



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/1451/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> March 2023</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Alderman Hillis and Alderman Baird</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	Development Management and Enforcement Manager

<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:

**No:** LA01/2021/1451/O      **Ward:** Dundooan

**App Type:** Outline

**Address:** Land adjacent and to East of Stewarts Tyres and Auto Centre 25 Islandtasserty Road Portrush

**Proposal:** Site for dwelling in accordance with CTY6 from PPS 21

**Con Area:** N/A      **Valid Date:** 29.11.2021

**Listed Building Grade:** N/A

**Agent:** GM Design, 22 Lodge Road, Coleraine, BT52 1NB

**Applicant:** Ryan Stewart, Stewarts Tyres & Auto Centre, 25 Islandtasserty, Road, Portrush

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

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for a Site for a dwelling in accordance with CTY6 of PPS 21 at Lands adjacent and East of Stewarts Tyres and Auto Centre, 25 Islandtasserty Road, Portrush
- The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1, CTY6 and CTY 7 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement; there are no compelling, and site specific reasons for the proposed development related to the applicant's personal or domestic circumstances; it has not been clearly demonstrated that there is a site specific need that makes it essential for the applicant to live at the site of their work.
- Reasons for Referral by elected member are attached to this report.
- 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 and guidance in sections 7 and 8 and resolves to **REFUSE** full planning permission subject to the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on Lands adjacent and to the East of Stewarts Tyres and Auto Centre, 25 Islandtasserty Road, Portrush.
- 2.2 The site comprises a portion of an existing agricultural field. The northern boundary of the site is undefined and open to the remainder of the field. The eastern, southern and western boundaries are defined by existing hedgerow. The site will be located to the rear of the field set back some 120m from the Islandtasserty Road. An access lane will be created along the western boundary of the field to access the site. This western boundary of the proposed access lane is currently defined by red mesh fencing to the boundary with the auto centre and then hedgerow beyond this. The eastern boundary of the proposed laneway is undefined. The junction of the Atlantic Road is located to the north-west. There are a number of dwellings in vicinity of the site to the north-west close to this junction.
- 2.3 The site is located within the rural area outside any settlement development limit as defined in the Northern Area Plan 2016

## 3 RELEVANT HISTORY

- 3.1 There is no planning history on the application site.

## **4 THE APPLICATION**

- 4.1 This is an outline application for a new dwelling in accordance with CTY6 of PPS 21 at Lands adjacent and East of Stewarts Tyres and Auto Centre, 25 Islandtasserty Road, Portrush

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 15.12.2021.

Neighbours: Neighbours were notified on the 09.12.2021.

No letters of support or objection were received on this application.

### **5.2 Internal**

NI Water: no objections.

Environmental Health: no objections.

DFI Roads: no objections.

## **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 (PPS 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 of development, visual integration/impact on rural character and access.

### **Principle of development**

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes 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, one of which is a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6.

8.4 Policy CTY 6 – Personal and Domestic Circumstances notes planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant’s personal or domestic circumstances and provided the following criteria are met:

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

8.5 The following information was submitted on the file;

- Cover letter from the agent dated 25/07/22
- A booklet of Breakdown Recovery Invoices from the years 2021 to 2022

8.6 The points raised in the agents cover letter is summarised in the following text; a new dwelling is needed in this location as it is adjacent to the applicants existing garage/workshop. The applicant attends vehicle breakdowns at various locations and has to drive from his current home in Bendooragh to his garage on Islandtasserty Road to get his recovery truck before setting off to carry out the recovery. He then has to return to Islandtasserty Road before returning home to Bendooragh. These call outs are demanding and the travelling between his current home and Bendooragh adds to the demand. He has no employees to help him with his work.

8.7 In relation to the information submitted on the file we would make the following comments;

- 8.8 The applicants address as per the P1 form is noted as 25 Islandtasserty Road which is adjacent the site. The submitted cover letter states the applicant lives in Bendooragh which conflicts with the P1 form. Nonetheless Bendooragh is approximately 10 miles from the application site. The commute to the applicant's workplace would therefore take approximately 20-30 mins. Commuting to a place of work is not considered a compelling reason to permit a new dwelling under CTY 6. The commuting back and forth from this workplace to attend call outs is not considered to result in genuine hardship if planning permission were refused for a dwelling at this location. The proposal therefore fails criteria (a) of Policy CTY 6. There has been no evidence/information submitted in relation to criteria (b) in that there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short-term circumstances. The application fails Policy CTY 6.
- 8.9 Policy CTY 7 – Dwellings For Non-Agricultural Business Enterprises notes planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. Where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. Planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.
- 8.10 As assessed under CTY 6 above the commute to the applicant's workplace would take approximately 20-30 mins and is not considered a site specific need to permit a new dwelling under CTY 7. The justification under CTY 7 notes, "Applicants must provide sufficient information to show that there is a site specific need which makes it essential for one of the firm's employees to live at the site of their work, as against a general desire for a dwelling in association with the business". Considering all information submitted on the file, a site specific need has not been demonstrated and the application fails CTY 7.



## **Visual integration/impact on rural character**

- 8.11 Planning Policy Statement 21 – Sustainable development in the Countryside CTY 13 notes that planning 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. 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.
- 8.12 Policy CTY 14 notes 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
  - (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.
- 8.13 The application site comprises a portion of an existing agricultural field. The northern boundary of the site is undefined and open to the remainder of the field. The eastern, southern and western boundaries are defined by existing hedgerow. The site will be located to the rear of the field set back some 120m from the Islandtasserty Road. An

access lane will be created along the western boundary of the field to access the site. This western boundary of the proposed access lane is currently defined by red mesh fencing to the boundary with the auto centre and then hedgerow beyond this. The eastern boundary of the proposed laneway is undefined. The existing roadside hedgerow, the existing boundaries to the east, south and west and the development to the west will ensure a dwelling at this location would be integrated and not considered to be a prominent feature in the landscape or damage rural character.

- 8.14 This is an outline application and design has not been considered. There are a mix of dwellings in the vicinity of the site, with two storey houses and single storey dwellings to the north-west. The dwelling should be in designed in accordance with building on tradition.
- 8.15 The dwelling will not create a ribbon of development or result in a suburban style build-up of development.
- 8.16 This application does not relate to a dwelling on the farm.
- 8.17 The application meets CTY 13 and 14.

### **Access**

- 8.18 PPS 3, Policy AMP 2, Access to Public Roads notes 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.
- 8.19 The application proposes the creation of a new access onto the Islandtasserty Road. DFI Roads have been consulted on the application and in a response dated 01.03.22 raised no objections. The application meets PPS 3 AMP 2.

### **Habitats Regulation Assessment**

- 8.20 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.

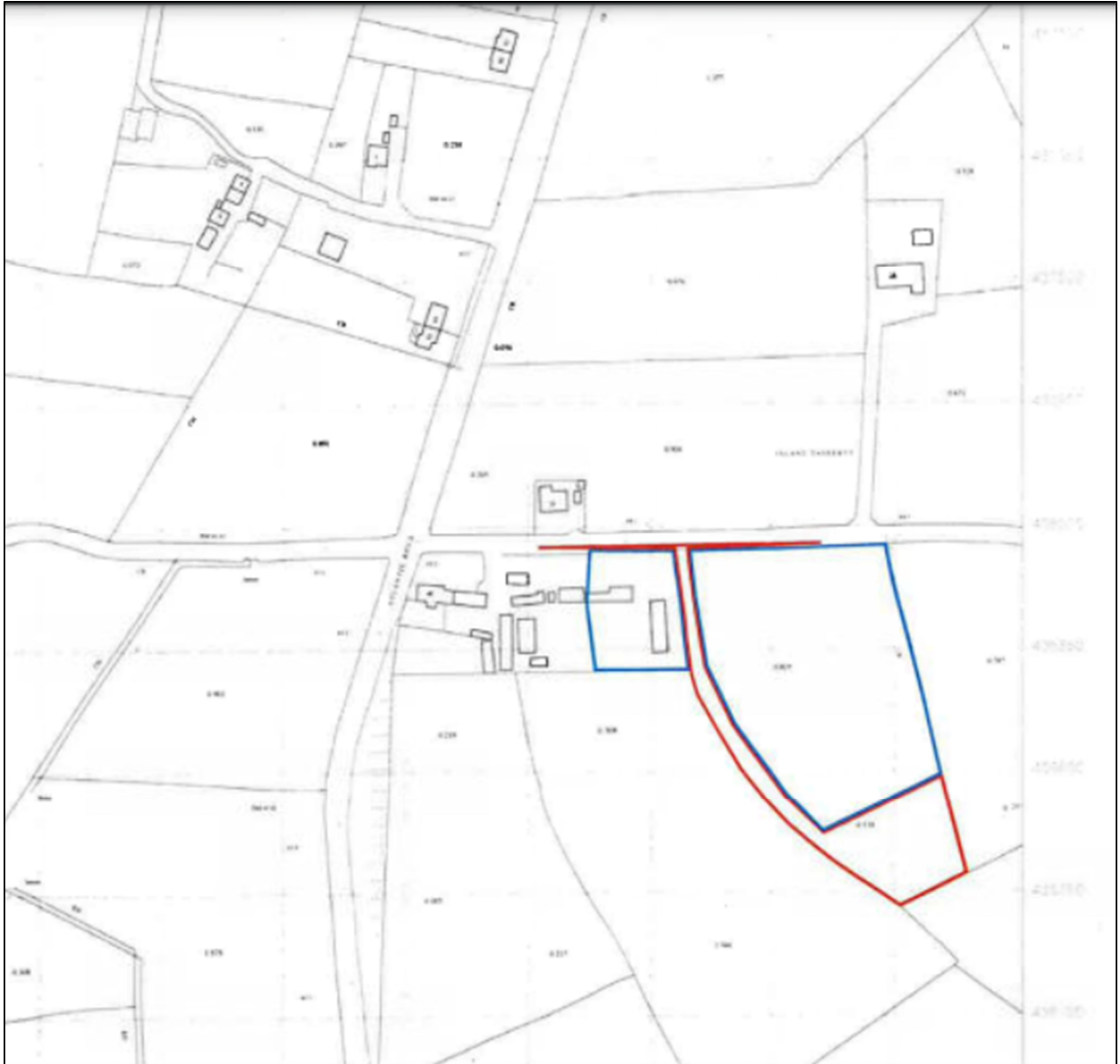
## **9 CONCLUSION**

- 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, CTY 1, CTY6 and CTY 7 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement; there are no compelling, and site specific reasons for the proposed development related to the applicant's personal or domestic circumstances; it has not been clearly demonstrated that there is a site specific need that makes it essential for the applicant to live at the site of their work.

## **10 Reasons for Refusal**

1. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1 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 Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY6, in that there are no compelling and site specific reasons for the proposed development related to the applicant's personal or domestic circumstances.
3. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 7, in that it has not been clearly demonstrated that there is a site specific need that makes it essential for the applicant to live at the site of their work.

# Site location Map



## Referral Request

-----Original Message-----

From: NORMAN HILLIS <>

Sent: 10 February 2023 09:56

To: Denise Dickson <[Denise.Dickson@causewaycoastandglens.gov.uk](mailto:Denise.Dickson@causewaycoastandglens.gov.uk)>

Subject: PLANNING APPLICATION REF LA01/2021/1451/O - Land adj Stewarts Tyres and Auto Centre 25 Islandtasserty Road Portrush - Site for dwelling in accordance with CTY6

Hi Denise

May I request that the above application is referred to the planning committee?

The planning reasons are as follows.

This is a genuine application for a dwelling in the countryside under Policy CTY6 - Personnel and domestic circumstances. The applicant requires the dwelling adjacent to his vehicle repairs/recovery garage

The applicant requires the dwelling for him and his young family so he can efficiently run his business. He currently lives outside Ballymoney. He attends a significant number of call outs at all hours and with recoveries at varying locations and some distance from his garage and home. The call outs are in integral part of his business however they are demanding given the distances and routine he has to follow to provide this service. It is not unreasonable for him to seek permission to build a new family home beside his business where he is close by, can attend to family life and continue to operate his business effectively. He runs a small family business and he does not employ other staff/mechanics who could help out.

The applicant has a site specific need for a new family home at this location and genuine hardship would be caused if permission was refused.

Kind regards,

Norman

Alderman Norman Hillis  
Causeway Coast and Glens Borough Council

**From:** Joan Baird <>

**Sent:** Thursday, February 9, 2023 7:07:52 PM

**To:** Denise Dickson <>

**Subject:** Fwd: APPLICATION REF LA01/2021/1451/O - Land adj Stewarts Tyres and Auto Centre 25 Islandtasserty Road Portrush - Site for dwelling in accordance with CTY6

Hello Denise can this application be referred to the Planning Committee for the reasons stated by Mr Smith.

Thanks

Ald Joan Baird

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**From:** Mark Smyth < >

**Sent:** Wednesday, February 8, 2023 2:16:05 PM

**To:** Joan Baird < >

**Subject:** APPLICATION REF LA01/2021/1451/O - Land adj Stewarts Tyres and Auto Centre 25 Islandtasserty Road Portrush - Site for dwelling in accordance with CTY6

Hi Joan

**RE: PLANNING APPLICATION REF LA01/2021/1451/O - Land adj Stewarts Tyres and Auto Centre 25 Islandtasserty Road Portrush - Site for dwelling in accordance with CTY6**

Hope your well.

The missed call on your mobile was just me.

I was just mailing to see if you could request that the above application be referred to the Planning Committee for consideration and if so that would be appreciated – or alternatively forward to a Council colleague for the request.

The planning reasons are as follows.

- This is a genuine application for a dwelling in the countryside under Policy CTY6 - Personnel and domestic circumstances. The applicant requires the dwelling adjacent to his vehicle repairs/recovery garage
- The applicant requires the dwelling for him and his young family so he can efficiently run his business. He currently lives outside Ballymoney. He attends a significant number of call outs at all hours and with recoveries at varying locations and some distance from his garage and home. The call outs are in integral part of his business however they are demanding given the distances and routine he has to follow to provide this service. It is not unreasonable for him to seek permission to build a new family home beside his business where he is close by, can attend to family life and continue to operate his business effectively. He runs a small family business and he does not employ other staff/mechanics who could help out.
- Our Client has a site specific need for a new family home at this location and genuine hardship would be caused if permission was refused.
- Although 3 reasons for refusal have been listed on the Development Management Report they all relate to the same matter in that his personal and domestic circumstances are not considered strong enough. There are no other planning concerns.

If there are any queries don't hesitate to be in touch.

230322

Page 14 of 15

Many thanks for your assistance.

Mark