

Title of Report:	Planning Committee Report – LA01/2021/0232/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd November 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: LA01/2021/0232/O

Ward: Ballykelly

App Type: Outline Planning

Address: Lands adjacent to No. 16 Laurel Road, Glack , Limavady

Proposal: Proposed farm dwelling

Con Area: n/a

Valid Date: 23.02.2021

Listed Building Grade: n/a

Agent: MKA Planning Ltd, 32 Clooney Terrace, Waterside, Derry
BT47 6AR

Applicant: Mrs Anne Marie O'Hara, 16 Laurel Road, Glack, Limavady
BT49 9NB

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

Support: 1 **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.
- There are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The applicant has failed to demonstrate that the land on which the site is located is on the applicants farm and that the farm business has been actively farmed over the past 6 years.
- The proposal is a prominent feature in the 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, it fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
- The proposal results in a suburban style build-up of development when viewed with existing and approved buildings, it adds to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
- There has been 1 support representation made on the file.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS and PPS 21.
- 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 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 as amended is an irregular shaped plot of land measuring 0.37 hectares in a rural area. The topography of the land is flat and the site is currently an open field. The site access is via the existing access lane in the north western corner. There are buildings that have a forestry use located 50 metres to the north east.

2.2 The western roadside boundary is defined by a 1 m post and wire fence. The northern boundary is defined by a 1m timber ranch fence. The southern and eastern boundaries are undefined. There is a watercourse located 50 metres to the east of the site that is hydrologically linked to the River Roe and Tributaries SAC /ASSI.

2.3 The local area is characterised by agricultural farm land and a row of 8 detached dwellings are located to the north. The settlement of Glack is located nearby to the west, separated from the proposal by a field and Laurel Road. The site is located outside any settlement limit and is in the countryside, within a consultation area for an Archaeological site and monument as shown in the Northern Area Plan 2016.

3 RELEVANT HISTORY

3.1 B/1992/0232/O - Laurel Road, Glack, Limavady - Site for dwelling – Permission Granted – 5th November 1992

B/1988/0289/O – Laurel Road, Glack, Limavady - Site for dwelling – Permission Granted – 18th October 1988

The 2 planning histories are from approximately 30 years ago, they have not been implemented and have expired.

4 THE APPLICATION

4.1 This application seeks outline permission for a proposed farm dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External

All neighbours identified for notification within the terms of the legislation where notified on 19th March 2021 and 6th July 2021. The application was advertised on 17th March 2021 and 14th July 2021.

5.2 Internal

Environmental Health: No objection to the proposal.

DFI Roads: No objection to the proposal.

NI Water - No objection to the proposal.

DFI Rivers - No objection to the proposal.

Historic Environment Division - Archaeology and Built Heritage - No objection to the proposal.

Shared Environmental Services - No objection to proposal.

DAERA (NIEA) - No objection to proposal

DAERA - Advised that farm business number has been established for more than 6 years but it has not claimed subsidies in each of the last 6 years and the site is claimed for by another farmer.

Loughs Agency - No objection on proposal

NIE - No objection on 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 6 (PPS 6) Planning, Archaeology and Built Heritage

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

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the Principle of Development, Integration, Rural Character and Ribbon Development, Waste Water Disposal, Access, Movement and Parking, Natural Heritage, Archaeology, Safeguarding residential and work environs, Supporting information, 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. The application was submitted for a dwelling on a farm and therefore falls to be determined under policy CTY10.

8.3 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:

The farm business is currently active and has been established for at least 6 years;

DAERA have been consulted with the farm business number. DAERA have confirmed that the farm business ID has been in existence for more than 6 years. However, the farm business has not claimed either single farm payment, less favoured area compensatory allowance or Agric Environment Schemes in the last 6 years. DAERA advised that the application site is not on land for which payments are currently being claimed by the farm business and the site is on land associated with another farm business. Only farm survey maps have been provided rather than farm maps relating to the indicated farm business. The DAERA consultation has confirmed that the farm business has been in established for 6 years but has not confirmed that the farm business is currently active. It has also highlighted that the site is currently on land currently farmed by another farm business.

8.4 Turning to the other evidence to prove active farming over the required period, the agent confirmed at the office meeting on 8th April 2022, that a third party farms 6 hectares of land owned by the applicant, which includes the land on which the site is located and that the third party claim the farm subsidy / payment on the land. Further information has been submitted by the applicant to demonstrate active farming. The receipts span from 2017 to 2019 only. Some of the information dated 2018/19 relates to forestry operations, it is not disputed that the applicant operates a forestry business on adjacent land to the site, this information does not demonstrate active farming on the application site. Some of the receipts are addressed to a construction business and do not demonstrate active farming. Other receipts are not to a named individual or address and do not demonstrate active farming. Notwithstanding the specific detail of the information that has been

submitted, there is approximately 3 years of gaps in the requisite 6 year time period 2015 – 2021 for the information submitted. The submitted information does not demonstrate active farming over the requisite 6 year time period as required by policy CTY10.

8.5 It is accepted that the applicant and the applicant's father have carried out woodland planting and management over a number of years but this activity does not take place in the field the site is on. The site which is set out as grazing land is let to another farmer. The woodland planting and maintenance of other lands under the applicant's control would be an ancillary activity to farming the land and is not classified as farming on its own. As a result, it has not been demonstrated that the land on which the site is located is on the applicants farm and it has not been demonstrated that the farm business indicated on the P1C form has been actively farmed over the past 6 years. The proposal is contrary to criteria "a" the active and established test of policy.

8.6 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.

No dwellings or development opportunities have been sold off from land indicated on the survey maps. The agent has marked none. A check of the maps has indicated two planning histories on the farm lands identified on the farm maps namely B/1992/0323 and B/1988/0289 which are outline approvals for a dwelling at the current site location which have not been implemented and have expired. The planning histories were approved approximately 30 years ago by a different planning authority under different planning policies. A check of the DAERA farm business number has identified no associated planning applications. The proposal complies with criteria "b" as no dwellings or development opportunities have been sold off.

8.7 The new building is visually linked or sited to 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 site is visually linked with the adjacent three forestry buildings and the farm house. The proposed site is road side and there is an existing lane to use as a means of access. The proposal complies with criteria b, & c of CTY10 however the proposal is contrary to CTY 10 criteria 'a' and paragraph 6.73 of SPPS in addition the proposal is contrary to CTY 1 of PPS 21 as there are no overriding reasons why the development is essential and could not be located in a settlement. Policy CTY10 states

that dwellings on a farm should also comply with CTY13, CTY14 and CTY16. This will be considered below.

Integration

- 8.8 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. Policies CTY 13 and CTY 14 of Planning Policy Statement 21 also apply.
- 8.9 The site is road side. Critical views of the site are on approach from the west and south west along Laurel Road. The western roadside boundary is defined by a 1 m post and wire fence. The northern boundary is defined by a 1m timber ranch fence. The southern and eastern boundaries are undefined. The site is therefore open to the road and the remainder of the field and fails to adequately integrate.
- 8.10 A new dwelling would be a prominent feature within the landscape due to its roadside nature. The site is 0.37 hectares with the dwelling set back 28 metres from Laurel Road therefore any proposed landscaping along the road side boundary does not offer adequate enclosure or integration. The site relies on new landscaping for integration which will take considerable time to offer meaningful integration. The application seeks outline permission therefore, there is no detail provided of the proposed house type apart from dimensions of 12 metre frontage length and 8 metre gable on the block plan which is in keeping with other dwellings in the area. The design of the building could be conditioned to be appropriate for this site and locality however the proposal fails to blend with the landform, existing trees, slopes and other natural features which could provide a backdrop because the site is relatively flat with no existing vegetation on the site boundaries. The critical views are from the west and south west. The overall development would not visually integrate and would be a prominent feature in the landscape. The proposal fails to comply with paragraph 6.70 of the SPPS and Policy CTY 13.

Rural Character and Ribbon Development

- 8.11 CTY 14 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:
- (a) it is unduly prominent in the landscape; or

The proposal is unduly prominent in the landscape as demonstrated above under paragraphs 8.8 - 8.10.

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

The proposal when viewed with existing buildings, namely the 8 dwellings in a row to the north on Laurel Road, will cumulatively result in a build up of development detrimental to the rural character of this area as it extends built commitment to the south.

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

There are 8 dwellings to the north of the proposal which share a frontage with the site. The average frontage width is 39.35 metres. The site has a frontage width of 64 metres. Although the frontage width of the site is 24.65 metres wider than the average, No 16 Laurel Road has a frontage width of 67 metres and No 6 Laurel Road has a frontage width of 61 metres. Given that 2 dwelling frontage widths are similar or larger than the proposal the site would fit in with the character of the area in terms of frontage width.

8.14 The average plot size is 0.23 hectares. The site area is 0.37ha.

Although the plot size is much larger than the average plot size No 16 Laurel Road has a plot size of 0.44 ha and No 6 Laurel Road has a plot size of 0.4 ha. Given that 2 dwelling plot sizes are larger than the proposal, the site would fit in with the character of the area in terms of plot size. The proposal complies with criteria 'c'.

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

Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 apply and state planning permission will be refused for a building which creates or adds to a ribbon of development.

8.16 The site is located at the roadside, at the end of a row of 8 neighbouring dwellings namely numbers 6, 6A, 8, 10, 12, 16 Laurel Road and 28 and 30 Tartikilly Road, Glack which by themselves are a continuously built up frontage. The proposed site is not within the otherwise substantial and continuously built up frontage because there is no development on the southern side of the site. Therefore, the site adds to the ribbon of development that currently ends at No.16 Laurel Road. The proposal adds to a ribbon of development and is contrary to criteria 'd' and Policy CTY 8.

- 8.17 (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. An existing access lane is proposed to be used so the impact of ancillary works will not damage rural character.
- 8.18 The proposal fails to comply with criteria 'a' 'b' 'c' and 'd', will erode rural character and add to ribbon development and is therefore contrary to Policy CTY8, Policy CTY 14 of PPS21 and paragraph 6.70 of the SPPS.

Wastewater Disposal

- 8.19 Policy CTY16 of PPS21 – Development relying on non-mains sewerage, applies and states 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 disposal 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 Drainage and Water have been consulted and are content therefore the proposal complies with policy CTY16.

Access, Movement and Parking

- 8.22 Policy AMP2 of PPS3 Access, Movement and Parking applies and states for 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 such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with policy AMP3 Access to Protected Routes. The applicant has submitted plans to demonstrate safe access to the public road.
- 8.23 DFI Roads have been consulted and they confirmed they had no objection to the proposal. Laurel Road is not a protected route. As DFI Roads are content the proposal complies with Policy AMP2 of PPS3 Access, Movement and Parking.

Natural Heritage

8.24 PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. The applicant has amended the site location plan by reducing the site size so that it is no longer within 50 metres of the nearby watercourse and submitted a biodiversity checklist indicating no adverse impact on any habitats / species or European site. Shared Environmental Services have been consulted and are content. The proposal complies with 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.

Archaeology

8.25 Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage and paragraphs 6.8 - 6.11 applies. Policy BH2 the protection of archaeological remains of local importance and their settings applies and states 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.

8.26 The site is within a consultation area for an archaeological site and monument reference LDY016:019. HED were consulted and have no objections. HED are content therefore the proposal complies with policy BH2.

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 Residential amenity is a consideration, due to the site characteristics and surrounding character and distances to nearby properties there will be no adverse impacts in terms of overlooking or overshadowing. NIE have been consulted in relation to the position of overhead power lines and are content. DFI Rivers have been consulted and asked for a maintenance strip adjacent the nearby watercourse however as the applicant reduced the site size setting the boundary 50 metres from the river, a maintenance strip is no longer required. A drainage assessment is not required. On this basis the proposal would comply with this paragraph 4.12 of the SPPS.

Supporting information

8.29 At the office meeting on 8th April 2022 the agent stated that the two historical approvals create a precedent and policy has not fundamentally changed since their approval in 1988/1992. The planning history dates back almost 30 years ago, the permissions were not implemented and have expired. Due to the passage of time, the policies have changed and numerous PAC examples now inform the interpretation of policy in relation to ribbon development, the planning history is not determining. The issue of ribbon development is considered further above, under the heading Rural Character and Ribbon Development.

8.30 The agent stated that woodland management fits within the definition of agriculture however having considered the definition of agriculture, the Council opinion is that woodland planting and associated maintenance of other lands under the applicants control would be an ancillary activity to farming the land and not classified as farming on its own. Furthermore, such activities are carried out on other land rather than on the field the site is on as the application site is farmed by a third party.

Representations

8.31 One representation has been received on this application from the Ulster Farmers Union setting out the activities of the applicant in relation to what land area is owned, maintained, leased out, planted in woodland. The supporting letter is in line with the information submitted and the information provided during the office meeting on 8th April 2022. The representation has been fully considered.

Habitats Regulation Assessment

8.32 Habitats regulations assessment screening checklist – conservation (natural habitats, etc) (amendment) regulations (NI) 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 conversation (natural habitats, etc) regulations (NI) 1995 (as amended). A hydrological link to the River Roe and Tributaries SAC /ASSI is 50 metres to the east, 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 and other material considerations, including the SPPS and Planning Policy Statements 2, 3, 6 and 21. Consultee responses and a representation have been considered. It has not been demonstrated that the land on which the site is located is on the applicants farm and it has not been demonstrated that the farm business indicated on the P1C form has been actively farmed over the past 6 years. The proposal extends a ribbon of development, the site fails to integrate into its setting and respect rural character. As the proposal is contrary to the various planning policies it is considered unacceptable and refusal is recommended.

10 Refusal Reasons

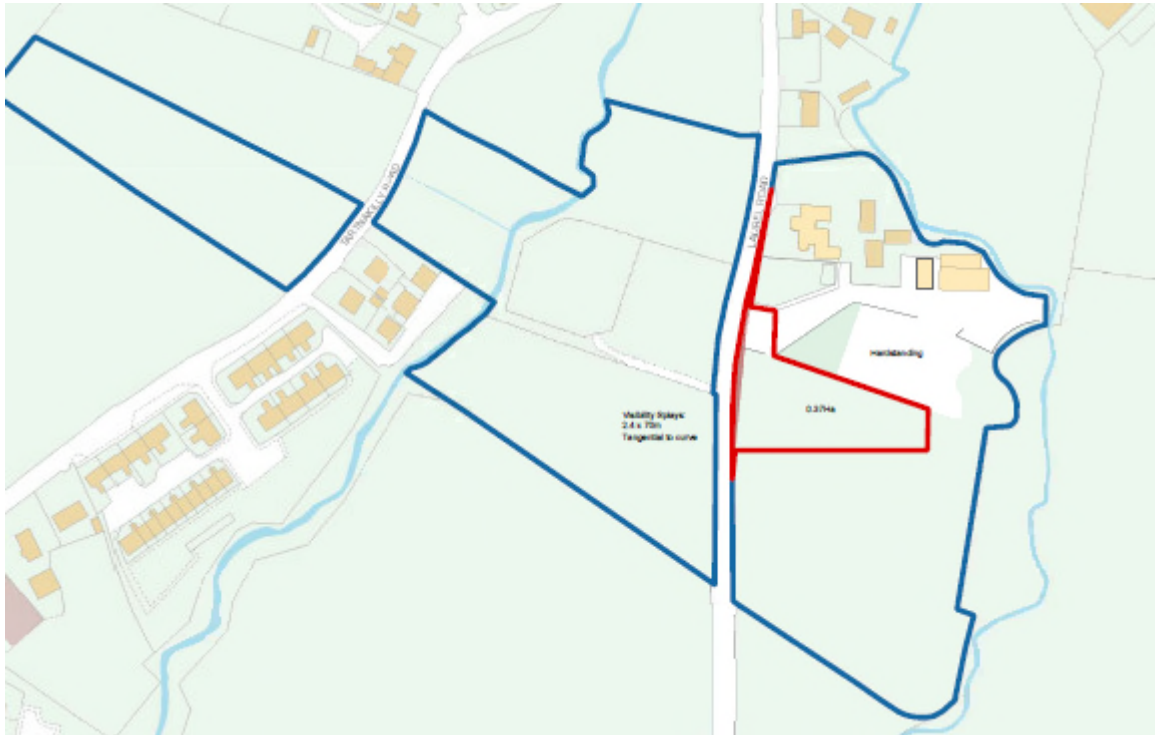
1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to paragraph 6.73 of the SPPS and policy CTY10 of PPS21, as it has not been demonstrated that the land on which the site is located is on the applicants farm and that the farm business has been actively farmed over the past 6 years.

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 proposal is a prominent feature in the 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, it fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop 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 Policies CTY 8 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, it results in a suburban style build-up of development when viewed with existing and approved buildings, it adds to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Site Location Map



Not to scale

Appendix 1

Referral Request

From: Orla Beattie

Sent: 20 October 2022 15:02

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: LA01/2021/0232/O

LA01/2021/0232/O

Proposed farm dwelling, lands adjacent to 16 Laurel Road, Glack

Good afternoon,

I would like the above planning application to be deferred to the Planning Committee for decision. Having spoken to the agent and being familiar with the site I agree that all planning considerations including planning history have not been properly considered by the planning department.

Kind regards,

Councillor Orla Beattie