

Title of Report:	Planning Committee Report – LA01/2018/1158/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th January 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

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

Screening Requirements	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:

<u>App No:</u>	LA01/2018/1158/F	<u>Ward:</u>	Lurigethan
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Approx 30m South East of 20 Glenariffe Road, Glenariffe, Ballymena.		
<u>Proposal:</u>	Retrospective planning application for retention of 2 No. farm Storage Sheds.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	26.09.2018
<u>Listed Building Grade:</u>	N/A		
<u>Applicant:</u>	Mr Padraig Mitchell, 21 Glenariffe Road, Glenariffe, Ballymena.		
<u>Agent:</u>	CMI Planners Ltd, 38 Airfield Road, Toomebridge.		
<u>Objections:</u>	3 (1 person)	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

- Full planning permission is sought retrospectively to retain 2 no. farm storage sheds.
- The site is located approximately 1.1km south west of Waterfoot and falls within the open countryside as designated in the Northern Area Plan 2016.
- The site is located within the Antrim Coast and Glens Area of Outstanding Beauty (AONB).
- The site is within an area designated as an Archaeological site and monument.
- Three letters of objection have been received, from one neighbouring property. Issues raised include a failure to provide adequate supporting information and environmental assessments in relation to the application, together with a lack of mitigation measures taken to prevent negative impacts created by the development. Objections also allege that the required northern visibility splay is not achievable as it is not under the control or ownership of the applicant, thereby rendering the access unsafe and that the development is being used for a commercial business.
- DfI Roads, Environmental Health Department, NIEA, Shared Environmental Services, DAERA, Historic Environment Division and Geological Survey of Northern Ireland have been consulted and raise no objection in respect of the application subject to recommendations and conditions.
- The proposal is considered unacceptable and contrary to the SPPS, Policy CTY1 and Policy CTY 12 of PPS 21 as it has not been demonstrated that the buildings are appropriate to their location in terms of character and scale. Furthermore, insufficient information has been provided to demonstrate the development is necessary for the efficient use of the agricultural holding and that insufficient information has been provided to demonstrate that there are no suitable existing buildings on the holding or enterprise that can be used.
- Refusal is recommended.

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 the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** outline planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This planning application relates to a site adjacent to 20 Glenariffe Road, Glenariffe. The roadside site extends to approximately 0.37 hectares and is rectangular in shape consisting of a concrete yard and area of hardstanding together with associated out buildings of varying scale and design. The western boundary is defined by the existing roadside verge and hedge and contains the site access to the northern corner which consists of a layby, gates and pillars. Both the southern and northern side boundaries of the site are defined by established vegetation and fencing. The rear eastern boundary of the site is undefined and open to agricultural land. The topography of the site falls consistently from road level towards the east, with a difference in ground levels of approximately 7.8m from the access point on Glenariffe Road to the rear of the site.
- 2.2 The site is located outside any development limits and therefore is within the countryside as indicated by map No. 5 of the Northern Area Plan. The site is within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB) and is within an area designated as an Archaeological site and monument. The surrounding area is rural in character, comprising of single dwellings, agricultural land, and farm buildings.

3 RELEVANT HISTORY

- 3.1 There is no recent or relevant planning history relating to the site.

4 THE APPLICATION

- 4.1 Full planning permission is sought retrospectively to retain 2 no. farm storage sheds.

5 PUBLICITY & CONSULTATIONS

- 5.1 **External**

Neighbours: Three (3) objections were received. The main issues raised are summarised below and will be considered throughout the remainder of this report:

- Alleged copyright infringement regarding certain submitted documentation and maps.
- Lack of Construction Environmental Management Plan (CEMP) to demonstrate mitigation measures taken prior to the commencement of development.
- No indication provided to ascertain assessments were undertaken with regard to flood risk, drainage, or other ecological impacts in relation to the development of the site.
- The proposed red line delineating the visibility to the North of the access encroaches on neighbouring land and is outside the control of the applicant.
- The roadside hedge cannot be retained permanently to the rear of the Northern sightline due to not being within the applicant's ownership or control.
- The site is on a small farm holding and the scale of the development is unwarranted.
- The sheds are used in conjunction with a commercial business and are not used for agriculture.
- Overhead power lines crossing above the unauthorised development are in contravention of Northern Ireland Electricity policies.

5.2 Internal

DfI Roads - No objections

Environmental Health - No objections

Geological Survey of Northern Ireland - No objections

DAERA Ballymena - No objections

HED Historic Monuments - No objections

Shared Environmental Services - No objections

DAERA Natural Environment Division - No objections

Northern Ireland Electricity - objection

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:
- The 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

PPS 2: 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

Antrim Coast and Glens AONB Design Guide

8 CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to: Principle of Development; Integration and design, access, and natural heritage.

Planning Policy

- 8.1 The site is located within the open countryside given it falls outside any settlement development limits and is within the Antrim Coast and Glens AONB as set out in the Northern Area Plan 2016.
- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.3 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this proposal is in relation to the erection of agricultural sheds, the main policy considerations are within paragraphs 4.23 to 4.30, together with 6.73 and 6.77 of the SPPS and Policies CTY 1, CTY 12, CTY 13, and CTY 14 of PPS 21.
- 8.4 Paragraphs 4.23 to 4.30 of the SPPS relates to good design. Design is a material consideration in the assessment of all applications and good design should be encouraged with specific regard to those areas recognised for their landscape value such as AONB's.
- 8.5 Paragraph 6.73 of the SPPS and Policy CTY1 of PPS21 outline the range of types of development that may be acceptable in principle in the countryside. In the case of agricultural development Policy CTY1 refers to Policy CTY12.
- 8.6 Paragraph 6.73 of the SPPS and Policy CTY 12 of PPS 21 outline that provision can be made for development on an active and established farm where the proposal is necessary for the efficient use of the holding.

8.7 PPS 21, Policy CTY1 sets out the types of development which in principle are considered acceptable in the countryside. In the case of non-residential development Policy CTY1 states that planning permission will be granted for agricultural and forestry development in accordance with Policy CTY 12. 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 including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

8.8 Planning Policy Statement 21, Policy CTY12 states Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Following consultation, DAERA have confirmed that the farm business in this instance is active and has been established for more than six years.

8.9 The existing sheds are located to the south-east of what appears to be the original farmyard containing 4 older outbuildings which are smaller in scale than the more recently erected unauthorised farm sheds and

provide an approximate total floor space of 400m². The recently erected sheds are of a differing scale and design to both each other and the adjacent older outbuildings. The uppermost shed adjoins an existing outbuilding and is L shaped and open sided, featuring a portal frame construction with a lean to roof and providing 182m² of floor space. The second shed is located approximately 6m further to the south-east of the first shed and sits at a lower level given the natural topography of the site. Featuring a more standardised rectangular portal frame design, the second shed is fully enclosed with a low angle pitched roof and provides 375m² of floor space. Both sheds feature rendered block work footings and green coloured cladding to their exteriors. The sheds cannot be considered as agricultural permitted development as outlined in The Planning (General Permitted Development) Order (NI) 2015 due to being located within 20m of the neighbouring property at no. 20 Glenariffe Road and having a combined floorspace exceeding 500 sq m.

- 8.10 The sheds subject of this application are unauthorised. An enforcement notice was served on this site on 9th April 2020. This enforcement notice has subsequently been appealed to the Planning Appeals Commission and we are awaiting a decision on this appeal.
- 8.11 The application proposes that the sheds are retained for agricultural storage purposes. Given that the two sheds provide a total of 557m² of floor space, concerns were raised regarding the justification for the retention of this scale of development and whether it was necessary for the efficient functioning of the agricultural holding. The farm holding totals approximately 6 hectares and currently contains outbuildings with a total floor space of approximately 400m². The lands which comprise the farm holding are located to the rear of the application site and to the rear of the applicants dwelling, opposite the site. The total area of all the farm buildings on site would equate to 957 m².
- 8.12 The agent provided a supporting submission to justify the need for the 2 no sheds. It stated the sheds will be used for winter fodder, secure machinery storage and shelter for his herd of animals during periods of inclement weather and that all existing sheds are fully utilised. The supporting information included photographs indicating a selection of farm machinery owned by the applicant together with farm maps and a herd list. The selection of machinery includes such items as a tractor, a link box, a field roller, two trailers and a 3-fur plough. The agent does not indicate if this machinery was owned by the applicant prior to

the erection of the new sheds or where this machinery was previously stored if that is the case. Furthermore, no receipts or proof of ownership were provided. Some of these items of machinery were not evident at the time of site inspection. The herd list identified a total of 11 no. pedigree cattle. There has been no valid reason provided why the machinery and other items, necessary for the efficient use of the agricultural holding, could not easily be stored within the 400m² of floor space provided by the original outbuildings and sheds within the farmyard.

- 8.13 At the time of site inspection a mix of items associated with both farming and construction sectors were being stored on site. This included agricultural machinery, round silage bales together with construction equipment and materials.
- 8.14 It is considered that a new overall total of 957m² of farm buildings is unnecessary and disproportionate for the efficient operation of this size of farm holding and the level of activity presented. Paragraph 5.52 of PPS 21 advises that where permission is sought for a new building, the applicant is required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist. This has not been demonstrated. The proposal is therefore considered contrary to Policy CTY 12 criteria (a) in that insufficient information has been provided to demonstrate the proposed development is necessary for the efficient use of the agricultural holding. Additionally, it has not been demonstrated that there are no suitable existing buildings on the holding that can be used for the proposed storage.
- 8.15 In addition to the storage of machinery and dry fodder, the agent has submitted that the applicant also requires the retention of the sheds to provide shelter for their herd of animals during periods of inclement weather. DAERA Natural Environment Division (NED) have advised that the site is hydrologically linked to a number of designated sites (Red Bay SAC, The Maidens SAC/ASSI and East Coast (NI) Marine Proposed SPA) and that the applicant has not provided mitigation measures to prevent pollution of the adjacent watercourses. NED would have no concerns with the proposal subject to the applicant adhering to the recommendations which include the stipulation that livestock are not housed, nor no slurry/manure/litter stored, within the proposed facility at any time. The housing of livestock or storage of slurry/manure/litter therefore has the potential to result in the unacceptable pollution of adjacent watercourses which enter Red Bay SAC c. 5.2 km downstream via the Glenariff River. Following

consultation, Shared Environmental Services (SES) advised that provided mitigation measures were conditioned the proposal will not have an adverse effect on site integrity of any European Site. These mitigation measures include the condition that there shall be no livestock housed, nor no slurry/manure/litter stored within the shed at any time. Therefore, justification for the need for the sheds based on sheltering of animals is unfounded given the potential adverse impacts on designated sites.

Integration, Design and Rural Character

- 8.16 Paragraph 6.77 of the SPPS states that; In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access, and road safety. Access arrangements must be in accordance with the Department's published guidance. Policy CTY 1 of PPS 21 sets out that all proposals must be sited and designed to integrate into its setting, respect rural character, and be appropriately designed. Policy CTY 13 of PPS 21 deals specifically with the integration and design of buildings in the countryside and 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.
- 8.17 The design and appearance of the sheds are in keeping with similar agricultural buildings within the countryside and their green clad exterior allows them to visually integrate into the surroundings. The sheds have been sited to cluster with the existing outbuildings on the farm and conform to the natural topography of the site, with the larger of the two sheds being constructed on the lower part of the site. The proposal is considered acceptable in accordance with the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Access

- 8.18 Access to is via the existing access onto the Glenariffe Road. DFI Roads were consulted on the scheme, and following the submission of amended plans now offer no objection. The proposal is in compliance with Policy AMP2 of PPS3.

Natural Heritage

- 8.19 The application site is hydrologically linked to Red Bay SAC, The Maidens SAC/ASSI and East Coast (NI) Marine Proposed SPA which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002. Planning Policy Statement 2, Policy NH3 states that Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an ASSI, a Nature Reserve, a National Nature Reserve, or a Marine Nature Reserve. A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required. DAERA (NED) note that the applicant has not provided mitigation measures to prevent pollution of the adjacent watercourses. This point was also raised in objections to the application. NED has provided recommendations regarding mitigation and subject to the applicant adhering to these, NED would have no concerns with the proposal. These include as discussed above that the sheds are restricted to storage only and not for the housing of livestock.
- 8.20 Planning Policy Statement 2, Policy NH6 states that 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 where it is sympathetic to the special character of the area. Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour. In terms of siting, design, scale and massing, the proposal is considered sympathetic to this AONB location. The sheds are deemed to not have an unacceptable impact on the character of the AONB at this location. The proposal therefore follows Paragraph 6.187 of the SPPS and Policy NH 6 of PPS 2.

Archaeology and the Built Heritage

- 8.21 The site is located within an Archaeological site and monument. Development proposals which would adversely affect archaeological sites or monuments which are of local importance, or their settings will only be permitted where the Department considers the importance of

the proposed development or other material considerations outweigh the value of the remains in question. Following consultation Historic Environment Division (HED) was content that the proposal was satisfactory to SPPS and PPS 6 archaeological policy requirements.

Habitats Regulations Assessment

- 8.22 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. This conclusion is subject to the imposition of mitigation by means of planning condition to limit occupation of the proposed shed to storage only and not for the housing of livestock.

Other Matters

- 8.23 The concerns raised by way of objections have been given full consideration, with the issues over the access and the lack of evidence regarding mitigation measures taken during the construction phase involving pollution and environmental impacts, together with the scale of the sheds in relation to the farm holding all being addressed through the assessment of the application. It is not within the remit of the planning department however, to rule on the validity of submitted material with regard to copyright infringement. The objections regarding the commercial use of the sheds were referred to the agent to address. As previously mentioned, a site inspection revealed evidence of building equipment, materials and waste within the new sheds and throughout the lower part of the yard, however the agent has stated that the sheds are used solely to store agricultural machinery associated with the farm holding. Despite the suggestion of any kind of commercial business operating from the site, the agent has indicated that the applicant is agreeable to have a planning condition applied to any approval stipulating that the use shall only be for agricultural storage. While the applicant has not provided mitigation measures to prevent pollution of the adjacent watercourses, the competent environmental authorities would have no concerns with the proposal subject to the applicant adhering to conditions and recommendations.

- 8.24 The objector stated that the red line delineating the visibility to the north of the access encroaches on neighbouring land and is outside the control of the applicant. DfI Roads initially advised that approximately 1.0m in width needed to be removed along the length of the hedge to the north-east of the existing vehicular access up to the low stone wall in order to achieve the 2.4m x 90.0m sight visibility splay. This hedge lay outside the applicant's control and an amended site plan was requested detailing the extent of work required to provide the necessary visibility splay. The agent subsequently submitted an amended drawing and served notice on the neighbouring landowner. DfI Roads offered no objection to the proposal.
- 8.25 A formal consultation was issued to Northern Ireland Electricity (NIE) following the objection regarding the existing overhead power lines above the sheds. The initial NIE response stated that the lands affected by the proposal are traversed by a 11kV (High Voltage) Overhead Lines and associated equipment. NIE Networks raised concerns that the proposal infringes on the safety clearances that are required to be maintained from their Electricity Infrastructure. NIE Networks therefore initially objected to the planning application, but did encourage the applicant to make contact with them to discuss the proposal further with a view to finding a resolution. The agent has confirmed that the applicant has subsequently liaised with NIE Networks and that the Overhead Lines have been raised. An email has been submitted from the Construction Team Manager confirming that NIE had carried out all work successfully on site. NIE were re-consulted regarding these matters, however, to date they have not issued a response. The Planning Department are content that the email response clarifies this matter.

9 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 Strategic Planning Policy Statement, Policy CTY12 of Planning Policy Statement 21 in that insufficient information has been submitted to demonstrate that the sheds are necessary for the efficient operation of the agricultural holding and that there are no suitable existing buildings on the holding that can be used for the storage of agricultural machinery. The proposal is contrary to Paragraph 6.73 of

the SPPS and Policies CTY 1 and CTY 12 of PPS21. Refusal is recommended.

10 Refusal Reasons

The proposal is contrary to Paragraph 6.73 of The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 and Policy CTY 12 of Planning Policy Statement 21 criteria (a) in that insufficient information has been provided to demonstrate the development is necessary for the efficient use of the agricultural holding. Insufficient information has been provided to demonstrate that there are no suitable existing buildings on the holding or enterprise that can be used.

Site Location Map



Addendum

LA01/2018/1158/F

1.0 Update

- 1.1 The application site was subject to an Enforcement Notice (as advised in paragraph 8.10 of the Planning Committee report) for the unauthorised sheds which are the subject of this planning application. The Enforcement Notice was appealed to the Planning Appeals Commission (PAC). The decision on this appeal has been recently published and the PAC have upheld the Enforcement Notice issued by the Council. The PAC reference number for this appeal is 2020/E0025 and can be viewed at www.pacni.gov.uk. The decision, by the PAC, requires the removal of the unauthorised sheds. However, if the Planning Committee resolve to approve this planning application the sheds could remain. The breach of planning referred to in the Enforcement Notice related to '2 no. unauthorised sheds used for builders storage' which is not reflective of the planning application which is for '2 no. farm storage sheds'. Nevertheless, the Commissioner has commented in this decision that given *'the small scale of the appellants agricultural holding, I consider that, on the balance of probabilities and in the evidential context provided, it is more than likely that the sheds were used for the storage of builders materials at the time the Notice was issued.'*
- 1.2 This decision reflects the Planning Departments recommendation that the unauthorised sheds are unnecessary for the efficient use of the applicant's farm holding and as such fails to meet the policy requirements of CTY 12 of PPS 21.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.