

Title of Report:	Planning Committee Report – LA01/2022/0729/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd November 2023
For Decision or For Information	For Decision – Referred Application by Cllr 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	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	---
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: LA01/2022/0729/F

Ward: Loughguile and Stranocum

App Type: Full

Address: 141m North East of 30 Clontyfinnan Road. Armoy

Proposal: Proposed new farm shed (clustered with existing cattle crush)

Con Area: N/A

Valid Date: 29.06.2022

Listed Building Grade: N/A

Agent: Simpson Design NI Ltd. 42 Semicock Road, Ballymoney. BT53 6PY.

Applicant: Mr. S. Mullan. 30 Clontyfinnan Road. Armoy

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

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

Executive Summary

- Full planning permission is sought for a proposed agricultural shed.
- The site is located within a rural, non-policy area.
- The proposal is considered contrary to the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development as it has not been demonstrated that the proposal is located on an active and established agricultural holding or that the shed is necessary for the efficient use of the agricultural holding.
- No representations have been received.
- No objections have been raised by statutory consultees in relation 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://planningregister.planningssystemni.gov.uk/>

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 reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The subject site comprises a rectangular plot of land extending to approximately 58m x 40m which consists of the south-eastern corner of an agricultural field. The site itself is positioned approximately 120m back from the public road and is accessed via an existing field gate from the north-eastern corner of the applicant's residential property at No 30 Clontyfinnan Road.
- 2.2 The field from which the site is taken is fairly level and lies approximately 2m below the level of the public road with a fairly steep access over the first 5m which also serves No 30. The northern and western boundaries are undefined while the southern boundary is defined by a post and wire fence as well as gorse bushes and is adjacent a small watercourse. The eastern extent of the site comprises an existing animal crush with the rear boundary defined by a combination of semi-mature conifers and scrub.
- 2.3 The applicant's property comprises a single storey detached dwelling with detached garage and small prefabricated shed on a plot which extends to approximately 0.31 ha. The northern boundary is defined by a 1.5m wooden slatted fence.
- 2.4 The site is located within a rural, non-policy area as defined by the Northern Area Plan 2016 and is partially affected by an area of pluvial ponding with NIE equipment extending parallel to the southern boundary but outside the site perimeter.

- 2.5 The area is rural in character, defined by a small number of semi-detached and detached rural dwellings and agricultural land.

3 RELEVANT HISTORY

D/2005/0154/O – Proposed dwelling and garage. Allowed on appeal 6/11/2006.

D/2009/0270/RM – Proposed dwelling and garage. Permission Granted 4/12/2009.

4 THE APPLICATION

- 4.1 Full planning permission is sought for a new farm shed clustered with existing cattle crush to the eastern extent of the site and comprises a single building divided internally to provide a smaller area with roller access door and a larger area comprising a high gable roller door and pedestrian doorway.
- 4.2 The building extends to approximately 20.5m x 10.7m x 6m high and is proposed to house animal feed and farm machinery. No housing of animals / livestock is proposed (letter dated 01-MAY-2023).

5 PUBLICITY & CONSULTATIONS

External

- 5.1 None

Internal

- 5.2 **DAERA** – Farm Business is active and established. Prior to 2022 the proposed site was located on land associated with another farm business.
DFI Roads – No Objection. Conditions provided.
Environmental Health – No Objection. Conditions provided.
NIEA – No Objection. Conditions provided.
NI Water – No Objection

DFI Rivers – No Objection. Condition provided.

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)

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

6.3 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.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 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 2035.

Northern Area Plan (NAP) 2016

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2: Natural Heritage.

Planning Policy Statement 3: Access, Movement and Parking

Policy AMP 2: Access to Public Roads.

Planning Policy Statement 15 (Revised): Planning and Flood Risk.

Planning Policy Statement 21: Sustainable Development in the Countryside

Causeway Coast and Glens Corporate Strategy

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the Principle of Development.

Principle of Development

- 8.2 The Northern Area Plan 2016 identifies the site as being located within the countryside, outside any defined settlement limits.
- 8.3 The Strategic Planning Policy Statement for N. Ireland (SPPS) promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between the protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.
- 8.4 The SPPS was introduced in September 2015 and is a material consideration in determining planning applications and appeals. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During this transitional period existing policy contained within identified policy documents will be applied together with the SPPS. PPS 21 is a retained policy document under the SPPS and provides the relevant policy context.

- 8.5 6.73 of the SPPS outlines the policy context for development in the countryside and includes agriculture and forestry development. Provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding.
- 8.6 The SPPS also states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.
- 8.7 Policy CTY1 'Development in the Countryside' of PPS21 sets out the types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. These include agriculture and forestry development on an active and established agricultural and forestry holding in accordance with Policy CTY12 where it is demonstrated that the development proposed complies with the specified criteria.
- 8.8 In support of the application the applicant has supplied a P1C form and recent farm maps (dated 14/1/22) incorporating the applicant's farm business ID number which is indicated as being registered at the applicants address at No 30 Clontyfinann Road.
- 8.9 DAERA has been consulted in relation to the identified farm business and confirms:
- The farm business ID identified on Form P1C has been in existence for more than 6 years (allocated 16/05/2005).
 - The farm business is Category 1, and,
 - The farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.
- 8.10 DAERA has also pointed out that the application site is on land which formed part of a separate holding prior to 2022. This corresponds with the submitted farm maps dated 14/1/22 which do not include these lands. A separate screenshot has been submitted which appears to relate to DARD records and

indicates the subject field. On this basis it would appear that the land to which the application relates was purchased after 14/1/2022 (date of farm maps) as the relevant certificate on the P1 form indicates the applicant is in full ownership of the subject site.

- 8.11 Paragraph 5.56 of the J&A text of Policy CTY12 advises that for the purposes of this policy the determining criteria for an active and established business is that set out under Policy CTY10. The J&A text is an aid to interpretation of the policy. The policy text of CTY12 refers to permission being granted for development on an active and established agricultural or forestry holding. Paragraph 6.73 of the SPPS provides clarity, it states that 'provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.'
- 8.12 It is the longevity of the farm holding which is the key criteria to determining compliance with Policy CTY 12. The land on which the farm shed is proposed was purchased by the applicant in 2022 therefore it has not been an active and established part of the applicant's farm holding for at least six years. When considering the applicant's holding only lands which have been farmed as part of the holding for more than 6 years are eligible for consideration under Policy CTY 12. This is the position taken by the PAC in appeals 2018/E0031 (Largy Road, Limavady) and more recently 2022/A0001 (Coolagh Road, Greysteel). The proposal therefore fails the key requirement of Policy CTY12. Policy would only allow an agricultural building on the holding within which the application site is located from 2028 onwards. The development fails in the first instance to meet the requirement of being on an active and established agricultural holding and therefore the principle of development is unacceptable.

In relation to the identified criteria in policy CTY12:

- 8.13 Criterion (a) – requires that the proposal is necessary for the efficient use of the holding. The current proposal represents the first building on the farm and comprises a building extending to 20.6m x 10.8m x 6.1m high which is subdivided internally to create two separate elements with individual accesses. Both

are accessed by roller shutter doors with additional windows and rooflights while the larger space includes an additional pedestrian door. The pitched roof, limited ridge height and materials are reflective of agricultural buildings within the countryside.

- 8.14 The farm holding is modest, extending to 8.48 ha, with the recently acquired lands comprising an additional 2.7ha (approx), extending the holding to 11.18ha. This field represents the only land within the applicant's ownership and is located in proximity to the applicants dwelling. The remaining lands are taken in conacre and located at two separate locations, lands adjacent 166 Castlecat Road, Dervock and lands adjacent 59 Bregagh Road, Armoy.
- 8.15 The applicant has provided flock and herd number details which indicates the applicant is in ownership of 21 cattle and 145 sheep. Sheep were evident on-site during site inspection. The business is clearly active, and the proposal relates to the storage of animal feed and machinery associated with farming operations, located adjacent the applicant's address.
- 8.16 The agent has confirmed that the applicant has no other buildings and currently utilises a rented shed on land at 166 Castlecat Road, Dervock to provide storage for feed as well as housing animals on an ad-hoc basis including during lambing. The applicant confirms that he currently has to store some feed at his residential property and external contractors are used for silage cutting and larger farming operations carried out on the holding.
- 8.17 Supporting information references animal welfare and practicality as the need for the current proposal relating to a farm business which has recently expanded through the acquisition of additional lands. Supporting information indicates that the proposed agricultural shed is necessary for the efficient running of farming operations as the current situation is impractical and the only storage / housing relates to a rented building at 166 Castlecat Road. The current application seeks to provide a new agricultural building to provide storage of animal feed / veterinary products on site as well as store farm machinery (referenced as including a sheep trailer, car trailer, quad bike, slurry tanker, tractor trailer and fertiliser spreader).

The supporting information also indicates that the proposal will reduce the time required for transporting animal feed by approximately 2 hours per day.

- 8.18 In order to verify the supporting information relative to the necessity for the current proposal, additional information was sought in relation to the extent of outlined equipment. The agent has confirmed that the applicant is not in possession of receipts for any of the equipment highlighted with the exception of a trailer and fertiliser sower purchased at auction (receipts not provided). The remaining equipment was purchased without receipt and is currently stored at Castlecat Road and at the properties of his father and a friend (e-mail dated 5/5/23).
- 8.19 Additional site inspection was carried out at 166 Castlecat Road, identified as the location at which a building is rented for the storage of machinery as well as housing animals. Lands adjacent this premises are also indicated as being taken in conacre. Site inspection confirmed that this address includes a large agricultural type shed which opens onto an extensive yard area to the rear of the dwelling. However, it was noted that this building is generally empty with the exception of a small number of items associated with the residential premises (none of the farming equipment referenced was located at this address). Discussions with the owner indicated that this building has not been rented out at any time for the purposes outlined in the supporting information and the grazing of adjacent land has been on an infrequent basis and has not occurred in the previous two years.
- 8.20 Given the lack of confirmation regarding existing machinery, the fact that no buildings at 166 Castlecat Road are rented by the applicant, and the fact that he has successfully farmed the business since 2005, there is no evidence which suggests he could not continue to do so on the basis of current arrangements and in the absence of the proposed shed. Whilst a shed may be beneficial to the applicant this does not justify erecting a building on land that was purchased less than six years ago. Based on the evidential context outlined, it has not been demonstrated that the proposed shed is necessary for the efficient use of the agricultural holding or essential for the efficient functioning of the business. No demonstrable health

and safety reasons were advanced by the applicant. The proposal is contrary to criterion (a) of Policy CTY12 and the related provisions of the SPPS.

- 8.21 Criterion (b) – The current proposal is a full application for an agricultural shed on lands adjacent the applicant’s residential property and positioned approximately 80m from the residential curtilage. The proposed building is linear in form, extending to 20.6m x 10.8m x 6.1m, sited with the long elevation facing the public road and positioned some 160m back from the public road in front of an existing cattle crush. The building is constructed of steel frame with blockwork finished in smooth render to 3m in height, with the remainder of the building and roof finished in box profile cladding. The building incorporates a large gable roller door and smaller roller door on the western elevation as well as two windows and a pedestrian door. The materials and design of the proposed building are in keeping with the design of a modern agricultural building and are acceptable.
- 8.22 The proposal is located within a rural location, the existing character of which is defined within the wider area by a small number of semi-detached dwellings and farm groupings comprising detached dwellings and outbuildings.
- 8.23 The introduction of an agricultural shed of this scale would not be unacceptable and it remains reflective of the height and scale of existing buildings. Although it would be more appropriate if grouped closer to the applicants existing buildings, based on the critical views the proposal is likely to remain within sufficient proximity to appear associated with these, while being sufficiently removed from the public road to limit its visual presence from critical views.
- 8.24 Given the existing context the proposed building is appropriate to its location in terms of character and scale and is appropriate for a modest agricultural building within this rural location.
- 8.25 Criterion (c) - in terms of visual integration, as noted above the site lies substantially below the level of the public road, is sited some 160m back and includes both a cattle crush and semi-mature conifers to the rear providing a degree of backdrop.

- 8.26 Travelling in a southerly direction, the public road falls gently from a more elevated position from where the site well screened by a combination of high roadside ditches, existing built development and intervening roadside and field boundaries. In the opposite direction the site also remains well screened due to a combination of roadside vegetation and built development with views of the site restricted to a short distance around the access point. The submitted site plan indicates that the finished floor level of the proposed building will be some 0.7m above existing ground level immediately adjacent the site but remains just below road level at the access point. DFI Rivers requires a freeboard of 0.6m from existing ground level.
- 8.27 Although the site comprises a reasonable backdrop, it has a limited sense of enclosure due to the remaining boundaries being either undefined or poorly defined along the southern boundary. The application proposes additional landscaping incorporating a mixture of native trees shrubs and hedging to define new boundaries and will provide additional screening and sense of enclosure.
- 8.28 Policy CTY13 of PPS 21 'Integration and Design of Buildings in the Countryside' states that a new building will be unacceptable where any of seven criteria are engaged. Criterion (b) states that a new building will be unacceptable where 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. Criterion (c) states that a new building will be unacceptable where it relies primarily on the use of new landscaping for integration.
- 8.29 Although the sense of enclosure is limited, critical views are generally restricted and in combination with the existing backdrop, difference in levels and distance back from the public road, a sufficient level of visual integration is provided. As such the proposal is not reliant on additional landscaping to integrate although the proposed boundary definition will provide additional screening and sense of enclosure. On this basis the proposal is considered to satisfactorily integrate and additional landscaping is provided in compliance with criterion (c) of CTY12.

Natural / Built Heritage

- 8.30 Criterion (d) – in terms of the potential impact on natural or built heritage the site does not fall within any designations nor is it in proximity to any listed buildings. The proposal relates to the storage of feed and machinery and no housing of animals is proposed which could impact on habitat or designations. This is confirmed in the supporting information.
- 8.31 A preliminary Ecological Appraisal has been submitted which defines the site as consisting of species-poor, improved grassland of low conservation value. The proposal does not incorporate significant removal of, or impact upon existing boundaries. The PEA concludes that there will be no significant impact on any sensitive ecological features on this site provided the outlined recommendations are followed (these relate to the protection of trees and restriction of works outside breeding bird season).
- 8.32 NIEA has been consulted in relation to the submitted PEA. Natural Environment Division has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions.
- 8.33 In terms of the surface water environment:
- Any feed materials being stored are dry / compound feeds and not silage.
 - No animals are housed.
 - Storage of machinery is in conjunction with the farm business.
- 8.34 The application has been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and no concerns raised. The proposal is not considered to have an adverse impact on the natural or built heritage.

Residential Amenity

- 8.35 Criterion (e) – In terms of impact on the amenity of residential dwellings outside the holding, a number of dwellings are within proximity to the site, the closest of which is approximately 160m away at No 24 Clontyfinnan. The agricultural shed does not introduce a use likely to impact on the privacy of neighbouring properties dwellings and has limited potential to create issues relating to odour, vermin etc.
- 8.36 The application is described as an agricultural building with clear supporting information that it relates solely to the storage of farm machinery, veterinary supplies and dry food. It does not relate to the housing of animals or silage and no slurry tanks are proposed.
- 8.37 The local Environmental Health Department has been consulted and raise no objections to the proposal on the basis of the identified use and subject to proposed conditions restricting the use in order to prevent any potential impact on neighbouring properties. The proposal does not result in a detrimental impact on the amenity of neighbouring properties and complies with criterion (e).
- 8.38 In instances where new buildings are proposed Policy CTY12 includes additional policy tests. In relation to these;
- The submitted information indicates that there are no suitable buildings on the holding which can be used.
 - The design and materials are sympathetic to the locality and adjacent buildings.
 - The proposal is sited on land in reasonably close proximity to the only existing buildings on the applicants holding and within his ownership.
- 8.39 In terms of integration and rural character (policies CTY13 and CTY14) refer to above.

Drainage / Flooding

- 8.40 DFI Rivers advises that The Strategic Flood Map (NI) indicates that the development does not lie within the 1% AEP fluvial flood plain. However, due to the nature of the Strategic Flood Map (NI) it is possible that the watercourse adjacent to the site boundary does not have an associated flood area shown on the

Dfl Rivers flood maps. This is because the models used for developing the Flood Maps did not include catchments under 3km².

- 8.41 Therefore, taking into account the precautionary approach embodied in PPS15 and the topography of the site as well as the nature of the proposals, DFI Rivers recommends that the floor level of the proposed development is set a minimum of 600mm above the current ground level. The submitted site plan indicates finished floor levels in compliance with this requirement.
- 8.42 The development is located partially within a predicted area of pluvial ponding as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by policy, DFI Rivers point out that it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Access

- 8.43 The existing access serves both the residential dwelling and adjacent agricultural land and upgrading works are proposed. DFI Roads has been consulted and advise that proposed access arrangements are satisfactory. Conditions are proposed.

Other Issues

- 8.44 In terms of remaining consultees, no objections have been raised and no third-party representations received.

Habitats Regulation Assessment

- 8.45 The application has been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project.
- 8.46 Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from

further assessment because it could not have any conceivable effect on a European site.

9 CONCLUSION

- 9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS. The proposal fails to meet the requirements of PPS21 and the SPPS as it has not been demonstrated that the proposal is located on the active and established agricultural holding or that the shed is necessary for the efficient use of the agricultural holding.

10 Reason for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Planning Policy Statement 21 Policy CTY1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Planning Policy Statement 21, Policy CTY12 in that it has not been demonstrated that the proposed building is located on the active and established agricultural holding or that the shed is necessary for the efficient use of the agricultural holding.

Site Location



Referral Request

Cllr Fielding

From: Mark Fielding

Sent: Friday, October 13, 2023 11:31 PM

To: Planning <Planning@causewaycoastandglens.gov.uk>; Denise Dickson
; Oliver McMullan

Subject: LA01/2022/0729/F

LA01/2022/0729/F - Proposed new farm shed (clustered with existing cattle crush)
141 m North East of 30 Clontyfinnan Road Armoy

I wish to refer the above Application to the Planning Committee for the following reasons:

The proposed shed is located on an active agricultural holding beside the applicant's dwelling (DAERA can confirm this) and who has a Business ID Number which is over six years old.

The shed is needed for the efficient use of the Agricultural holding. The applicant has a large number of stock both cattle and sheep and requires a farm building (shed) beside his holding to keep animal feed / veterinary products /farm machinery etc.

Yours,

Mark

Ald M Fielding

Sent from Outlook for iOS