and should be given weight as part of this application. However, since there was no planning application submitted to the Council or planning history, the intention to develop the land does not constitute planning history and therefore is not a material consideration to this application.

## 4 THE APPLICATION

- 4.1 Application for outline permission for a dwelling within an existing cluster, required due to personal and domestic circumstances.

## 5 PUBLICITY & CONSULTATIONS

- 5.1 **External**  
**Neighbours:** There are no objections to the application
- 5.2 **Internal**  
**Environmental Health Department:** No objection  
**NI Water:** No objections  
**DFI Roads:** No objection  
**DAERA Water Management Unit:** No objection  
**Historic Environment Division:** No objections  
**DEARA:** No objections  
**NIEA (Water Management Unit):** 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

The application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS2: Natural Heritage

PPS 3: Access, Movement and Parking.

PPS 6: Planning, Archaeology and the Built Heritage.

PPS 21: Sustainable Development in the Countryside.

### **Supplementary Planning Guidance**

Building on Tradition: A sustainable Design guide for Northern Ireland.

## **8 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The main considerations in the determination of this application relate to the principle of development, integration and character of the rural area and of the AONB.

### **Principle of Development**

- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.3 Policy CTY1 of PPS21 sets out 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. Policy CTY1 indicates that the development of a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a and CTY6.

### **Policy CTY2A**

- 8.4 Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

- 8.5 The first criteria states that the cluster should lie outside of a farm and consist of four or more buildings (excluding ancillary buildings) of which three are dwellings. It is considered that in this instance this criterion can be met as there are more than three dwellings located within the cluster and a number of outbuildings. The cluster is understood to include No's 30, 32 and 33 Ballynagard Road and No's 58 and 59 Churchfield Road. The policy indicates that the cluster must lie outside of a farm therefore No. 57 Churchfield Road cannot be included within this cluster.
- 8.6 The second criterion of Policy CTY 2a states that the cluster must appear as a visual entity in the local landscape. When travelling west towards the cluster on the Ballynagard Road and in both directions, north and south, along the Churchfield Road, the existing dwellings can be viewed as single visual entity which stands out from the wider rural landscape as being an existing cluster of development. All dwellings, with the exception of No. 57 Churchfield Road, are located along the roadside. Due to mature vegetation some dwellings are not fully visible within the cluster however it is accepted that whilst all buildings in the cluster are not fully intervisible there remains to be an awareness of a concentration of buildings which feels detached from the wider rural landscape.

- 8.7 The third criterion of Policy CTY2a states that the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads. Doc 01 makes reference to the 'Review into Operation of PPS21' (2013) by Mr Alex Atwood (previous Environment Minister) in which Mr Atwood stated that he had "identified the potential for some additional flexibility in how the policy in respect of new dwellings in existing clusters is being applied - The policy does not provide an exhaustive list of what will be regarded as a focal point and in the absence of a community building or facility.. there may be some other entity of association that serves as a hub or gathering point in the community".
- 8.8 Doc 01 goes on to refer to the focal point of this application as being 'Losset Corner', which the document states is a well-known community meeting point of this 'chlaclan development' (6 or more houses). Doc 01 refers to 'Losset Corner' as a "junction located some 41metres to the west of the application site". This junction is a 'T' junction and not crossroads in which the policy clearly states. The document makes reference to a similar application approved by Antrim and Newtownabbey Borough Council under planning reference LA03/2019/0895/O and an application determined by Mid Ulster Borough Council under planning reference LA09/2018/0676/O. Coast and Glens operate as a separate local authority and as such applications from other Council areas do not hold significant weight in the determination of a planning application. application.
- 8.9 'Losset Corner' may be or have been a community meeting point in this area – which was noted in a letter of support for the application from a local Councillor (Cara McShane). Whilst this may be the case there has been no further evidence submitted to confirm this. It difficult to assume that this junction is still used as a community meeting point currently and therefore it cannot be accepted that it is a focal point to the application site.
- 8.10 Appeal Ref: 2020/A0112 was for a dwelling under CTY 2a was dismissed by the Commission. Paragraph 10 of the PAC decision clarifies that a "cross roads is an alternative option to a focal point. A T junction where two minor roads meet is not a cross roads and there is no development at the junction that could fall within the ambit of the term focal point as the qualifying development are dwellings rather than community buildings." A



'T' junction cannot be considered a crossroads to meet this criterion of the policy and therefore cannot be considered the focal point of this

- 8.11 Doc 01 also refers to local Heritage assets as being a focal point to the application site. They are referenced in the document, paragraph 5.22. The listed building and monuments referred to in the document are located over 300metres to the north west of the site.
- 8.12 It is noted that the Planning Appeal Commission; Appeal reference: 2017/A0168 clarifies that the tests within Policy CTY2a predominantly relate to physical features or the proximity of the proposed development site to existing physical features in order to determine its suitability in respect of new dwellings in an existing cluster. The policy taken as a whole, the word 'associated' in the third criterion refers to the cluster being physically associated with a focal point rather than a cultural or familial association.
- 8.13 The listed monument (reference ANT009:112) which includes a lodge, gate screen and outbuildings are located some 318metres north west of the site. The listed Historic Parks and Gardens area (reference:AN-052) also measures some 288metres north west of the application site. The agent measurement is taken from the edge of the Historic Parks and Gardens area to the edge of the 'cluster' which measures 140metres. Notwithstanding the measurement dispute, it is considered that 140metres of a separation distance is too substantial for the application site to be associated with the area and given the physical separation distance between the heritage assets and the cluster, it cannot be accepted that the assets are a focal point to this application site and would not be considered a social/community building/facility as part of Policy CTY2a.
- 8.14 Doc 01 refers to planning application LA09/2018/1022/O which approved an application although it did not have a focal point - and this was backed up by Appeal references: 2017/A0222, 2016/A0095 and 2010/A0202 (refs: 2016/A0095 and 2010/A0202 could not be located on the PAC's website).
- 8.15 Appeal ref: 2017/A0222 was approved by the PAC as the application met the other five requirements of Policy 2a and they

considered it to comply with the overall thrust of the policy which is to round off and consolidate an existing cluster of development without changing the overall character of an area. The PAC therefore did not find it a determining failing that the cluster was not located at a focal point or a crossroads.

- 8.16 This application is however different from the appeal above as the proposal fails more than one criterion within CTY 2a (assessed below).
- 8.17 It is important to acknowledge that Policy CTY2a clearly reads “Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met” which includes the application site being associated with a focal point such as a social/community building/facility, or is located at a cross-roads. Failure to comply with all criterion warrants a valid refusal reason.
- 8.18 The fourth criterion of the policy states the site should provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. Doc 01 states the application site benefits from mature vegetation to the north, south and western boundaries that would provide a suitable degree of enclosure. However when the site was inspected on 25th May 2021 it was noted that the application site benefited from semi-mature vegetation located along the southern boundary and hedging located along the northern boundary. The western boundary is defined by a post and wire fence and some landscaping, there is also an approximately 2metre wooden fence belonging to No. 30 Ballynagard Road. The eastern boundary is undefined. Given the existing boundaries it is considered the site would have a suitable degree of enclosure however it is noted the northern boundary of the site would need to be removed to provide adequate visibility splays (as shown on Drawing 02 date stamped 1<sup>st</sup> July 2021). It is considered that the site is bound on two sides with other development in the cluster (namely No. 30 Ballynagard Road and No 58 Churchfield Road). It is considered the proposal meets the fourth criterion of CTY2a.
- 8.19 The fifth criterion of Policy CTY 2a requires that the development can be absorbed into the existing cluster, through rounding off or consolidation and will not significantly alter the character or visually intrude into the open countryside. It is considered that as

the eastern boundary of the application site is undefined and open to a wider agricultural field, and countryside - that the proposal would not consolidate the existing cluster rather it would intrude into the open countryside therefore failing the fifth criterion of Policy CTY2a.

8.20 In relation to the final criterion whereby development should not adversely impact on residential amenity, it is considered that an appropriately designed dwelling could be erected on site that would have no significant adverse impact on the residential amenity experienced at existing properties.

8.21 Whilst it is accepted that there is an existing cluster of development in the vicinity of the application site - the application sites is not associated with a focal point such as a social/community building and would not consolidate the existing cluster, rather the proposal would intrude into the open countryside. The proposal fails Policy CTY 2a of PPS 21.

### **Policy CTY6**

8.22 Policy CTY 6 states that Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

8.23 CTY6 states that all permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

8.24 In cases where a new house in the countryside is sought because of special personal or domestic circumstances, policy requires applicants to provide sufficient information to allow

proper assessment of the special circumstances. This includes: details of the level of care required including the identity of the main carer, their current address and occupation; an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused; and details of the alternatives to a new dwelling that have been considered.

- 8.25 Doc 01 explains that the applicant's currently live in an isolated location and have various medical conditions, however that the applicants still achieve a high level of independence which it vital for their mental well-being. To maintain independence and reduce impacts of social isolation, the document claims it is vital for the applicants to reside in a location that does not isolate them socially and will be near neighbours if any issues would arise. The document refers to a Briefing Paper 'Tackling Rural Poverty and Social Isolation (2014)' and 'Tackling Rural Poverty and Social Isolation -A New Framework (2016)' which aims to address rural social isolation for vulnerable people. Seven (7) letters of support from community representatives and doctors which claim the applicant's would suffer genuine hardship if permission was not granted due to social/rural isolation at their current residence.
- 8.26 Doc 01 explains there are no alternative solutions that would address the issues as the applicants are still able to achieve a high level of independence at an appropriately sites dwelling. Doc 01 states the applicant remains in partnership in the farm business with his son and this remains the main source of income for the household. Paragraph 5.48 (of Doc 01) declares that for the successful running of the farm business, the applicant is required to reside in reasonable proximity to the farm. It is noted that whilst this may be a reason as to why the applicants would prefer to reside at the application site, it is not an exceptional reason to grant planning permission under Policy CTY6. Policy CTY10 is intended for farmers to build a dwelling on their farm holding for this reason.
- 8.27 The case officer contacted the agent via email on 18th June 2021 indicating that whilst it had been claimed in Document 01 - that it has not been demonstrated there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the

conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances. The agent replied via email on 23rd June 2021 with justification, referring to Paragraph 5.39 - 5.51 of the Doc 01 in which the agent explains the personal and domestic circumstances that they feel necessitates a dwelling at this location - they refer to support from Doctors, the DAERA Framework, Ulster Farmers Union, Rural Support Charity, and elected representatives. The agent believes Doc 01 demonstrates compliance with CTY 6

- 8.28 The agent again referenced to the Rural Isolation Framework (2016) claiming "this Framework is very much a material consideration and undoubtedly aligns to the previously submitted evidence from Doctors and the 'Rural Support' charity in demonstrating compliance of the CTY 6". Section 45 (1) of the Planning Act (NI) 2011 requires that the Council in dealing with an application for planning permission must have regard to the Local Development Plan and to any other material considerations. The Framework has been taken into consideration however it considered that significant weight could not be given to this to warrant an approval on this site.
- 8.29 The agent maintains that alternative options such as living in annexed accommodation with a relative or living in an urban setting will deprive the applicants of independent living and deprive them of rural community living that they have lived for 70+ years, and that living in an urban area will be too far from the farm to continue their involvement. The agent insists it is unreasonable to expect the applicants to live in this kind of rural/social isolation (190m from the public road) when there is an appropriate, acceptable and achievable solution available that will address all the issues discussed while also causing zero landscape/amenity impact etc.
- 8.30 Taking all justification, evidence and supporting information into consideration - it is not disputed that the applicants suffer from a range of medical conditions and feel isolated in their current location.
- 8.31 Whilst there is no requirement for families to live together or provide medical care/support for relatives; it is noted that where an application is made for a dwelling based on personal

circumstances, Policy CTY 6 requires details of what alternatives to a new dwelling in the countryside have been considered, and why such alternatives are not considered practical to meet the site specific need. As the assessment of alternatives is required by policy; it is not unreasonable and nor does policy limit the consideration of alternatives to the applicant's existing dwelling/curtilage. Notwithstanding the applicants' personal preference and desire to live at this application site and in close proximity to others, the issues raised could be addressed by the provision of an extension/annex /ancillary accommodation at a family members dwelling. It is considered that whilst the applicant's may suffer from loneliness and isolation, it is considered genuine hardship would not result from refusing this application. The social arguments (loneliness, isolation and independence) against such accommodation are outside the planning system and are matters for the family. It is therefore considered that there are no overriding reasons as to why this proposal could not be located within an urban area as per CTY1.

- 8.32 The proposal therefore fails Policy CTY6 in that satisfactory long term evidence has not been provided that a new dwelling is a necessary response to the particular circumstances of this case, that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

### **Policy CTY 13**

- 8.33 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
- 8.34 A new building will be unacceptable where:
- (a) it is a prominent feature in the landscape; or
  - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
  - (c) it relies primarily on the use of new landscaping for integration; or

(d) ancillary works do not integrate with their surroundings; or  
(e) the design of the building is inappropriate for the site and its locality; or  
(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or  
(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.35 Paragraph 5.58 states the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site will blend in unobtrusively with its immediate and wider surroundings.

8.36 The topography of the application site falls towards the south whilst the topography of the surrounding area falls towards the west and south. As previously mentioned the site benefits from semi-mature vegetation located along the southern boundary and hedging located along the northern boundary. The western boundary is defined by a post and wire fence and some landscaping, there is also an approximately 2metre wooden fence belonging to No. 30 Ballynagard Road.

8.37 The existing dwellings within this area are a mix of designs - No's 30 and 32 Ballynagard Road are two storey semi-detached dwellings, whilst No. 33 Ballynagard Road and No. 58 Churchfield Road are a single storey detached dwellings, and No 59 Churchfield Road is a two storey detached dwelling. Due to the topography of the site and the surrounding area, and the existing dwellings within this area it would be considered necessary that a condition should be included on any approval to stipulate that any dwelling on the site shall have a ridge height of less than 6metres at its highest point (above finished floor level). This it to ensure a dwelling on this site would integrate into the landscape and with existing buildings, and would not be a prominent feature in the landscape. A condition should also be added stipulating that existing and proposed site levels should be submitted in order to ensure a dwelling on this site would integrate and would not be a prominent feature in the landscape.

8.38 It is considered dwellings on this site would integrate into the surrounding area to comply with the criteria set out under CTY13 of PPS21.

### **Policy CTY14**

8.39 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

8.40 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

8.41 There are a number of different ways in which new development in the countryside can impact detrimentally on rural character. One building by itself could have a significant effect on an area if it is poorly sited or designed and would be unduly prominent, particularly in more open and exposed landscapes.

8.42 Due to the steady change in topography of the site and the surrounding area, it is considered that if a dwelling were to be approved on this site, it would be necessary to condition the existing semi- mature trees and vegetation along the southern boundary to be retained (at a minimum height of 4metres) to ensure they act as a backdrop for any dwelling. Additional landscaping would also be required which should be conditioned on any approval. A ridge height condition (of 6metres) would ensure a proposed dwelling would not be a prominent feature in the landscape.



- 8.43 When considered in relation to the existing dwellings, and given the proposal fails Policy CTY2a, the proposal would create ribbon development along the Ballynagard Road which would cause a detrimental change to the rural character of an area in accordance with Policies CTY8 and CTY 14 of PPS 21.
- 8.44 The agent has referred to the definition of ribbon development used in England. However as set out in Policy CTY 8 a ribbon is defined in the justification and amplification of policy. This is also reinforced as set out in Appeal 2010/A0040. Under this appeal the Commissioner refuses an outline planning permission for a dwelling as when read with two other properties would create a ribbon of development. The proposed development would if approved be detrimental to the character, appearance and amenity of the countryside by creating and reinforcing the built-up appearance and create a ribbon of development.

#### **Natural Heritage**

- 8.45 PPS 2 sets out planning policies for the conservation, protection and enhancement of our natural heritage. Policy NH6 of PPS2 states planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:
- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
  - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
  - c) the proposal respects:
    - local architectural styles and patterns;
    - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
    - local materials, design and colour
- 8.46 As this is an outline application, there are no design proposals at this stage.

### **Access**

- 8.47 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
  - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

DFI Roads were consulted on the proposal and responded with no concerns subject to conditions.

### **Planning, Archaeology and Built Heritage**

- 8.48 Planning Policy sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage Policy BH 2: The Protection of Archaeological Remains of Local Importance and their Settings:

- 8.49 The site is located some 318metres south east of an Archaeological site and monument (reference: HB05/04/021). Historic Environment Division were consulted on the proposal and are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Habitat Regulations Assessment**

- 8.50 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 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, AONB, and other material considerations, including the SPPS.

- 9.2 The proposal fails to meet the principle policy requirements under Policy CTY1 for dwelling in the countryside as the proposal does not meet the criteria for a dwelling in an existing cluster, as outlined in Policy CTY 2a nor does it meet the criteria for a dwelling under personal and domestic circumstances, as outlined in Policy CTY 6.
- 9.3 The proposal is contrary to Policies CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if a dwelling were to be approved at this location it would be detrimental to the rural character of the area by causing a ribbon development. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to 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 the policy provisions of the Strategic Planning Policy Statement and Policy CTY 2a of Planning Policy Statement 21, in that it fails to meet with the provisions for a cluster as the application site is not associated with a focal point and it would intrude into the open countryside.
3. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of this case, that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
4. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if a dwelling were to be

approved at this location it would be detrimental to the rural character of the area by causing a ribbon development.

### Site Location

