

Title of Report:	Planning Committee Report – LA01/2023/0627/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd May 2024
For Decision or For Information	For Decision – Referred Application by Ald. Fielding.

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	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:

<u>No:</u>	LA01/2023/0627/O	<u>Ward:</u> Macosquin
<u>App Type:</u>	Outline	
<u>Address:</u>	30m South of 34-38 Ballymadigan Road Castlerock BT51 4RR	
<u>Proposal:</u>	Proposed site for dwelling & detached garage	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 13th June, 2023
<u>Listed Building Grade:</u>	N/A	
Agent:	Fleming McKernan Associates, 1 Upper Abbey Street, Coleraine BT52 1BF	
Applicant:	Michelle Thompson, 519 Carneety Terrace, Castlerock BT51 4SZ	
Objections: 2	Petitions of Objection: 0	
Support: 0	Petitions of Support: 0	

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

EXECUTIVE SUMMARY

- Outline planning permission is sought for a dwelling and detached garage.
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located 30m South of 34-38 Ballymadigan Road, Castlerock and lies just outside the Binevenagh AONB.
- The proposal fails to meet an acceptable type of development as permitted in Policy CTY 1 of PPS 21.
- The site and location do not meet the tests or criteria to be considered a dwelling within a cluster under CTY 2a.
- Notwithstanding the principal of development is unacceptable, the proposal fails to meet the requirements of CTY14 (criteria (b) and (c)) and it is considered the proposal would cause a detrimental change to, or further erode the rural character of the area and is contrary to CTY 14 of PPS 21.
- DfI Roads, NI Water and NIEA (Water Management Unit), Environmental Health were consulted on the application and raise no objection.
- There are 2 objections to the proposal from adjoining properties.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a rectangular plot cut out of a larger agricultural field, to the south of dwelling numbers 34 & 38 Ballymadigan Road. The existing boundary treatment are the north western boundary is defined by post and wire fencing with existing mature vegetation. The south western boundary is defined by mature hedgerow along its length. The south eastern and north eastern boundaries are currently undefined.
- 2.2 The access is to be taken from an existing access track / laneway which serves a dwelling further southeast of the application site. The access off the laneway is open at present and was likely to be used as an entrance to the field. The topography of the land is fairly flat, whereby beyond the southwestern boundary the land starts to fall away.
- 2.3 The site is in the rural area outside any settlement limit as defined by the Northern Area Plan 2016. The site lies just outside the Binevenagh AONB which is to the north of Ballymadigan Road.

3 RELEVANT HISTORY

- 3.1 While there is generally planning history in the area, there is no specific relevant history relating to this site.

4 THE APPLICATION

- 4.1 Proposed site for dwelling & detached garage at land 30m South of 34-38 Ballymadigan Road, Castlerock.

Habitat Regulations Assessment

- 4.2 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are 2 objections to the application. Matters raised include:

- Privacy Issues
- Obstruct Views.
- Does not comply with Policy CTY 2a.
- Does not comply with Policy CTY 8
- Does not comply with CTY 10
- Visual integration.
- Overshadow

5.2 Internal

Environmental Health: No objection to the proposal

NI Water: No objection to the proposal

DFI Roads: No objection to the proposal

NIEA WMU: No objection to the 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 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

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

Supplementary Planning Guidance

Building on Tradition: A Sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, access, integration, rural character, and other issues.

Planning Policy

- 8.2 The principle of development must be considered having regard to the NAP, SPPS and PPS policy documents.

Principle of Development

- 8.3 Policy CTY1 of PPS21 sets out 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. The proposed site does not fall within any of the defined development types that are acceptable in the countryside and there are no exceptional circumstances as to why a dwelling is acceptable at this location.
- 8.4 However, in the email requesting a referral of the application to the Planning Committee, reference is made that the two adjacent dwellings No's 34-38 were originally three dwellings as

is evident from the postal numbers 34/36/38 and therefore the application could be considered as a cluster. Policy CTY1 indicates that the development of a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2A may be acceptable. However, there is criteria in which to assess such an application which is set out in CTY 2A.

8.5 CTY 2A states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- *the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*

While there may have historically been 3 dwellings, there are only two dwellings that adjoin the site; Nos 34 and 38. As there are not four or more buildings of which at least 3 are dwellings, the proposal is not located at a cluster of development.

- *The cluster appears as a visual entity in the local landscape;*

As there is no cluster of development, there is no cluster to be considered as a visual entity in the landscape. Accordingly, the proposal fails to meet this test.

- *the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,*

Notwithstanding there is no cluster, the existing development is not associated with a focal point and is not located at a cross-roads. The proposal therefore fails to meet this requirement.

- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*

The site proposed fails to provides the required enclosure and is only bounded on one side (the north western boundary). Furthermore, the site is only bound on one side with other development. It is considered that the proposed development is not bound on at least two sides and therefore fails to meet this test.

- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;*

Notwithstanding there is no cluster for the purposes of CTY 2a, a dwelling on this site cannot be absorbed into the existing development through rounding off and consolidation, and development of the site will significantly alter the existing character. Development of this site will visually intrude into the open countryside.

- *development would not adversely impact on residential amenity.*

Notwithstanding there is no cluster for the purposes of CTY 2a, it has not been demonstrated through a concept plan or indicative drawings how the site could be developed. Given the proposed site to the rear of existing residential development, there is the potential to unacceptably have an adverse impact on residential amenity (existing semi-detached dwellings).

8.6 Having regard to the policy tests and consideration set out in 8.5, the development does not meet the requirements to be

considered a cluster for the purposes of CTY2A. As none of the tests are considered to be satisfied, and the policy headnote requires **all** the criteria are met, the proposal fails to meet Policy CTY 2a of PPS 21.

- 8.7 As the proposal does not meet any of the acceptable types of development as set out in CTY 1 of PPS21, the principle of development is unacceptable.

Access

- 8.8 DfI Roads was consulted as the competent authority on road and traffic matters and raises no objection to the proposal. The application is unlikely to prejudice road safety or significantly inconvenience the flow of traffic at this location and meets the requirements of AMP 2 of PPS 3.

Integration

- 8.9 Policy CTY 13 states 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.
- 8.10 The site is bound by hedging on the northwestern and south western boundaries. These identified boundaries are made up of mature hedging and trees. The remainder of the site boundaries are not defined and is open to the remainder of the agricultural field. The topography of the site is relatively flat, albeit on a slightly higher contour than the pair of semi-detached dwellings that front onto Ballymadigan Road.
- 8.11 Views of the site from the Ballymadigan Road are limited due to the existing roadside vegetation and existing development. Notwithstanding, the proposed site lacks little in the way of integration on the other boundaries, it is a section cut out of a field and would require additional planting to further integrate the dwelling. However, given the existing screening of the site from the critical views, provided any proposed dwelling was

conditioned appropriately, limiting its size, scale, siting and ridge height, it is unlikely to be overly prominent in the landscape. It is therefore considered that the proposal would be acceptable in regards to Policy CTY 13 of PPS 21.

Rural Character

8.12 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It goes on to state 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 A building is considered unacceptable if it results in a suburban style build-up of development when viewed with existing and approved buildings. It is considered that approving a dwelling on this site would result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in that area. The proposal is contrary to CTY14, as developing the site will be contrary to criteria (b) and (c) of CTY 14.

8.14 Notwithstanding the proposal meets the other requirements of CTY14 (criteria (a), (d) and (e)), it is considered the proposal would cause a detrimental change to, or further erode the rural character of the area and is contrary to CTY 14 of PPS 21.

Other Issues

8.15 The main planning points of concern raised in the objections are summarised and considered accordingly -

- *Privacy Issues* – there is the potential that an inappropriately designed or sited dwelling could have an unacceptable impact on existing amenity of Nos 34 and 38 Ballymadigan Road. No concept has been submitted to demonstrate how a dwelling could be developed to mitigate this.
- *Obstruct Views* – Impact on existing private views are given limited weight in the consideration of a planning application.
- *Does not comply with Policy CTY 2a* – as set out in Para 8.5 of this Report, the proposal does not comply with CTY2a.
- *Does not comply with Policy CTY 8* – as the proposal does not qualify or meet the requirements of an infill dwelling, the proposal does not comply with CTY8.
- *Does not comply with CTY 10* – as the proposal does not meet the requirements of a farm dwelling, the proposal does not comply with CTY10.
- *Visual integration* – Given the existing screening of a dwelling on this site from the critical views, provided a proposed dwelling was conditioned appropriately which limits its size, scale, siting and ridge height, it is unlikely to be overly prominent in the landscape or not visually integrate into the countryside. However, there is no principle for developing this site for a dwelling under PPS 21.
- *Overshadow* – given the separation distances, it is unlikely that a suitably sited and scaled dwelling would cause unacceptable overshadowing. However, there is no principle for developing this site for a dwelling under PPS 21.

8.16 In the email seeking referral to the Planning Committee for consideration, reference is made to planning application LA01/2020/0615/F, site 320m SW of 15 Ballymadigan Road under policy CTY10 (dwelling on a farm). That planning application was considered acceptable, having regard to the proposed access and planning considerations, as it was an active and established farm business and the dwelling visually linked/clustered with a group of buildings on the farm, as policy requires. As that approval was, in principle, an acceptable type of development in the countryside, it is not comparable with the application currently under consideration.

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 the SPPS. The proposal fails to meet the policy requirements of CTY1 for a dwelling in the countryside. The proposal does not meet the criteria for a dwelling in an existing cluster when assessed against Policy CTY2a, or any other acceptable type of development permitted in CTY 1. Notwithstanding the principle of development is acceptable, the proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling would result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.

10 REFUSAL REASONS

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement 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 Paragraphs 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 2a of Planning Policy Statement 21, New Dwellings in Existing Clusters, in that the proposed site is not clustered with development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings; there is no cluster that appears as a visual entity in the local landscape; there is no cluster to associate with a focal point such as a social /community building/facility, or cross-roads; the site does not provide a suitable degree of enclosure and is not bound on at least two sides with other development; development of the site cannot be absorbed through rounding off and consolidation and will visually intrude into the open countryside; and development could adversely impact on residential amenity.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.70 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.

Site Location Map



Reasons for Referral

From: Mark Fielding < >

Sent: Monday, December 11, 2023 8:18 AM

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

Subject: LA01/2023/0627/O

LA01/2023/0627/O. Proposed site for dwelling & detached garage 30m South of 34-38 Ballymadigan Road Castlerock

I wish to refer the above application to the Planning Committee for the following reasons.

The Adjacent two dwellings No's 34-38 were originally three dwellings as is evident from the postal numbers 34/36/38 therefore the application could be considered as a cluster.

The site is not visible from the road, there are established mature boundaries to two sides and it is intended to plant mature hedging to the remainder of the site.

Close by Planning approval was granted in 2021 (LA01/2020/0615/F site, 320m SW of 15 Ballymadigan Road) under policy CTY10 (dwelling on a farm) which states that the building should be visually linked or sited to cluster with an established group of buildings and accessed from an existing lane. There are two sheds with their own entrances, yet a new access was granted which now gives three separate accesses onto Ballymadigan Road.

Yours,

Mark
Ald. M Fielding