

Title of Report:	Planning Committee Report – LA01/2021/0638/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd June 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	Senior Planning Officer

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:

No: LA01/2021/0638/F **Ward: Ballykelly**

App Type: Full Planning

Address: 227 Baranailt Road, Limavady

Proposal: Agricultural Shed for the purpose of storing farm machinery and farm implements

Con Area: n/a **Valid Date: 17.05.2021**

Listed Building Grade: n/a

Agent: N/a

Applicant: JJ and A Hemphill, 227 Baranailt Road, Limavady, BT49 9LS

Objections: 9 Petitions of Objection: 0

Support: 2 Petitions of Support: 0

Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The applicant has not demonstrated that the proposal is necessary for the efficient use of the agricultural holding and as the 4 boundaries of the site are not defined by any existing landscaping it does not visually integrate into the local landscape.
- 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.
- There have been 11 representations made on the file, of which 2 support the application and 9 are objections.
- 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 rectangular shaped plot of land measuring 0.099 hectares which is located in a rural area. The site is located to the south west of the applicants dwelling at No 227 Baranailt Road. The site is accessed from the existing lane shared with no 227. The topography of the site falls from Baranailt Road to the site, the adjacent dwelling (no 227) has been constructed on a filled platform and is positioned at a higher ground level than the proposed agricultural shed.

2.2 The site is screened to the north east by the dwelling house (no 227) and road side vegetation. The 4 site boundaries are open / undefined and the site is currently accessed from the access lane to the existing dwelling. Public views of the site are available from the south and south east.

2.3 There are no watercourses in the vicinity of the site. The local area is characterised by agricultural farm land, interspersed with farm houses. The site is located outside any settlement limit in a rural area as shown in the NAP 2016.

3 RELEVANT HISTORY

3.1 B/2001/0021/F - Baranailt Road, Tartnakilly, Limavady - Erection of chalet dwelling and detached double domestic garage - Permission Granted - 10.05.2001

LA01/2015/0370/F - 115m North West of 214 Baranailt Road, Tartnakilly, Limavady - Retention and completion of chalet dwelling and detached double domestic garage. With associated alterations to ground levels using inert material to provide mounding and landscaping to curtilage (Amended siting for chalet dwelling and detached domestic

garage approved under planning permission ref. No. B/2001/0021/F -
Permission Granted - 1.02.2017

LA01/2017/1371/F - 227 Baranailt Road, Limavady - New entrance piers
and gates - Permission Granted - 18th September 2018

4 THE APPLICATION

4.1 This application seeks permission for the erection of an agricultural shed
for the purpose of storing farm machinery and farm implements

5 PUBLICITY & CONSULTATIONS

5.1 External

There are no neighbours identified for notification within the terms of the
legislation. The application was advertised on 8th December 2021 and
9th June 2021. The issues raised in the representations are

- Ribbon development,
- Neighbour notification,
- Finished floor level,
- Farm activity level,
- noise, traffic,
- overlooking,
- loss of privacy,
- natural heritage,
- environmental impact,
- devaluation,
- inappropriate design and visual impact,
- odour
- integration.
- Existence of agricultural shed on holding

5.2 Internal

Environmental Health: 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 - Confirm farm details. 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, Access, Movement and Parking, Natural Heritage, 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 PPS21 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.

8.3 Policy CTY 1 indicates agricultural and forestry development will be considered under Policy CTY 12 which states planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- it is necessary for the efficient use of the agricultural holding or forestry enterprise;

8.4 DAERA has confirmed that the farm business has been in existence since 1992 and that the farm business is in receipt of payments through the Basic payment scheme or Agri Environmental scheme in each of the last 6 years. The site however is not on land for which payments are currently being claimed by the farm business. At the office meeting held on 13.04.2022 the applicant clarified that the reasoning for this is that the land is in poor agricultural quality and no longer meets the DAERA requirements for single farm payments. The applicant stated that the site was on the farm maps in 2015 and is still part of the holding. This clarification demonstrates that the site is part of the established farm holding.

8.5 The applicant has confirmed that there are no animals on the farm holding and that the farming activity relates to environmental practices relating to ploughing and having land for wild birds to use. The site inspection indicates that the land has not been ploughed this year, it is laid out in grass and there are rushes within the field that the site is proposed to be located in. The current farming activities listed by the applicant are very small scale activities which may have been ongoing in the absence of a building on the site for some time. The activities could continue without a new shed. In addition, due to the small scale farming activity it may be the case that all of the equipment listed by the applicant is not required to carry out the current level of farming activity at this part of the holding.

8.6 The applicant has stated that the farm building is necessary for the efficient use of the farm holding. The supporting letter received on 7th September 2021 states that the shed is necessary to keep farm machinery and implements secure, to protect them from the weather and for insurance risk assessment purposes. A further supporting letter received 2nd November 2021 from Donaldson Planning on behalf of the applicant states that the proposed shed is necessary to store 2 tractors, baler, power harrow, quad, 14 tonne silage trailer, loader, JCB, 2 ploughs, harrows and digger buckets. The Planning Department had previously queried where such items are currently stored and the written response advised that they are not being stored. At the office meeting officials queried this again, the applicant said the JCB was parked beside the house and he did not know where other items were being stored. Given that the JCB would not be required to carry out the farming activities specified in paragraph 8.5 and the lack of specifics on where the other equipment is currently kept / its presence on the holding, it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.

8.7 From the information provided it has not been demonstrated that the shed is necessary. The applicant has failed to demonstrate that the proposal is necessary for the efficient use of the agricultural holding. The proposal is contrary to criteria 'a'.

8.8 - in terms of character and scale it is appropriate to its location;

The proposed farm shed measures 14.7 metres by 9.8 metres. It is 4.2 metres to the eaves and 5.2 metres to the ridge. The finished floor level of the shed is set lower than the nearby Baranait Road. The shed will be screened from views from the north east. However, the main views will be from the south and south east. The shed has modest dimensions and

in terms of character and scale it is appropriate to its location notwithstanding it fails to integrate as explained in the next paragraph. The proposal complies with criteria 'b'.

8.9 - it visually integrates into the local landscape and additional landscaping is provided as necessary;

The site has 4 undefined boundaries and no landscaping is proposed. The building is positioned at a lower level than the Baranait Road and has screening to the north east from the existing dwelling and some road side vegetation. The critical views of the building however are from the south and south east of the shed. From the south and south east the shed would fail to possess any natural boundary definition with which to integrate as it is located in the middle of a field and therefore fails to blend into the surrounding landform. In addition no landscape details have been proposed to aid integration. The proposal is contrary to criteria 'c'.

8.10 - it will not have an adverse impact on the natural or built heritage; and There is no mature vegetation to be removed as part of the proposal as the site is laid out in grass and rushes. There are no listed buildings nearby. The proposal complies with criteria 'd'.

8.11 - 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. The shed is proposed as a store for farm machinery and implements. No livestock is proposed to be kept in the shed. Storing of farm machinery will not give rise to noise, smell or pollution. The proposal complies with criteria 'e'.

8.12 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;

8.13 The applicant has indicated that he has no other farm buildings. An objection alleges that the applicant owns a small shed to the rear of No 214 Baranait Road and that this land was sold as one lot and that work on the building was carried out by one of the applicants. A land registration check has shown this land is unregistered. It is not included on the farm maps as maps are just for land eligible for payment claims. The applicant has stated at the office meeting on 13th April 2022 that both he and his son Alastair do not own the shed. At the meeting, Officials asked the applicant did he know who owns the shed. While the applicant did comment that he did know who owns the shed, no details

were forthcoming. A site inspection indicated that the small shed was empty and not being used. On the basis of the information available to the Council there is no conclusive evidence that there are no suitable existing buildings on the holding that can be used.

- 8.14 • the design and materials to be used are sympathetic to the locality and adjacent buildings; and

The design is agricultural in nature and the proposed materials are concrete panels and green metal sheeting. The design and materials are sympathetic to the locality and other farm buildings in the area.

- 8.15 • the proposal is sited beside existing farm or forestry buildings.

The applicant stated that this is the first shed and the Council do not have evidence to dispute this point as explained in the assessment above. On the basis of the information available to the Council the proposal is not sited beside any existing farm sheds because there are none on the holding however it is located near the applicants dwelling.

- 8.16 Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

The exceptional tests are not applicable to this case.

- 8.17 The principle of development has not been established. The applicant has not demonstrated the proposed shed is necessary for the efficient use of the agricultural holding and as the 4 boundaries of the site are not defined by any existing landscaping it does not visually integrate into the local landscape when viewed from the south and south east and additional landscaping has not been provided. Therefore the proposal is contrary to paragraph 6.73 of the SPPS and CTY 12 of PPS 21. In addition as no overriding reasons have been forthcoming as to why the development is essential the proposal is contrary to CTY1.

Integration

- 8.18 Policy CTY1 of PS21 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. Policy CTY13 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.

8.19 The site is located in the middle of a field with 4 site boundaries open / undefined therefore 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. No new landscaping is proposed to aid integration. Critical views of the site are from the south and south east when travelling northwards.

8.20 An existing lane is being utilised therefore ancillary works are of a minor nature. The design of the building is modest and is in keeping with others in the area. However given the open nature of the site it fails to integrate.

8.21 The proposal fails to integrate into the surrounding landscape because 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 no new landscaping is proposed to aid integration. The proposal is contrary to paragraph 6.70 of the SPPS and policy CTY13 of PPS 21.

Rural Character

8.22 CTY14 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. The proposal is not unduly prominent in the landscape as demonstrated above under section CTY 13 consideration paragraphs 8.18 - 8.22. The proposal when viewed with the existing buildings cumulatively will not result in a build up of development detrimental to the rural character of this area. The proposed plot size is 0.099 ha which is a modest size and respects the traditional pattern of settlement exhibited in the area. The proposal does not front onto Baranailt Road so does not share a frontage with other buildings that do have a common frontage on Baranailt Road. It does not create or add to a ribbon of development. The ancillary works are minimal as an existing access is being utilised. The impact of ancillary works will not damage rural character. The proposal will not erode rural character of the area so is in compliance with policy CTY14 of PPS 21 and paragraph 6.70 of the SPPS.

Access, Movement and Parking

8.23 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.

8.24 The applicant has submitted plans to demonstrate safe access to Baranait Road. DFI Roads have been consulted and they confirmed they had no objection to the proposal. Baranait 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

8.25 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. The applicant has submitted a biodiversity checklist. The contents have been considered and the site inspection indicates no information that is contrary to its findings. Shared Environmental Services have no objections on the basis that there is no livestock to be housed in the proposed shed.

8.26 On this basis the proposal complies with Paragraph 6.192 of the SPPS and policies 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

8.27 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.

8.28 The relevant issues in paragraph 4.12 have been mostly considered above. Other issues will now be considered. The shed is proposed as a store for farm machinery and implements. There is no livestock to be kept in the shed. Storing of machinery will not give rise to noise, smell or pollution. Environmental Health have raised no concerns.

8.29 There is sufficient separation distance between the shed and other residential properties that there are no overshadowing or loss of privacy. The proposal complies with paragraph 4.12 of the SPPS.

Representations

8.30 There have been 11 representations to the proposal, of which 2 are in support and 9 object. Most of the issues have already been assessed in the main body of the report. One representation is in relation to devaluation. Having considered this issue and the separation distance to neighbouring dwellings on the opposite side of Baranailt Road the conclusion is that there would be negligible impact on property prices in the area if the proposal was to be built. Many of the representations comment on the lack of farming activity. At the meeting on 13th April 2022 the applicant clarified that the farming activity relates to environmental practices relating to ploughing and having land for wild birds to use. The representations have been fully considered.

Habitat Regulations Assessment

8.31 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). There is no watercourses in proximity to the site. Shared Environmental Services have been consulted and 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 2016 and other material considerations, the SPPS and Planning Policy Statements 2, 3 and 21. Consultee responses and representations have been considered. The proposal is contrary to the SPPS and PPS 21 Policies CTY 1 and CTY 12 criteria 'a' and 'c' as the applicant has failed to demonstrate the proposal is necessary for the efficient use of the agricultural holding. In addition the

proposal is also contrary to CTY 13 as the proposal fails to integrate into the surrounding landscape because 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 no new landscaping is proposed to aid integration. As the proposal is contrary to the various planning policies it is considered unacceptable and refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 1 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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY 12 criteria A and C of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that the proposal is necessary for the efficient use of the agricultural holding and as the 4 boundaries of the site are not defined by any existing landscaping it does not visually integrate into the local landscape.
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, in that 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 would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

Site Location Map

