



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2020/0498/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24th March 2022</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	Senior Planning Officer

<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> LA01/2020/0498/O</b>	<b><u>Ward:</u> Greysteel</b>
<b><u>App Type:</u> Outline Planning</b>	
<b><u>Address:</u> Lands 130m West of 57 Sheskin Road Greysteel with access onto Upper Lane Road</b>	
<b><u>Proposal:</u> Erection of dwelling house and garage on the farm</b>	
<b><u>Con Area:</u> n/a</b>	<b><u>Valid Date:</u> 20.05.2020</b>
<b><u>Listed Building Grade:</u></b>	<b>n/a</b>
<b>Agent:</b>	<b>Gerard McPeake Architectural Ltd, 31a Main Street, Limavady, BT49 0EP</b>
<b>Applicant: Mr Hugh O'Kane, 57 Sheskin Road, Greysteel, BT47 3BQ</b>	
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>
<b>Support: 0</b>	<b>Petitions of Support: 0</b>

## **Executive Summary**

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and it relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- The building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings, it does not respect the traditional pattern of settlement exhibited in that area, creates a ribbon of development and the impact of ancillary works would damage rural character and therefore the proposal would result in a detrimental change to the rural character of the countryside.
- No objections have been received. No support representation have been received.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS and PPS 21.
- The application is recommended for refusal.

**Drawings and additional information are available to view on the Planning Portal - <https://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** planning permission for the reasons set out in section 10.

## **2 Site Location and description**

2.1 The site is a irregular shaped plot of land measuring 0.34 hectares in a rural area. The topography of the land slopes up from the roadside to the rear of the site to the north by 4 metres.

2.2 The site is road side and is currently accessed by an agricultural field gate. The critical views of the site are from Upperlane Road to the south and from the north east on Upperlane Road as you drive south west from Sheskin Road junction. The field the site is located in is used for agricultural grazing.

2.3 The farm house and several agricultural sheds are located on the opposite side of Upperlane Road to the south and south east. On Sheskin Road from the south east the site and cluster of farm buildings may be viewed together.

2.4 The southern boundary is defined by a 1 metre high post and wire fence and some interspersed trees and some bushes/shrubs near the access point. The western boundary is defined by a 1m post and wire fence and by a 4 metre high hedge. The northern boundary is undefined. The eastern boundary is part undefined and part defined by a post and wire fence and 1.5 metre hedge. The site is located on field 8, page 2 of the associated farm maps. There is a sheugh along the southern roadside boundary.

2.5 The character of the area is agricultural, interspersed with farm houses. There are 2 dwellings to the west of the site separated from the site by a small field. The site is located outside any settlement limit in a rural area as shown in the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

3.1 No relevant planning history.

### **4 THE APPLICATION**

4.1 This application seeks permission for the erection of a dwelling house and garage on the farm.

### **5 PUBLICITY & CONSULTATIONS**

5.1 External

There are no neighbours identified for notification within the terms of the legislation. The application was advertised on 10th June 2020, 8th July 2020 and 14th July 2021.

5.2 Internal

Environmental Health: No objection to the proposal.

Northern Ireland Water: No objection to the proposal.

DFI Roads: No objection to the proposal.

DAERA(NIEA) – Water Management Unit: No objection to the proposal.

DAERA (NIEA) - Natural Environment Division: No objection to the proposal.

DAERA - No objection to the proposal.

Shared Environmental Services - No objection to the proposal.

Loughs Agency - No objection to the proposal.

### **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 development 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

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**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main consideration in the determination of this application relate to the Principle of Development, Integration, Rural Character, Ribbon Development, Sewerage disposal, Natural Heritage, Access, Movement and Parking, Safeguarding residential and work environs, Representations and Habitat Regulation Assessment.

### **Principle of Development**

8.2 The policies outlined in paragraph 6.73 of the SPPS and policy CTY1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of

development which will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application is submitted for a dwelling and garage on a farm therefore it falls to be determined under Paragraph 6.73 of the SPPS and policy CTY10 of PPS 21.

8.3 Paragraph 6.73 of the SPPS and Policy CTY 10 of PPS21 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) The farm business is currently active and has been established for at least 6 years; DAERA have advised that the farm business ID has been in existence for more than 6 years and the farm business claims either single farm payment, less favoured area compensatory allowance or Agric Environment Schemes in each of the last 6 years. The proposal complies with criteria “a” the active and established test of policy.

8.4 (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. This provision will only apply from 25th November 2008. The agent has marked none. A planning history check has verified that no dwellings or development opportunities have been sold off the holding. The proposal complies with criteria “b” as no dwellings or development opportunities have been sold off.

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

The proposed site is located on the opposite side of Upperlane Road from the farm dwelling and the agricultural sheds. There is limited visual linkage on Upperlane Road between the site and the farm dwelling and sheds due to the site being separated from the farm buildings by the road, intervening vegetation and a drop in ground levels in the farm yard of a few metres. However, when viewed from the south east an approximate distance of 160 metres away on Sheskin Road the site is visually linked with the farm dwelling or sheds. Access is not practical from an existing lane given the road side nature of the site. The proposal complies with criteria C.

8.6 The proposal complies with criteria a, b and c of Policy CTY10 however CTY10 goes on to state that dwellings on a farm should also comply with CTY13, CTY14 and CTY16. As per the assessment in paragraphs 8.7 – 8.16 the proposal is contrary to policies CTY 13 and CTY 14 therefore

the proposal is contrary to CTY 10 and paragraph 6.73 of SPPS. As the proposal is contrary to CTY 10 it is also contrary to Policy CTY 1 of PPS 21 as there is no overriding reasons why the development is essential and could not be located in a settlement.

## **Integration**

- 8.7 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate into its setting, respect rural character, and be appropriately designed.
- 8.8 Policy CTY 13 states that 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.
- 8.9 The site characteristics have been detailed in paragraphs 2.1 to 2.5 of the report. The site is road side and currently accessed by an agricultural field gate. The roadside boundary has minimal screening as there is no hedge along the roadside boundary however there are 6 trees spaced out along this boundary approximately 7 metres apart, the drawings indicate 5 trees are to be retained whilst all bushes and a small semi mature tree are to be removed close to the access point for visibility splays. The northern boundary to the rear of the site is undefined. The western boundary is defined by a 1m post and wire fence and by a 4 metre hedge. The eastern boundary of the site is part undefined as it is open within the existing field, the part of the eastern boundary that follows the field boundary which defines the access is defined by a post and wire fence and 1.5 metre hedge for 7 metres.
- 8.10 The site fails to possess a suitable degree of enclosure with only a hedge on the western boundary, 5 trees spaced along the road side boundary and 7 metres of a hedge on the access portion of the eastern boundary. The critical views of the site are from Upperlane Road to the south in front of the site and on approach along Upper Lane Road from the north east (from the junction with Sheskin Road). From the critical views the site would lack long established boundaries and have inadequate enclosure and will fail to adequately integrate. The site relies on new landscaping to integrate which would take a considerable time to mature to offer any meaningful screening.
- 8.11 The initial proposal was for a split level dwelling which would appear prominent in the landscape. In order to mitigate the elevated nature of the proposal the agent subsequently provided amendments indicating extensive earthworks to cut into the landscape to create a site and amended the dwelling type to single storey. The creation of the artificial



platform for this proposal does not respect the existing rise and fall of the land as indicated in the Design Guide, Building on Tradition booklet and as a result would fail to blend with the landform and existing slope.

8.12 A new dwelling and the extensive earth works to create the artificial platform on which the dwelling would be built would fail to integrate within the landscape due to the roadside nature of the site and the lack of long established natural boundary definition when viewed from the south and east. The overall development would not visually integrate in the landscape. The proposal fails to comply with paragraph 6.70 of the SPPS and Policy CTY 13 of PPS 21. An alternative site was suggested south of the established group of buildings on the farm in an email dated 23<sup>rd</sup> March 2021.

### **Rural Character**

8.13 Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and CTY 14 of PPS 21 states that 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:

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or

Two dwellings No 16 Upperlane Road and No 36 Dungullion Road are evident in a roadside position to the SW of the application site. The application site, would be visually linked with the existing roadside development and would extend the roadside development to the north east resulting in a build up of development which would be detrimental to the character of the area. The proposal is contrary to criteria 'b'.

8.14(c) it does not respect the traditional pattern of settlement exhibited in that area; or

The proposed site has a frontage length of 52 metres and plot size of 0.34ha. No 16 Upper Lane Road has 32m frontage length and site size of 0.23 ha, No 36 Dungullion Road has frontage length onto Upper Lane Road of 35 metres and site size of 0.2 ha. No 12 Upper Lane Road has frontage length of 23.6 metres and site size of 0.08ha. The average frontage length is 30.2 metres. The proposed site has a frontage length 42 percent larger than the average. The average plot size is 0.17 ha.

The proposed plot size is double the average size. The proposal fails to respect the plot size and frontage length of the sites in the area and as a result does not respect the traditional pattern of settlement in the area. The proposal is contrary to criteria 'c'.

8.15 (d) it creates or adds to a ribbon of development; or

The site is separated from 2 detached dwellings (16 Upper Lane Road and 36 Dungullion Road) by a small field measuring 66 metres in width. The proposed site shares a common frontage onto Upper lane Road and is visually linked with both of these dwellings. The proposal would be the third building along the road which would create a ribbon of development and create a potential infill opportunity between the existing and proposed development. The proposal is contrary to criteria 'd'.

8.16 (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. A new access lane is proposed however given the site is road side and there is no alternative access lane the impact of the access will not damage rural character. However, the extensive earthworks artificially cutting into a field to create the site as shown on the Section AA of drawing No 02 REV 02 to enable the siting of the dwelling on an artificial platform would not integrate with its surroundings from the transient critical view from the north east on Upper Lane Road. The proposal is contrary to criteria 'e'.

### **Ribbon Development**

8.17 Paragraph 6.73 of the SPPS and PPS 21 CTY 8 Ribbon Development is a material consideration and states planning permission will be refused for a building which creates or adds to a ribbon of development.

8.18 The site is separated from two detached dwellings (16 Upper Lane Road and 36 Dungullion Road) by a small field measuring 66 metres in width. The proposed site shares a common frontage onto Upper lane Road and is visually linked with both of these dwellings. The proposal would be the third building which would create a ribbon of development and create a potential infill opportunity between the existing and proposed development. The proposal is contrary to Paragraph 6.73 of the SPPS and policy CTY 8 of PPS 21.

### **Sewerage Disposal**

8.19 Policy CTY 16 of PPS 21 – Development Relying on non-mains sewerage, applies. Planning permission will only be granted for

development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

8.20 Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

8.21 The applicant proposes to discharge to a septic tank. DAERA (NIEA) Drainage and Water and Environmental Health have no objections. The proposal complies with CTY 16 of PPS 21.

### **Access, Movement and Parking**

8.22 Policy AMP 2 of PPS 3 Access, Movement and Parking applies:

Access to Public Roads: 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.

8.23 DFI Roads have been consulted and on 14th July 2020 they confirmed they were content with the proposal. The Upper Lane Road is not a protected route. As DFI Roads are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

### **Natural Heritage**

8.24 Paragraph 6.192 of the SPPS and PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. Natural Environment Division were consulted and advised the case officer to consider tools and guidance available on their website to identify potential adverse effects to designated sites. The proposed site is used for agricultural grazing land being laid out in grass.

8.25 There is no hedgerow on the southern boundary adjacent the road within the field that the site is located, there are 6 trees, of which 5 are to remain. The one tree to be removed is small and is semi mature. There is a section of ever green hedge to the north east in the adjoining field to be removed for visibility splays. There is an open watercourse/sheugh

on site and SES have been consulted and they have no concerns. There are no habitats to be adversely impacted from the removal of the vegetation indicated on the plans. On this basis the proposal complies with Paragraph 6.192 of the SPPS and policy NH 2 and NH 5 of PPS 2 in that it has been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

### **Safeguarding residential and work environs**

8.26 Paragraph 4.12 of the SPPS is relevant. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

8.27 The majority of the issues in paragraph 4.12 have been considered above the remaining issue to consider is residential amenity, due to the site characteristics and surrounding character and distances to nearby properties there will be no adverse impacts in terms of overlooking or overshadow. On this basis the proposal would comply with this paragraph 4.12 of the SPPS.

### **Representations**

8.28 No representations have been received.

### **Habitat Regulations Assessment**

8.29 Habitat Regulations Assessment Screening Checklist - Conservation (natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015: 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). Shared Environmental Services were consulted due to the sheugh on site. SES responded that they are content. 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 at this location having regard to the Northern Area Plan and other material considerations, including the SPPS, Planning Policy Statements 2, 3, and 21. Consultee responses have been considered. The proposal does not visually integrate, it creates ribbon development and would be detrimental to rural character if permitted. As the proposal has not complied with the SPPS and PPS 21 it is unacceptable, and refusal is recommended.

## **10 Refusal Reasons**

1. The proposal is contrary to Policy CTY 1 of PPS 21 as there are no overriding reasons why the development is essential and could not be located in a settlement.

2. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY 10 of PPS 21 as the proposed site fails to integrate into its setting and respect rural character.

3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and it relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings, it does not respect the traditional pattern of settlement exhibited in that area, creates a ribbon of development and the impact of ancillary works would damage rural character and therefore the proposal would result in a detrimental change to the rural character of the countryside.

0. The proposal is contrary to Paragraph 6.73 of the SPPS and PPS 21 policy CTY 8 in that the proposed development would create or add to a ribbon of development.

**Site Location Map**

