Title of Report:	**Planning Committee Report – LA01/2020/0815/O**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**28th September 2022**
For Decision or **For Information**	**For Decision- Referred Application by Cllr Cara McShane**

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:
	Screening Completed	N/A	Date:

Rural Needs Assessment (RNA)			
	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: LA01/2020/0815/O **Ward: CLOGH MILLS**

App Type: Outline Planning

Address: 124 Mullan Road & Lands immediately South East of 124 Mullan Road, Rasharkin

Proposal: Proposed offsite replacement (2 storey) and detached garage for no. 124 Mullan Road. Existing dwelling is within an active farmyard causing health & safety issues due to location & shared access. This site has been chosen as it is the nearest and most appropriate location to No. 124. Existing dwelling & garage to be demolished.

Con Area: n/a **Valid Date: 13.08.2020**

Listed Building Grade: n/a

Agent: Gary McNeill 14 Cave Road, Cushendun, BT44 0PN

Objections: 0 **Petitions of Objection: 0**

Support: 0 **Petitions of Support: 0**

EXECUTIVE SUMMARY

- Outline planning permission is sought for an off-site replacement dwelling, with the existing dwelling and garage to be demolished.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy CTY 3 of PPS21 as the proposal is not sited within the established curtilage of the existing dwelling, and it has not been shown that the alternative position would result in demonstrable landscape, heritage, access or amenity benefits.
- The proposal is also considered to fail the requirements of Policy CTY13 and CTY 14 regarding integration as the proposed dwelling would be a prominent feature in the landscape, the proposed site lacks long established natural boundaries, the proposed building relies primarily on the use of new landscaping for integration, and the new dwelling would, if permitted, would create or add to a ribbon of development. It is therefore considered that the application ultimately fails CTY 1 also.
- DFI Roads, Environmental Health, NI Water and DAERA (Water Management Unit) were consulted on the application and raise no objection.
- There are no objections to the proposal
- The application is recommended for refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

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 recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

2.1 The application site comprises two portions, the west of which hosts a two-storey dwelling and curtilage, known as 124 Mullan Road, and the east of which comprises an agricultural field which rises in level from the road, and is the proposed site for this application. Separating the two portions is a farm lane which is not included within the red line. The curtilage of the dwelling is defined by mature hedging and trees and is immediately adjacent to a farmyard containing sheds to the NW of the site. The proposed site to the east spans approx. halfway into the field with no rear boundary defined, and the remainder of the site is defined by post and wire fencing and low hedgerow at the roadside.

2.2 Views of the site are afforded on approach from the SE along Mullan Road. The dwelling is partially screened from view due to existing planting and sits against a backdrop of farm buildings and other planting. The proposed site sits ahead of this from the SE vantage point.

2.3 The site is located within a rural area in the Northern Area Plan 2016. There are no specific designations on the site. The character of the area is generally rural but includes a number of individual dwellings and farm buildings along the long stretch of Mullan Road. The site is approx. 1.1 miles NE of the settlement development limits of Rasharkin and is not subject to any further specific zonings or designations.

3 RELEVANT HISTORY

There is no relevant planning history at the application site.

4 THE APPLICATION

4.1 The application seeks outline planning permission for a proposed offsite replacement (2 storey) and detached garage for no. 124 Mullan Road. Existing dwelling is within an active farmyard causing health & safety issues due to location & shared access. This site has been chosen as it is the nearest and most appropriate location to No. 124. Existing dwelling & garage to be demolished.

5 PUBLICITY & CONSULTATIONS

5.1 **External**

Advertising: Coleraine Chronicle 26.08.2020

Neighbours: There are no objections to the proposal

5.2 **Internal**

DFI Roads - No objections.

Northern Ireland Water - No objections.

Environmental Health - No objections.

DAERA Water Management Unit - No objections subject to standing advice.

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as 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

Regional Development Strategy (RDS) 2035

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to; principle of development, visual integration, rural character and natural heritage issues.

Planning Policy

8.2. The Northern Area Plan 2016 identifies the site as being located within the countryside, outside any defined settlement limits.

8.3. There are no specific zonings or designations relating to this land set out in the Northern Area Plan 2016. The site is located

approx. 1.1 miles NE of the settlement development limits of Rasharkin.

8.4. The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

8.5. Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. 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. One of the acceptable types of development is the replacement of a dwelling, under CTY3.

8.6. The application is described as an off-site replacement dwelling and therefore the SPPS and Policy CTY3 of PPS21 is the relevant policy context.

8.7. Per the provision of the SPPS and CTY 3 of PPS21, the building is wholly intact, with roof, walls, doors and windows in a good state of repair. It is agreed that the candidate building exhibits the essential characteristics of a dwelling and can therefore be considered for replacement.

Existing Site

8.8. Criteria (b) of Policy CTY3 states that the proposed replacement should be within the established curtilage unless the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in a demonstrable landscape, heritage, access or amenity benefits. The existing curtilage is considered sufficient to host an appropriately scaled dwelling.

8.9. The agent has annotated on drawings that an off-site replacement dwelling is ‘necessary due to its location within the

existing farmyard and with the associated health and safety risk for children.

8.10. An additional planning statement was submitted citing the dwelling's proximity to the farm buildings as the justification for the proposed siting.

8.11. The existing dwelling is not within the active farmyard. The existing site is well defined and separated from the farmyard by mature trees, and daily farming activity is only considered to take place on one side of the dwelling. The agent contests that farming activity takes place on three sides of the site, namely the farmyard and sheds to the NW, the bale store area to the NE and lane to the SE. It is evident from aerial imagery that the bale store can be accessed via alternative routes within the farm, and that the lane to the SE is a field entrance which is occasionally used to access farmland. There is no set lane or hardstanding which can constitute active farm activity along this boundary.

8.12. Within the planning statement submitted, the agent provided two PAC decisions where proximity to farmyards bore determining weight to the overturning of their refusals. In response to these examples, 2011/A0045 comment was made that the site could accommodate a dwelling however the rear amenity space would be inadequate, and the sides would be uncharacteristic of the area. Given the long-established dwelling at the site which is currently lived in, this is not a comparable element as it is evident that the site at present can accommodate a dwelling with ample amenity space.

8.13. Furthermore the dwelling under the above appeal, if replaced in curtilage, would have been sandwiched between a main road and a working farmyard, which is not the case in this instance. Whilst weight was given to the proximity to the farmyard, additional circumstances including location of the existing site and its dimensions were also determining factors. It is not considered that this appeal decision can be used as a direct comparison given the additional factors.

8.14. A second example was presented, 2016/A0059, which was for the conversion of existing vernacular buildings to a single dwelling and was allowed due to the noise and disturbance from the shed and yard. A worse case scenario Noise Impact

Assessment was lodged with this application which was found to be flawed, however its findings were considered. Notwithstanding, the two applications are assessed under different policies and therefore this example can bare limited weight in the determination of the current planning application on Mullan Road.

8.15. In addition to the above consideration, a number of PAC decisions exist where off-siting of the replacement was not allowed when the individual contexts were assessed. One such example is 2019/A0199, where the appeal was dismissed. The existing site was considered to be of a sufficient scale and would easily accommodate a dwelling of modern scale and standard. The proposed site was across the road from the existing, and the decision outlined that any impacts as a result of farming activity would not be resolved by siting a dwelling on the opposite side of the road. This is comparable as the proposed site would still be within proximity to the farming activity and any impacts would remain to be felt. A second example is 2017/A0060 which was dismissed on similar grounds. The existing curtilage was of a sufficient scale and it remained within close proximity to farm buildings and that an off-site replacement would not result in demonstrable amenity benefits.

8.16. The existing site and curtilage are sufficient to host a dwelling of modern dimensions, as evidenced in the scale of the existing dwelling and amenity space to the rear. The agent presents access benefits as the existing access is shared with the farmyard. Alternative access arrangements are present, including the use of the field access or new entrance as proposed, which can be brought into the existing site, as DfI Roads offer no objection to its use. The agent was invited to explore this option however advised that this was not a desirable solution so elected not to discuss further. The agent also advised that additional planting would further separate the proposed site from farming activity. This method could also be adopted to strengthen the existing boundaries of the existing site to separate impacts of nearby farming activity.

8.17. The agent has not presented any additional argument as to any landscape or heritage benefits as prescribed under criterion (b) for the presentation of an off-site replacement dwelling.

8.18. The existing site is well screened by hedging and sits within the landscape against a backdrop of farm buildings. Replacement of the dwelling within the site would not contribute to any negative impact on rural character.

8.19. In relation to the remainder of criteria set out in CTY 3, given that this is an outline application conditions would need to be placed to ensure the size and design of a new dwelling would be appropriate. All services are currently available on the site to serve the existing dwelling.

8.20. It is considered that the justification for off-siting is not sufficient, and in-curtilage replacement can be easily achieved.

Proposed Site, Integration and Rural Character

8.21. Policy CTY13 of PPS21 states that panning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design.

8.22. A new building will be unacceptable where:
(a) it is a prominent feature in the landscape; or
(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
(c) it relies primarily on the use of new landscaping for integration; or
(d) ancillary works do not integrate with their surroundings; or
(e) the design of the building is inappropriate for the site and its locality; or
(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

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

8.24. Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:
(a) it is unduly prominent in the landscape; or
(b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
(c) it does not respect the traditional pattern of settlement exhibited in that area; or
(d) it creates or adds to a ribbon of development (see Policy CTY 8); or
(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

8.25. The proposed site is open and raises in level from the public road, with low height hedgerow to the front and two side boundaries. The site has a frontage of 60m, and an additional 60m of planted boundary definition would be required to define the rear boundary and provide a backdrop to the proposed dwelling. Given the open and raised nature of the site this alone would present a negative visual impact and would not assist in any integration of a dwelling within the site.

8.26. The site is visible on approach from the SE, and the proposed two storey dwelling would appear as a prominent hilltop feature in the landscape given the topography.

8.27. The planning statement advises that the dwelling would benefit from the backdrop of the farm buildings when approaching from the SE, however this would be a short-term benefit only as longer views of the farm buildings are not present.

8.28. A new dwelling on the proposed site would be unduly prominent in the countryside and would rely on a large stretch of landscaping which may still not afford integration into the landscape. This, compounded with the demonstrated ability to replace the site within the existing curtilage, highlights the unacceptability of an off-site replacement dwelling in this location. It is considered that the proposal would create a suburban style build-up of development and would add to a ribbon of development along Mullan Road.

Non-mains Sewerage / Drainage

8.29. In relation to policy CTY16 the application proposes the use of a septic tank and soakaways located within the proposed site. The remainder of the field to the rear is also indicated as being within the applicant's ownership. Sewerage and drainage arrangements would appear to be achievable and DAERA Water Management Unit has referred to Standing Advice.

Access

8.30. DFI Roads raise no objection to the creation of a new access to serve the proposed site. The proposed access will not negatively impact the flow of traffic onto Mullan Road, nor has it been assessed to present any danger to public and road safety. Mullan Road is not a designated protected route, therefore the application is considered to comply with AMP 2 of PPS3.

Amenity

8.31. Environmental Health advise of potential intermittent loss of amenity of a proposed dwelling as a result of proximity to wind turbines NE of the site.

Natural Heritage

8.32. As the candidate dwelling is lived in at present and is wholly intact with no gaps or openings for potential natural heritage features, no additional biodiversity information was required for this assessment. No removal of hedgerow is proposed, however given the proposed 60m of hedgerow to the proposed site, any impacts would be mitigated through this.

Habitat Regulations Assessment

8.33. The potential impact this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable Development in the Countryside. It has not been demonstrated that the proposed off-siting is justified in that it would provide access or amenity benefits, and the proposed site would result in negative impacts on rural character and will fail to integrate. The proposal fails Policies CTY 1, CTY3, CTY 13 and CTY 14 of PPS21.

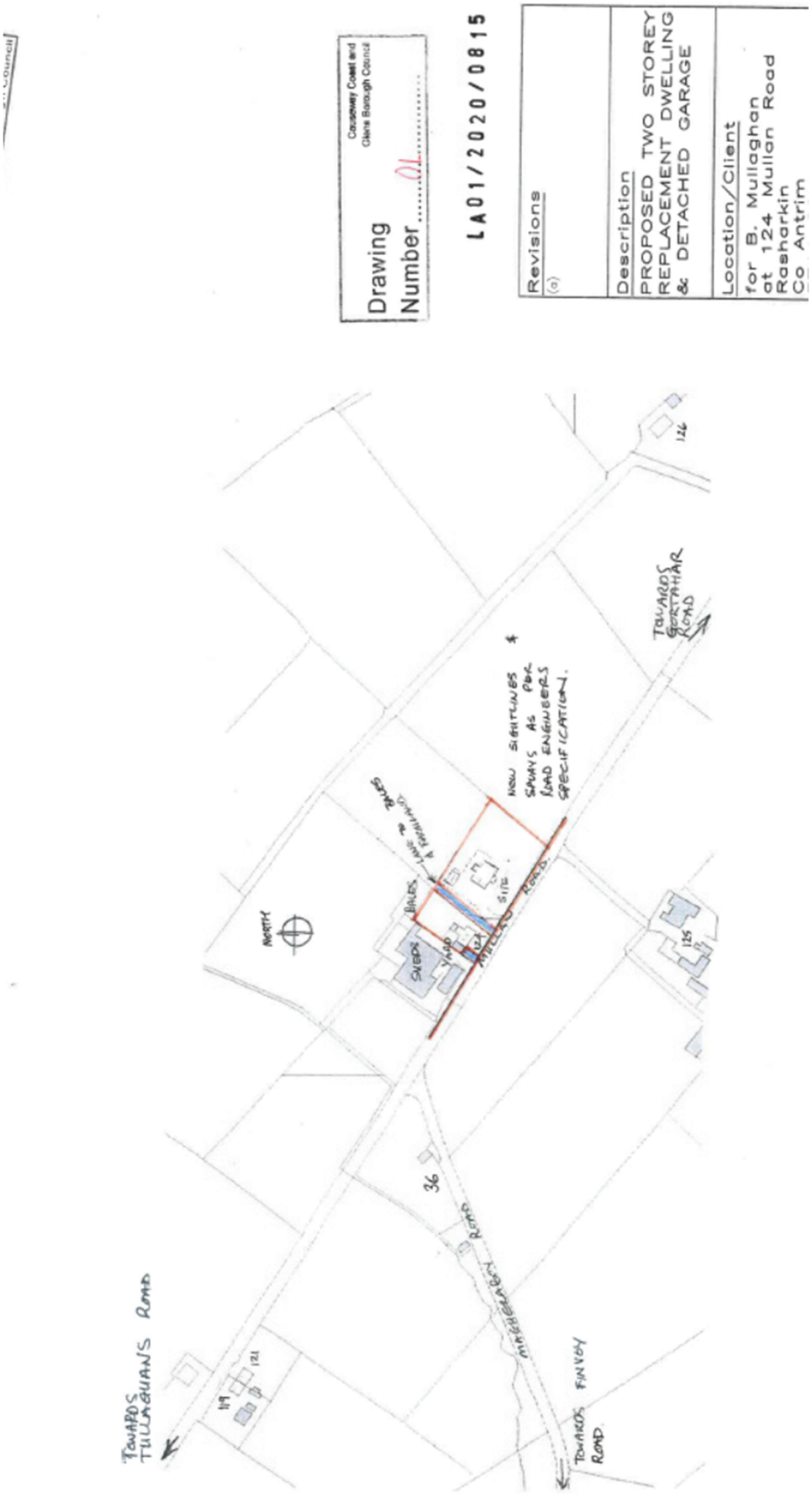
10 Reasons for Refusal

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits

2. The proposal is contrary to Paragraph 6.77 of the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is a prominent feature in the landscape, the proposed site lacks long established natural boundaries and the proposed building would rely primarily on the use of new landscaping for integration.

3. The proposal is contrary to Paragraph 6.77 of the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would add to a ribbon of development.

Site Location Plan



Referral Request

From: cara mcshane < >
Sent: 17 June 2022 13:18
To: Planning <Planning@causewaycoastandglens.gov.uk>; Denise Dickson <Denise.Dickson@causewaycoastandglens.gov.uk>; Oliver McMullan < >
Subject: Planning reference LA01/2020/0815/O - Request to refer to Planning Committee

Good afternoon,

I would be most grateful if the application Ref LA01/2020/0815/O can be referred to the Council's Planning Committee.

This application was submitted in August 2020 and has appeared on the CONTENTIOUS DELEGATED DECISIONS TO ISSUE w/c 20th June 2022 list.

I would like to request that this is called in on the basis of Health & Safety grounds which is part of policy CTY3 of PPS21.

The applicant and their agent have additional information for the committee's consideration and believe that the application is an acceptable form of development under policy CTY3.

Thank you for your assistance on this matter. Please let me know if you require any further information.

Look forward to hearing from you.

Cara