

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/0650/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24<sup>th</sup> April 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Cllr. McShane</b>
<b>To be discussed In Committee YES/NO</b>	<b>No</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	---
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Legal Considerations</b>	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
	Screening Completed:	N/A	Date:

Section 75 Screening			
	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:** LA01/2021/0650/F

**Ward:** Torr Head & Rathlin

**App Type:** Full

**Address:** Lands Between 46 Glenshesk Road and Drumahaman Bridge  
Ballycastle

**Proposal:** Proposed New Infill Dwelling and Detached Garage

**Con Area:** N/A

**Valid Date:** 26.05.2021

**Listed Building Grade:** N/A

**Agent:** Healy McKeown Architects, The Studio, 11-13 Maghera Street, Kilrea BT51 5QL

**Applicant:** Kathryn Donnelly 46 Glenshesk Road Ballycastle

**Objections: 0      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**

- Full planning permission is being sought for an infill dwelling and detached garage.
- The site is located outside the settlement development limit for Ballycastle but is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty and Local Landscape Policy Area BEL 03, Carey River as designated in the Northern Area Plan (NAP).
- The principle of development is considered unacceptable having regard to Policy CTY8 as the proposal fails to meet with the provisions for an infill dwelling as the application site is not a gap site located within an otherwise substantial and continuously built up frontage.
- As the proposal fails to satisfy the requirements of CTY 8, the proposal fails to meet CTY 1.
- The proposal, if approved, would create a ribbon of development along Glenshesk Road which is also contrary to CTY14.
- Given the policy context and the siting to the south of the Carey River and within the LLPA and the Antrim Coast and Glens AONB, the proposal is contrary to Policies ENV 1 and BEL 03 of the Northern Area Plan 2016 and Policy NH6 of PPS 2.
- A dwelling on the site will be a prominent feature on the landscape due to the lack of integration and is contrary to Policy CTY13 of PPS 21.
- Development of this land would mar the distinction between town and country and would undermine the settlement limit of Ballycastle and is contrary to Policy CTY 15 of PPS 21.
- DfI Roads, DfI Rivers, HED, NI Water, NIEA, Environmental Health, SES and NIE were consulted on the application and raise no objection.
- Reasons for referral are attached in Appendix 2
- Refusal is recommended.

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 This site is situated to the north of the Glenshesk Road and south of the Carey River with the confluence of the Carey, Margey and Glenshesk River to the west of the site. The western part of the site falls steeply from the road with the ground rising at the southern point to meet the road. There is an existing access just outside the site on the south east boundary.
- 2.2 There is a grass embankment and a post and wire fence along most of the southern boundary with the Glenshesk Road. There is a portion of the solid wall associated with the Drumahaman Bridge over the Glenshesk River to the south west boundary with The road where the ground falls steeply to the site.
- 2.3 The site includes part of a post wire fence enclosed paddock. The western boundary is undefined running though the paddock and over the fence to meet the banks of the Carey River to the north. The eastern boundary follows a wire fence to the south east boundary which is undefined with the adjacent laneway. There are trees to the river embankment and to part of the east boundary near the river. The level is at the highest to the south east portion of the site with the ground falling to the river.
- 2.4 The site is located outside the settlement development limit for Ballycastle but is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty and Local Landscape Policy Area BEL 03, Carey River as designated in the Northern Area Plan (NAP).

## 3 RELEVANT HISTORY

**E/2005/0266/O** – Site for Dwelling - Land adjacent to 46 and 48 Glenshesk Road, Ballycastle. **WITHDRAWN**

## **4 THE APPLICATION**

- 4.1 Outline planning permission is sought for an infill site for dwelling and detached garage.
- 4.2 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.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

There are no letters of support or objection to the proposal.

### **5.2 Internal**

**DFI Roads – No objection to the proposal.**

**DFI Rivers – No objection to the proposal.**

**Environmental Health – No objection to the proposal.**

**NI Water – No objection to the proposal.**

**Historic Environment Division – No objection to the proposal.**

**NIEA- no objection to the proposal.**

**NIE- no objection to the proposal.**

**SES (Informal consultation sent) – No objection to the proposal.**

## **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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and Built Heritage

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

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

Antrim Coast and Glens AONB Design Guide

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, LLPA BEL 03, setting of Ballycastle, integration and impact on AONB, rural character, archaeology, built heritage, and access.

### Planning Policy

- 8.2 The site is located outside the settlement development limit for Ballycastle but is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty and Local Landscape Policy Area BEL 03, Carey River as designated in the Northern Area Plan (NAP). The site lies within the Antrim Coast and Glens AONB.
- 8.3 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

### Principle of Development

- 8.4 Policy CTY 1 outlines the types of development which are acceptable in principle in the countryside, one of which is the infilling of a gap site under CTY 8. CTY 8 states that:

*“Development which creates or adds to a ribbon of development will be refused, however an exception will be permitted for the development of a small gap site within a substantial and continuously built-up frontage.”*

*“For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.”*

- 8.5 For a site to qualify as an infill opportunity, there must be a minimum of a line of 3 buildings sharing the same road frontage with the application site. The proposed site is located to the north of Nos 46 and 48 Gelnshesk Road. As these dwellings run parallel to one another, only one dwelling has a frontage to Glenshesk Road; No.48. It is not possible for No.46 to have a frontage as No.48 sits between No.48 and Glenshesk Road. There is no further development to the south of this pair of dwellings. Therefore, there is one building

(dwelling) that can be included in the frontage for the purposes of CTY 8 to the south of the site.

- 8.6 To the north of the site are Nos.38 and 40 which are on Glenshesk Road. However, these dwellings and all further development beyond, are located within the settlement limit of Ballycastle and, in policy terms, these dwellings are located within an urban context. Irrespective of any linkages these buildings may have, they cannot be considered as part of an otherwise substantial and continuously and built-up frontage in the countryside for the purposes of Policy CTY8.
- 8.7 As any proposal under CTY 8 cannot be reliant on development within the settlement development limit, there is no development to the north of the site and therefore there is no potential gap site. Furthermore, it is not then possible to consider the existing development pattern along the frontage and assess this in terms of size, scale, siting and plot size for the purposes of CTY 8. Notwithstanding this, the proposed red line site is disproportionately bigger than the development pattern and plot size of dwellings within the surrounding area, whether these are in an urban or rural context. For information purposes, the relative frontages and plot sizes for each dwelling and the site are set out in Appendix 1. As a bridge is not a building and policy requires the gap site to be between “buildings”, the bridge cannot be considered in this assessment.
- 8.8 It is considered that the proposed site does not accord with the policy tests of CTY 8 to be considered an exception to allow development of a dwelling on a small gap site and would result in ribbon development.

### **Local Landscape Policy Area (BEL 03)**

- 8.9 A Local Landscape Policy Area (BEL 03 Carey River LLPA) is designated and identified in the Northern Area Plan 2016. Policy Env 1: Local Landscape Policy Areas states:

*“Planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA.”*

- 8.10 The identified feature that contributes to the environmental quality, integrity and character of this area is the open land south of the Carey



River which is important to the setting of Ballycastle. This proposal is on the southern banks of the Carey River. The policy requirements of BEL03 go on to state that:

*“No further development is appropriate other than that demonstrated to be essential for agricultural purposes.”*

- 8.11 This proposal is for a dwelling and not development essential for agricultural purposes. Given this policy context and the siting to the south of Carey River within the LLPA, the sensitivities of this landscape and its designation, the principle of developing this site is contrary to Policies ENV 1 and BEL 03 of the Northern Area Plan 2016.

### **Setting of Ballycastle**

- 8.12 As set out in Paras 8.6 and 8.7, the development to the north lies within the settlement development limit of Ballycastle. To the north of the site is the settlement limit. The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. Policy CTY 15 states that:

*“Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.”*

- 8.13 As this landscape just outside the settlement limit has a role to play in maintaining the distinction between Ballycastle and the rural area, and prevents a coalescence between the two, development of this land would mar the distinction between town and country and would undermine the settlement limit. Therefore, the proposal is contrary to Policy CTY 15 of PPS 21.

### **Integration and impact on AONB**

- 8.14 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.
- 8.15 The proposed dwelling on this site would be considered a prominent feature in the landscape at this location as it lacks screening or an established roadside boundary to limit any views of the application

site. Given the unrestricted views of the site, it is considered that the site would rely on additional landscaping which would be overly conspicuous and would have an unacceptable impact on the rural area. The site therefore fails to integrate satisfactorily into the landscape.

- 8.16 As this site is open and, given the proposed size and scale of the dwelling to be developed on this site, the proposed design of the building is inappropriate for the site and its locality, and would be prominent in the landscape and is inappropriate for this site and its locality.
- 8.17 A new building (dwelling) on this site would fail to satisfactorily integrate into the landscape and comply with the requirements set out in Policy CTY 13 of PPS21.
- 8.18 Policy NH6 of PPS 2 states that:

*“Planning permission within an AONB will only be granted where it is of an appropriate design, size and scale for the locality.”*

- 8.19 The site lies within the Antrim Coast and Glens AONB. As identified a proposed dwelling will have an unacceptable impact on rural character. It follows that, as the proposal will have an unacceptable impact on rural character due to its prominence, it will also have an unacceptable impact on the AONB. The proposal is contrary to Policy NH6 of PPS 2.

### **Rural Character**

- 8.20 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.
- 8.21 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.

8.22 It is considered that the proposal would be prominent in the landscape as set out in Paras 8.14-8.19 and therefore conflicts with criterion a of CTY 14. The proposal would, when viewed with the existing buildings in the general area, result in a suburban style build up of development as it creates a ribbon of development along Drumshesk Road which is contrary to criterion (d) of CTY 14. This will change and further erode the rural character of the area and does not comply with Policy CTY 14 of PPS 21.

### **Archaeology**

8.23 The application site is located within the vicinity of an archaeological site or monument. Policy BH 1 advises that development which would adversely affect such sites of regional importance, or the integrity of their settings will not be permitted unless there are exceptional circumstances.

8.24 The Historic Environment Division, Historic Monuments, was consulted as the competent authority on archaeological matters and advise it is content that the proposal satisfies the requirements of the SPPS and PPS 6 with regards to archaeological policy requirements. The Planning Department agrees with this position.

### **Built Heritage**

8.25 The application site impacts upon Drumahaman Bridge, Ballycastle (Grade B1) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

8.26 Initially, following consultation with Historic Environment Division (HED), Historic Buildings, further information was sought with regard to any potential impact on the Drumahaman Bridge. Following submission of this, a further consultation was sent to HED who has considered the impacts of the proposal on the listed bridge and advises that it is content with the proposal. The proposal complies with SPPS Para(s) 6.12 and PPS6, Policy BH11.

## Access

- 8.27 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.

## 9 CONCLUSION

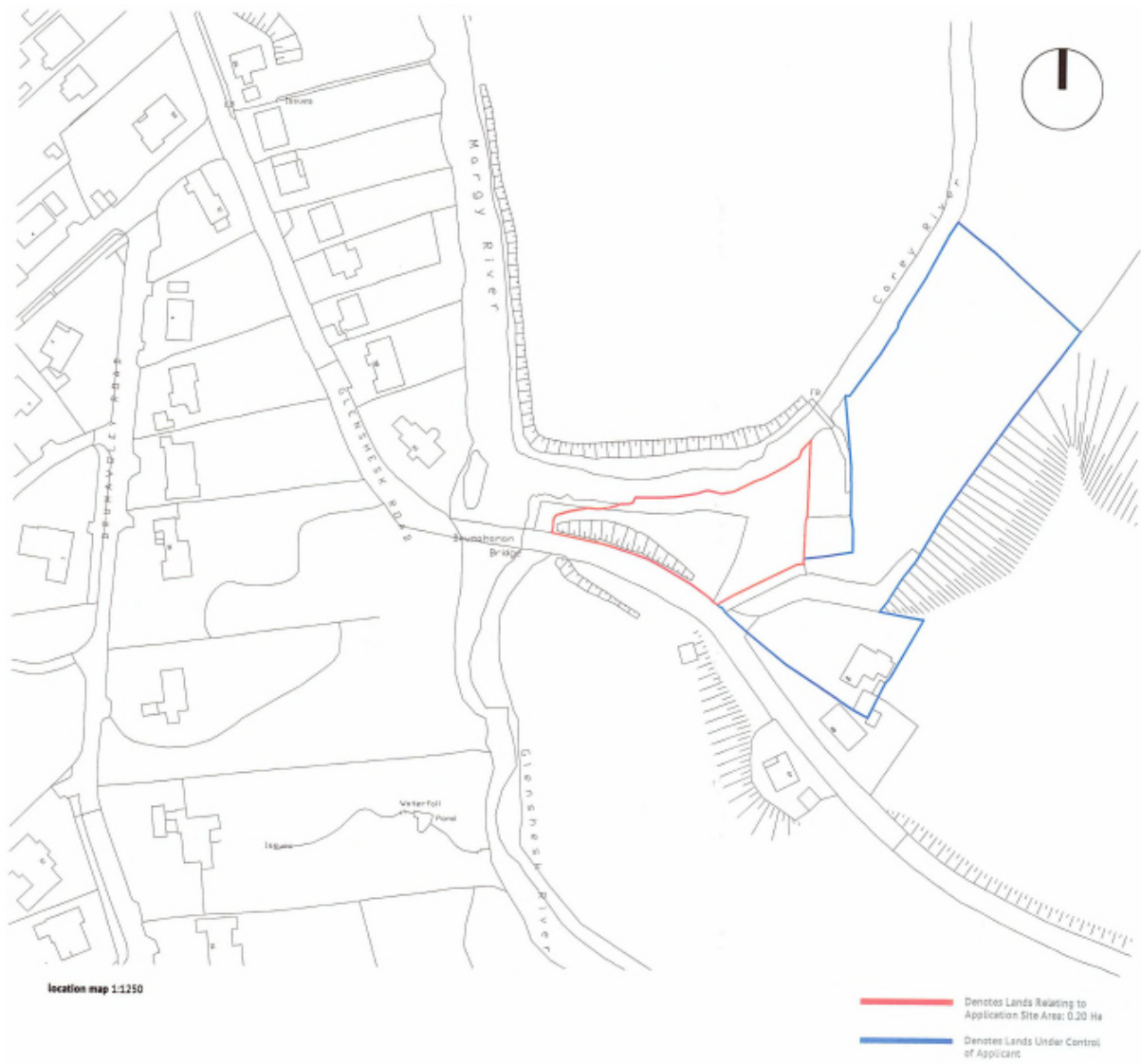
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, PPS21, SPPS, other planning policies and material considerations. The proposal is contrary to CTY 8 of PPS 21 as the application site is not an exception under Policy CTY 8 as it does not constitute the development of a small gap site and would create a ribbon of development on Glenshesk Road.
- 9.2 The proposal is not essential agricultural development and is contrary to designation BEL 03 NAP and Policy ENV 01 as set out in the NAP. The proposal relies on development within the settlement limit of Ballycastle, and will therefore mar the distinction between town and country and is contrary to CTY15 of PPS21.
- 9.3 The proposal would appear as a prominent feature on the landscape and is contrary to Policies CTY 13 and 14 of PPS 21 and Policy NH 6 of PPS 2 as it would have an unacceptable impact on rural character and on the Antrim Coast and Glens AONB
- 9.4 Refusal is recommended.

## 10 Reasons for Refusal

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, in that there are no overriding reasons why the development is essential and could not be in a settlement.
2. The proposal is contrary to Policy ENV 1 of the Northern Area Plan 2016 as the proposal is liable to affect adversely the feature that contributes to the environmental quality, integrity, or character of the designated LLPA, BEL 03.
3. The proposal is contrary to designation BEL 03 of the Northern Area Plan 2016 as the proposed development is inappropriate, and is not essential for agricultural purposes.
4. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal is not considered an exception as it does not comprise the development of small gap site and would create a ribbon of development.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.70 and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings would be a prominent features in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration.
6. 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, be unduly prominent in the landscape, would create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
7. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.71 and Policy CTY15 of Planning Policy Statement 21, Sustainable Development

in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Ballycastle and the surrounding countryside through urban sprawl.

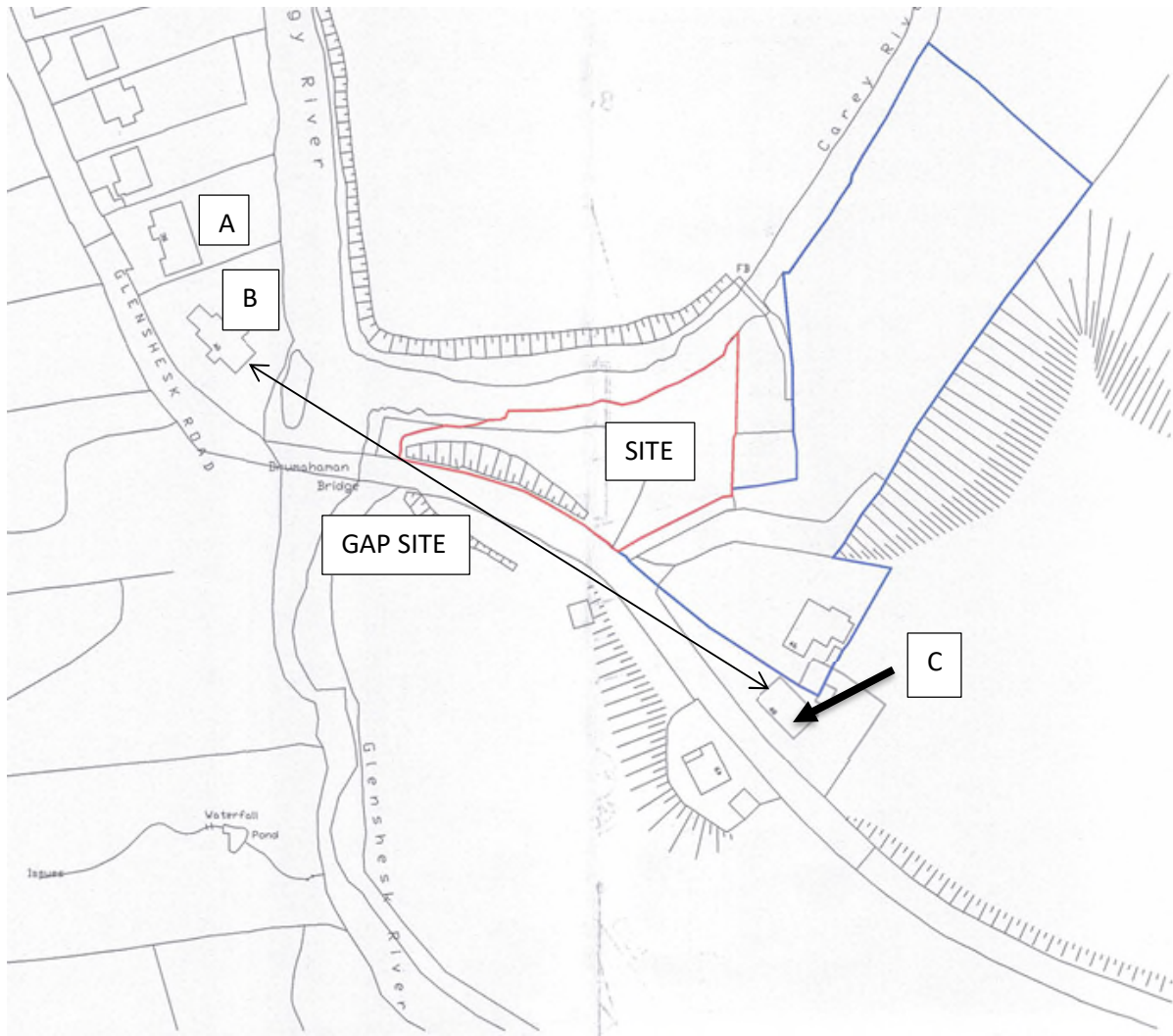
# Site Location Map



# APPENDIX 1







Letter No.	FRONTAGE (metres)	PLOT SIZE (Acres)
A	22 metres	0.2 Acres
B	43 metres	0.3 Acres
C	66 metres	0.3 Acres
<b>AVERAGE</b>	<b>43.6 metres</b>	<b>0.26 Acres</b>
<b>Proposed site</b>	<b>63 metres</b>	<b>0.5 Acres</b>
<b>The length of the "Gap Site" for the purposes of CTY 8 is 150 metres</b>		

# APPENDIX 2

## Reason for Referral

**From:** cara mcshane <>

**Sent:** Friday, September 1, 2023 9:22 AM

**To:** Planning <[Planning@causewaycoastandglens.gov.uk](mailto:Planning@causewaycoastandglens.gov.uk)>; Denise Dickson <>; Oliver McMullan <>

**Subject:** Planning ref. LA01/2021/0650/F request for referral to Planning Committee

A chairde

Hope all is well.

Further to the below rationale, I would be most grateful if the planning application, reference LA01/2021/0650/F, could be referred to the Council's Planning Committee for further consideration?

Can you advise if this is accepted?

Also, I would be really grateful if you can remind me of the process for requesting speaking rights at our PC?

Look forward to hearing from you.

Go raibh míle maith agat

Cara

Sinn Féin Councillor

Ballycastle

Mob.