

Title of Report:	Planning Committee Report – LA01/2021/0588/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th May 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>	LA01/2021/0588/F	<u>Ward:</u>	RASHARKIN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	53 Ballymaconnelly Road, Rasharkin		
<u>Proposal:</u>	Proposed replacement of existing timber fence and gates and new perimeter fence to commercial yard consisting of 2m high polyester powder coated welded mesh fence and gates		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	19/05/2021
<u>Listed Building Grade:</u>	N/A		
<u>Applicant:</u>	Shane O'Neill, 6 Glenone Road, Portglenone, BT44 8NL		
<u>Agent:</u>	Kieran Madden, 84a Drumagarner Road, Kilrea, BT51 5TE		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

- Full planning permission is sought for the replacement of the existing timber fence and gates, with a new 2m high polyester powder coated welded mesh fence and gates to the perimeter of the commercial yard at 53 Ballymaconnelly Road, northwest of Rasharkin.
- The site is located outside of any settlement limits as defined in the Northern Area Plan 2016.
- The proposal seeks to enclose the area to the front of the existing buildings with 2m fencing along the front elevation.
- It is considered that the proposed fencing is unsympathetic in the rural location and is unduly prominent from the public road and has an unacceptable impact on rural character.
- DfI Roads and NED have been consulted and raise no objection.
- The proposal is contrary to Paragraph 6.70 of the SPPS in that it does not integrate into its setting, respect rural character and is not appropriately designed.
- 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, guidance and consideration 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 site is located at 53 Ballymaconnelly Road, outside of any defined settlement limits. The site currently contains a disused, former filling station which has fallen into disrepair. The site currently contains two buildings, the larger of which appears to be undergoing some construction works as the roof and upper walls have been removed. The site fronts directly onto the Ballymaconnelly Road, this boundary is defined by a wall measuring approximately 1m in height to the south-western portion and a post and panel fence to the north-eastern portion. The remainder of the site is enclosed via post and wire fencing and, post and panel fencing. The site has two access points.
- 2.2 The site is located in a rural area which is characterised by dispersed pockets of development among the surrounding agricultural land.
- 2.3 The site lies outside any zonings or designations set out in the Northern Area Plan 2016.

3 RELEVANT HISTORY

There is no relevant history.

4 THE APPLICATION

- 4.1 Full planning permission is sought for the replacement of the existing timber fence and gates, with a new 2m high polyester powder coated welded mesh fence and gates to the perimeter of the commercial yard.

Habitats Regulation Assessment

- 4.2 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

There were no letters of support and no letters of objection received for this application.

5.2 Internal

DFI Roads – has no objection to the proposal

HED – has 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 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)

Planning Policy Statement 3: Access, movement and parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle and visual impact, other examples and road safety.

Planning Policy

- 8.2 The site is located outside of any settlement development limits as defined in the Northern Area Plan 2016. The site is situated to the northwest of Rasharkin.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents, and supplementary planning guidance specified above.

Principle and Visual Impact

- 8.4 Policy CTY 1 (PPS 21) sets out the types of development considered acceptable subject to satisfying specific policy tests. The main objectives of PPS 21 include to conserve the landscape and natural resources of the rural area and to and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution, and to promote high standards in the design, siting and landscaping of development in the countryside.

Policy CTY13 – Integration and Design of Buildings in the Countryside focuses on the development of new buildings. That said, in this instance it is necessary to consider criterion (e) which states that development will be unacceptable where ancillary works do not integrate with their surroundings. Furthermore, while Policy CTY14 – Rural Character also provides policy context for new buildings in the countryside, criterion (e) states that development would be unacceptable where the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

- 8.5 The proposal seeks the replacement of an existing timber fence and gates, with a new 2m high polyester powder coated welded mesh fence and gates to the perimeter of the commercial yard. The proposed fencing and gates measure approximately 2m in height to the northeast, south and southwest boundaries. The northwest boundary, along Ballymaconnelly Road, proposes a 1.2m high welded mesh fence on top of the existing wall which would also be at a total height of 2 metres. The boundary along Ballymaconnelly Road will also include two sets of 2m high, 6m wide, welded mesh fencing gates. All works are considered to be ancillary to the land use.
- 8.6 Having regard to Para 8.4, Policies CTY 13 and 14 specifically relate to new buildings and their ancillary works, thus provide background guidance only. For this reason, the SPPS is considered to be best placed for considering this proposal and will be the policy basis for this assessment and determination. The Strategic Planning Policy Statement for Northern Ireland (SPPS) (Paragraph 6.70) applies to the proposed fencing. The policy states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.7 There are critical views when travelling north-east and south-west along the Ballymaconnelly Road. Views towards the site are relatively unrestricted, with limited screening with the buildings on the site remaining within your line of sight for a period of travel. The proposal is considered to have a high level of visibility given the openness of the site. The introduction of 2m high fencing of a highly industrial appearance to the front of buildings, next to the road will appear very prominent. The proposal must be assessed within its wider rural location, and how it respects and reflects the overall character.
- 8.8 An office meeting was held with the applicant and agent on this proposal. Following this meeting the applicant/agent submitted further

information to support the proposal. The case presented included that this fencing was replacing existing fencing and an entirely new boundary is not being proposed. The agent also states that the SPPS supports rural economic development, and that site security of an economic use should be given weight. The agent went on to mention that the Ballymaconnelly Road is not a protected route. A planning statement was also submitted listing examples of similar fencing within the rural area. The point was also made that the proposal had received no objections.

- 8.9 The application site is located in the open countryside next to the road. Presently, means of enclosure adjacent to the roadside within this area include timber post and panel fencing, manicured/trimmed hedgerows and walls. Although the applicant considers the fencing provides a high level of security and enclosure for the business, its urban and industrious appearance is out of character. The proposed fencing is prominent, intrusive and does not visually integrate with the site or surrounding area and results in a detrimental impact on rural character.
- 8.10 There does not appear to be any other roadside security fences located along the Ballymaconnelly Road or within the surrounding area. As this is a rural area, it is predominately open countryside with agricultural buildings and rural dwellings.
- 8.11 Having regard to the SPPS, the design and its high visual impact, it is considered that the proposal does not comply with policy.

Other Examples

- 8.12 The examples submitted are considered to not be directly comparable to this site. Some examples are long established fences, while others are examples of fences around schools (mostly primary). One example was a security fence related to a wastewater treatment works, which again is not directly comparable. None of the examples provided are located on the Ballymaconnelly Road or within the surrounding area.
- 8.13 A planning application for a similar style fence (2 metres high) for security purposes at a commercial premises in the rural area was LA01/2021/0191/F. That proposal was sited along the Ballykelly Road and was considered by the Planning Committee, and after considering

its merits, the Committee resolved to refuse that application.

- 8.14 Having regard to the examples given, the economic argument and other matters presented by the applicant/agent, including that it is not a protected route are not given determining weight in the consideration of this proposal. It is considered that the proposal fails to integrate into its setting, respect rural character, and is not appropriately designed. The proposal does not comply with Paragraphs 4.27 and 6.70 of the SPPS.

Road Safety

- 8.15 Dfl Roads is the competent authority on roads matters and was consulted in relation to the proposed impact on road safety. Dfl Roads raises no objection to the proposal and it is considered the proposal will not have an unacceptable impact on road safety.

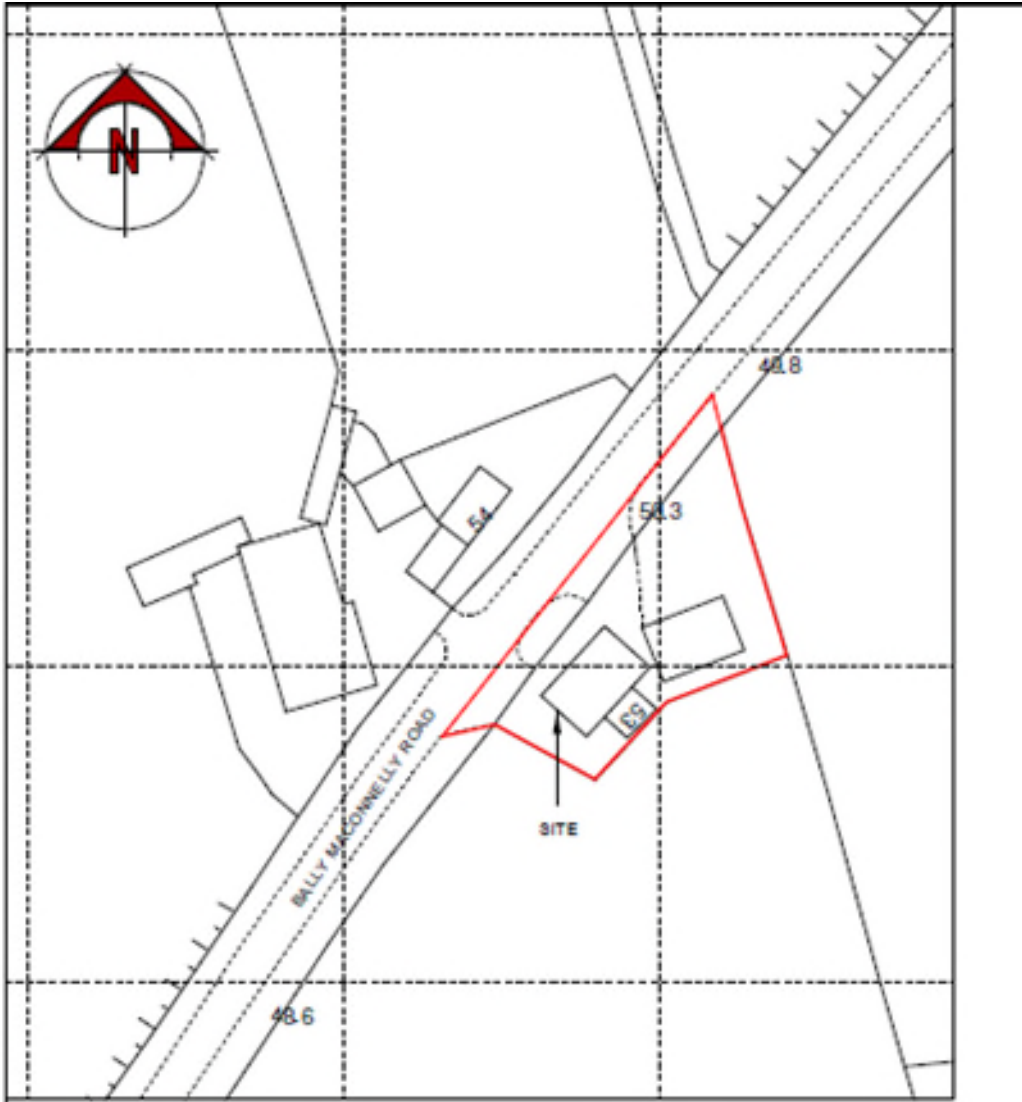
9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan and all other material considerations. When viewed from the public road, the fencing is unsympathetic as it does not integrate into its setting, respect rural character, or not appropriately designed. The proposal is considered to be contrary to the SPPS, and refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to Paragraph 6.70 of the SPPS in that it does not integrate into its setting, respect rural character, and is not appropriately designed

Site location Map



LOCATION MAP
SCALE 1:1250
OS MAP No. 04209NE