

Title of Report:	Planning Committee Report – LA01/2021/1530/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd November 2023
For Decision or For Information	For Decision – Referred Item by Cllr Mark Fielding
To be discussed in Committee YES/NO	No

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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: LA01/2021/1530/F Ward: Clogh Mills

App Type: Full

Address: Beside 76 Finvoy Road, Ballymoney

Proposal: Shepherds hut style glamping pod for holiday let

Con Area: n/a Valid Date: 17.12.2021

Listed Building Grade: n/a

Agent: Aidan McKendry, 22 Carclinty Road, Cullybackey, Ballymena, BT42 1PH

Applicant: Clare Gamble, 76 Finvoy Road, Ballymoney, BT53 7JG

Objections: 0 Petitions of Objection: 0

Support: 0 Petitions of Support: 0

EXECUTIVE SUMMARY

- Full planning permission is sought for a Shepherds hut style glamping pod for holiday let beside 76 Finvoy Road, Ballymoney.
- The site is located in the countryside, outside of any defined settlement limits.
- The principle of development is considered unacceptable having regard to Policy CTY 1 of PPS 21, and Policies TSM 5 and TSM 6 of PPS 16.
- The proposal is considered to be unacceptable in terms of integration and rural character.
- It has not been demonstrated that the proposal will not have a detrimental impact on road safety and the proposal is contrary to Policy AMP 2 of PPS 3.
- No representations have been received in respect of this application.
- The application is recommended for refusal.
- Reasons for Referral by the elected member are attached as an annex to this report.

Drawings and additional information are available to view on the Planning Portal-
<https://planningregister.planningssystemni.gov.uk/simple-search>

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** full planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises the existing dwelling and curtilage of No. 76 Finvoy Road. The part of the site where the proposal is to be sited lies approx. 55m north east of the existing dwelling. The topography of the site is flat, with the existing dwelling, garage and driveway sitting at a slightly higher level as denoted by the small existing earth bank which defines the edge of the driveway and the domestic curtilage containing the rear yard and garage. The site boundaries are defined by existing timber post and wire fencing with mature hedging to the majority of the site. The western roadside boundary is further supplemented by a line of trees which sit to the rear of this boundary treatment. In the southern part of the site, the boundaries to the immediate front of the dwelling are timber rail.
- 2.2 The principal vehicular access to No. 76 is from the Finvoy Road and is denoted by a set of existing white dash gate pillars and walls. Access for the proposal is to be achieved via the creation of a new access in place of an existing field gate positioned in the north eastern corner of the site, off the old Finvoy Road. An existing electricity pole is located within the site, approx. 23m north of the existing garage. Overhead lines traverse the site in an east to west direction, and a south west to north east direction along a narrow section of this edge of the site.

- 2.3 The surrounding area is rural, with the site located in the countryside, outside of any defined settlement limits. The site is located off the main Finvoy Road, which connects Ballymoney and Rasharkin, and would be a busy, well trafficked route. The immediate surrounding area is characterised by a small group of dwellings which are primarily accessed from a small section of the Old Finvoy Road which connects to the main Finvoy Road at either end. No 76 is located on what is effectively the island of land lying between these two roads.

3 RELEVANT HISTORY

LA01/2016/0540/F – 76 Finvoy Road, Ballymoney BT53 7JG.
Proposed domestic garage and garden tool shed.
Permission Granted – 05.09.2016

D/2003/0713/O – Adjacent to 76 Finvoy Road, Ballymoney.
Dwelling House.
Application Withdrawn – 07.10.2004

D/1995/0176 – Adj 76 Finvoy Road, Ballymoney.
Site for Bungalow.
Application Withdrawn – 26.09.1995

D/1995/0087 – 76 Finvoy Road, Ballymoney.
New access to dwelling.
Permission Granted – 25.04.1995

4 THE APPLICATION

- 4.1 Full planning permission is sought for a shepherds hut style glamping pod for holiday let.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: No Objections

5.2 Internal

NIEA: No objections

DFI Roads: Request additional information

NI Water: No objections

Environmental Health: No objections

Rivers Agency: No objections

Historic Environment Division: No objections

NIE: 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:
- 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 both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 16: Tourism

Planning Policy Statement 21: Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development; integration and rural character; and road safety.

Principle of Development

- 8.2 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. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located within a settlement, or it is otherwise allocated for development in a development plan.
- 8.3 Policy CTY 1 directs proposals for tourism development to be considered in accordance with the TOU policies of the PSRNI. This was subsequently superseded by the publication of PPS 16 – Tourism. Policies in PPS 21 offering scope for tourism development in the countryside are not duplicated in PPS 16 and will be applied as appropriate to individual proposals. The

proposal comprises a single shepherds hut style glamping pod for holiday let therefore, PPS 16: Tourism is a relevant consideration.

8.4 Section 5.0 of PPS 16 outlines the existing policy provision for tourism development in the countryside, with a summary in respect of single unit self catering accommodation set out at Paragraph 5.3. Paragraph 5.3 sets out how these proposals will be considered:

- New Build within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park (Policy TSM 5)
- Conversion and reuse of an existing building to provide a self catering unit – PPS 21 (Policy CTY 4)
- Proposals involving the reuse or adaptation of an existing farm building, or exceptionally a new building on a farm – PPS 21 (Policy CTY 11)
- Proposals within Dispersed Rural Communities, as designated in some development plans – PPS 21 (Policy CTY 2)
- Proposals that comply with local policies in development plans, for example within tourism opportunity zones or other such areas as may be designated for tourism development by the Plan.

8.5 Given the location of the proposal in the countryside, consideration is given to Policy CTY 1 of PPS 21. The proposal does not fall within any of the types of development outlined in Policy CTY 1. The policy provisions of PPS 16 are also considered but having regard to the circumstances outlined in paragraph 5.3 of PPS 16, the proposal does not fall within any of these circumstances for single unit self-catering accommodation in the countryside.

8.6 The proposal is for a single new shepherds hut style glamping pod, therefore does not relate to the conversion or re-use of an existing building; does not involve the reuse or adaptation of an existing farm building or a new building on a farm; and is not located within a designated Dispersed Rural Community. The site is not designated for tourism development by The Northern Area Plan 2016.

- 8.7 Policy TSM 5 of PPS 16 relates to a new build within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park, but the proposal does not fall within any of these circumstances and is therefore contrary to Policy TSM 5. As the proposed glamping pod comprises a single unit, it does not fall to be considered as a Holiday Park for the purposes of Policy TSM 6. Additionally, the proposal is also contrary to Policy TSM 6.
- 8.8 The agent submitted additional information on the 12th May 2022 which referred to three approvals for similar proposals outside development limits and not as part of farm diversification schemes. LA01/2017/1382/F was a proposal for 6no glamping pods which was considered acceptable in respect of Policy TSM 6 of PPS 16. This is not comparable to the application proposal which is for a single shepherds hut style glamping pod. LA07/2020/1013/F is located within the Newry, Mourne and Down District Council area. Notwithstanding this, the proposal was for the erection of glamping site comprising: camping pods, tepees, tent pitches, communal toilet and shower building, communal 'camper's hub' building with tea room/cafe, landscaping, parking and associated ancillary works. The proposal was therefore considered in respect of Policy TSM 6 of PPS 16, and again is not considered comparable. The letter specifically refers to LA01/2019/0614/F which the agent states is almost identical to his client's application. This is not directly comparable given that the proposal was for 2 pods which were capable of integration. In any case, each application must be assessed on its own merits.
- 8.9 Having considered the policy context as outlined above, the principle of this type of development is not acceptable. Accordingly, the proposal is contrary to Policy CTY 1 of PPS 21 and Policies TSM 5 and TSM 6 of PPS 16.

Integration and Rural Character

- 8.10 Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. The proposal is contrary to paragraph 6.70 in that the proposal is not capable of integrating within this site and the immediate surrounding area by reason of its position, scale and design. The proposal is sited to the eastern edge of the site, where the existing native species

hedging defines the site boundary. At the time of the site inspection integration was limited and there were views of the site from both the Old Finvoy Road and the main Finvoy Road. Notwithstanding the existing vegetation and seasonal changes which may alter views of the site during the course of a seasonal year, satisfactory integration is not achievable when viewed from the Old Finvoy Road, which remains a public road.

- 8.11 Given the design of the proposal, as a shepherds hut, the accommodation is by its very nature elevated off the ground, and its overall height will be 3.55m. The nature of the site, in this countryside location, with existing field boundaries to the Old Finvoy Road results in the site being incapable of providing a suitable degree of enclosure for the proposal. The use of new or additional landscaping would not overcome concerns in relation to integration nor is reliance on this considered to be an acceptable means of achieving integration. The proposal would be a prominent feature in this location, by virtue of its appearance and design, and would fail to respect the established rural residential character of this part of the Finvoy Road. The proposal is contrary to paragraph 6.70 of the SPPS.
- 8.12 Policy TSM 7 of PPS 16 relates to the criteria for tourism development. It advises that tourism development must be compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area. The principle of development is not acceptable and the proposal is not capable of appropriately integrating into the surrounding area. The proposal is contrary to Policy TSM 7.

Road Safety

- 8.13 DfI Roads were consulted in relation to this application given the proposed new vehicular access onto the Old Finvoy Road. In their response dated 21st April 2022, additional information in the form of a block plan and an amended site location plan to include the necessary visibility splays was requested. The agent was contacted to advise that the principle of development was not considered acceptable and was offered the opportunity to address the DfI Roads comments. As the principle of development was not considered acceptable, no further information to address these comments was provided. As such, it has not been demonstrated that the proposal would not have a

detrimental impact on road safety and the proposal is contrary to Policy AMP 2 of PPS 3.

Habitats Regulations Assessment

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

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 the Strategic Planning Policy Statement (SPPS), Planning Policy Statement 21 – Sustainable Development in the Countryside and Planning Policy Statement 16 – Tourism. The principle of development is unacceptable having regard to Policy CTY 1 of PPS 21 and Policies TSM 5 and TSM 6 of PPS 16. The proposal would fail to integrate in this rural location and is contrary to paragraph 6.70 of the SPPS. The proposal will detract from the landscape quality and character of the surrounding area and is contrary to Policy TSM 7 of PPS 16. As it has not been demonstrated that the proposal would not prejudice road safety it is contrary to Policy AMP 2 of PPS 3. Refusal is Recommended.

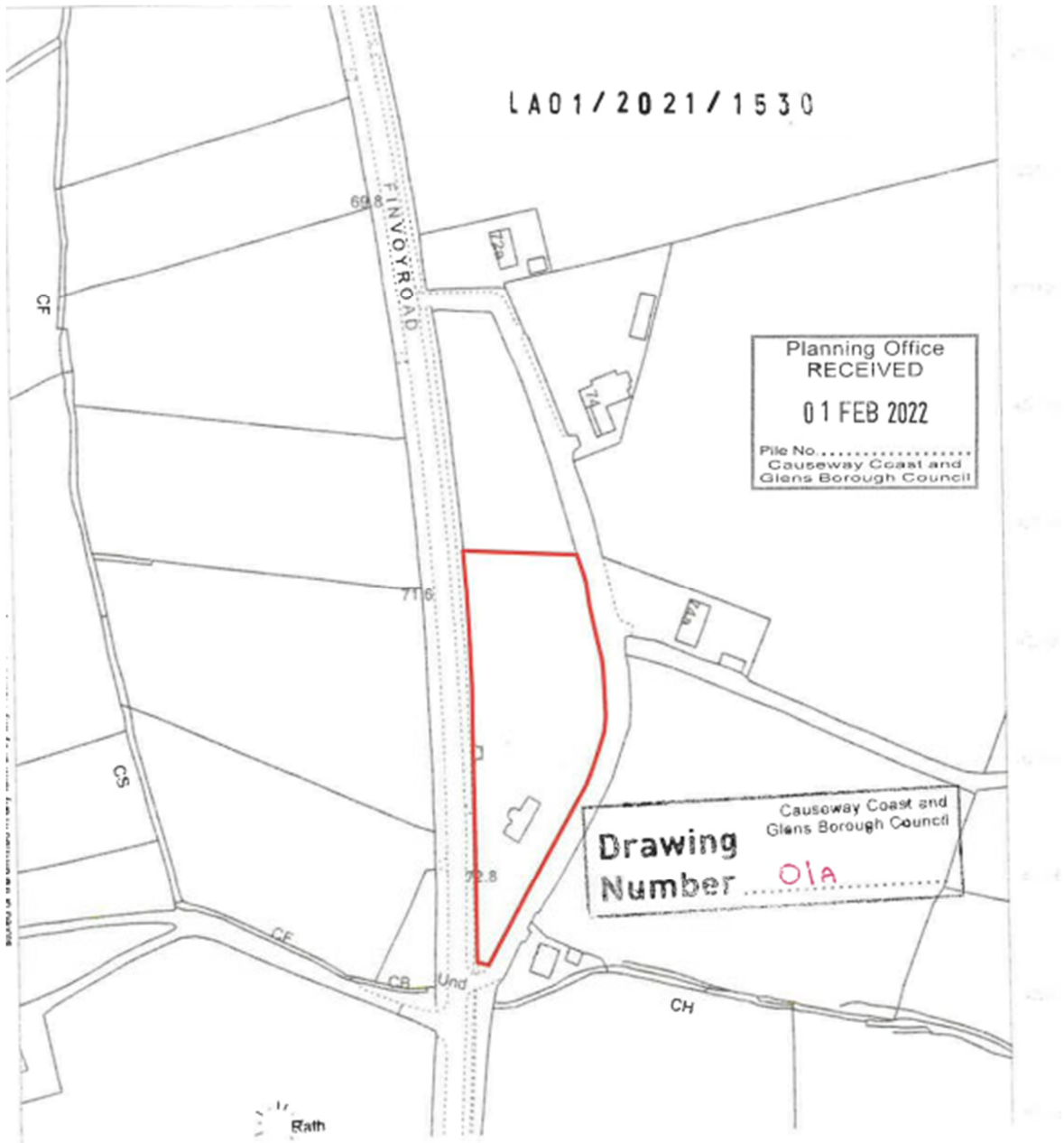
10.0 REFUSAL REASONS

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 and could not be located in a settlement.
2. The proposal is contrary to paragraph 6.70 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 the proposal would fail to integrate sympathetically into its setting, respect rural character and is not of an appropriate design.

3. The proposal is contrary to paragraph 6.260 of the Strategic Planning Policy Statement for Northern Ireland and Policy TSM 5 of Planning Policy Statement 16, Tourism, in that the proposal does not meet any of the circumstances for the provision of self catering units of tourist accommodation in the countryside.
4. The proposal is contrary to paragraph 6.260 of the Strategic Planning Policy Statement for Northern Ireland and Policy TSM 6 of Planning Policy Statement 16, Tourism, in that the proposal does not constitute a Holiday Park.
5. The proposal is contrary to paragraph 6.260 of the Strategic Planning Policy Statement for Northern Ireland and Policy TSM 7 of Planning Policy Statement 16, Tourism, in that the proposal will detract from the landscape quality and character of the surrounding area.
6. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking, in that the proposed access would prejudice road safety.

Site Location



Annex A – Referral Reasons

From: Mark Fielding
Sent: Monday, September 12, 2022 9:28 AM
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: LA01/2021/1530/F

LA01/2021/1530/F Shepherd's hut style Glamping pod for holiday let.

Beside 76 Finvoy Road Ballymoney.

I wish to refer the above Planning Application to the Planning Committee.

There have been other similar applications approved for clamping pods outside of the development limits in the Causeway Coast and Glens Council area, in Benone, Cushendall and Garvagh.

This application is seeking to provide a clamping pod as a tourist accommodation in a rural setting. The building will be of good design appropriate to its environment and will visually integrate into the surrounding landscape with its modest size and scale.

Located outside Ballymoney, there is a footpath from the location to the town so will support walkers, cyclists, or those with impaired immobility.

I believe this is an application which is worth considering by the Committee.

Yours,

Mark

Ald. M Fielding

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Addendum

LA01/2021/1530/F

1.0 Update

1.1 Correspondence was received from the agent via email on the 23.10.2023 which included a letter.

1.2 The letter advised that;

- “The planning report refers to application LA01/2019/0614/F which was previously approved and states that this is not similar to our proposal. My client feels that this is not accurate and sets a precedent for our proposal.”
- “This was for two pods outside development limits and not farm diversification. It states that it was approved due to integration and that our proposal does not integrate. Again this is inaccurate as paragraph 2.1 of the planners report clearly states that “the majority of the boundaries of the site consist of mature hedging. The western roadside frontage is also supplemented by a line of trees which sit to the rear of the boundary treatment”.”
- “Surely this mature vegetation and treeline will afford an excellent degree of integration. The client has offered to supplement and augment the vegetation should the Committee feel this necessary.”
- “The planner refers to the hut being prominent, however a point that was failed to be mentioned was that the ground levels of the proposal are lower than that of the Finvoy Road which will result in the hut be settled down into the field and surrounding vegetation.”
- Reference was made to Planning Approval LA01/2019/0614/F being “almost identical to my client’s application”.
- The agent advises that his client is happy to meet Dfl Roads request and satisfy the provisions of this policy.
- Rural and traditional in its design, and modest in terms of size and scale.
- Potential to also yield economic benefits for the local area.
- Complies with the provisions of CTY 1 and also CTY 13.

2.0 Consideration:

- 2.1 The proposal is for a single Shepherd's hut style glamping pod for holiday let. The principle of development has not been established on the site as the proposal does not meet with any of the policy provisions for tourism development which are outlined in either Planning Policy Statement 21 Sustainable Development in the Countryside or Planning Policy Statement 16 Tourism.
- 2.2 As detailed in the Committee report at paragraph 8.8, Application LA01/2019/0614/F is not comparable to the proposal application as this proposal sought two no. camping pods. In this instance it was considered that the two pods were capable of successfully integrating into the site. As detailed in the Committee report, each site must be assessed on its own merits.
- 2.3 By virtue of its design, the Shepherds hut style glamping pod sits elevated off the ground and therefore despite the existing boundary vegetation it is considered that the introduction of this type of development, which in principle is unacceptable, will result in a detrimental impact to the rural character of the immediate surrounding area. The Old Finvoy Road, while a minor road, still provides public views of the site and given the design and siting of the proposal, concerns in relation to integration remain as detailed in paragraphs 8.10-8.12 of the Committee report.
- 2.4 Paragraph 6.260 of the SPPS requires planning authorities to carefully manage tourism development in the countryside. While proposals for overnight tourist accommodation may have the potential to yield economic benefits for the local area, it is unlikely that this would outweigh the concerns with regards to the proposal. The principle of development has not been established and the proposal is contrary to policy as detailed in the Committee report.
- 2.5 No further information has been provided to address comments provided by DfI Roads in their response dated 21st April 2022. The agent was offered the opportunity to address these but as the principle of development was not considered acceptable no further information was provided. As it has not been demonstrated that

the proposal would not have a detrimental impact on road safety
the proposal is contrary to Policy AMP 2 of PPS 3.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the planning application in accordance with paragraph 1.1 of the Planning Committee Report.