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| <b>Title of Report:</b>                | <b>Planning Committee Report – LA01/2023/0563/O</b>                |
| <b>Committee Report Submitted To:</b>  | <b>Planning Committee</b>  |
| <b>Date of Meeting:</b>                | <b>23rd October 2024</b>   |
| <b>For Decision or For Information</b> | <b>For Decision – Referred Application by Cllr Sean McGlinchey</b> |

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|--|--|
| <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>Estimated Timescale for Completion</b> |  |
| Date to be Completed                      |  |

|                                    |     |
|------------------------------------|-----|
| <b>Budgetary Considerations</b>    |     |
| Cost of Proposal                   | Nil |
| Included in Current Year Estimates | N/A |
| Capital/Revenue                    | N/A |
| Code                               | N/A |
| Staffing Costs                     | N/A |

|                                  |    |
|----------------------------------|----|
| <b>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. |     |       |
| 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: |

|                                      |  |  |
|--------------------------------------|--|--|
| <b><u>No:</u></b>                    | <b>LA01/2023/0563/O</b>  | <b><u>Ward:</u> Feeny</b>                          |
| <b><u>App Type:</u></b>              | <b>Outline</b>   |  |
| <b><u>Address:</u></b>               | <b>20m NW of 16 Munalohug Road, Dungiven, BT47 4PX</b>                               |  |
| <b><u>Proposal:</u></b>              | <b>Proposed infill dwelling and garage.</b>  |  |
| <b><u>Con Area:</u></b>              | <b>N/A</b>   | <b><u>Valid Date:</u> 2<sup>nd</sup> June 2023</b> |
| <b><u>Listed Building Grade:</u></b> | <b>N/A</b>   |  |
| <b>Agent:</b>                        | <b>C. McIlvar Ltd, Unit 7 Cookstown Enterprise Centre, Sandholes Road, Cookstown</b> |  |
| <b>Applicant:</b>                    | <b>Mr Conor O'Reilly</b>   |  |
| <b>Objections: 0</b>                 | <b>Petitions of Objection: 0</b>   |  |
| <b>Support: 0</b>                    | <b>Petitions of Support: 0</b>   |  |

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for an infill dwelling and garage in accordance with Policy CTY 8 (Ribbon Development).
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located 20m NW of No. 16 Munalohug Road, Dungiven.
- 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 sited within a small gap site within an otherwise substantial and continuously built up frontage.
- The proposal also fails policy CTY14 in that approving a dwelling on this site would result in a suburban style build-up of development when viewed with existing buildings and would result in ribbon development, and does not respect the rural character of the area.
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health were consulted on the application and raise no objection.
- There are no objections 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.planningsystemni.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 conditions set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located 20m NW of 16 Munalohug Road, Dungiven
- 2.2 The site is positioned at the roadside and comprises an agricultural field which extends approx. 130m to the SW of the road. The site is bound by post and wire fencing and hedgerow to the front and sides, and trees to the rear boundary.
- 2.3 An indicative site plan has been submitted which shows the proposed site to form the NE portion of the larger field, with a new rear boundary in line with the rear boundary of no. 16, defined by native hedgerow and post and wire fencing.
- 2.4 The land rises in level on approach from the east, resulting in the site being elevated over nos. 12 to 16, but lower than nos. 22 and 26.

## 3 RELEVANT HISTORY

B/2000/0446/O – Site for dwelling - Munalohug Road, Ballyharigan, Limavady – Permission Refused 16.01.2001

## **4 THE APPLICATION**

- 4.1 Outline Planning Permission is sought for a proposed infill dwelling and garage. The application site is located within an agricultural field. An indicative block plan has been submitted which shows proposed siting, however details relating to design and finish are not available at this outline stage.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** There are no objections to the application

### **5.2 Internal**

**Environmental Health Department:** No objections

**NI Water:** No objections

**DFI Roads:** No objections

**NIEA WMU:** 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 application has been assessed against the following planning policy and 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 consideration in the determination of this application relate to the Principle of Development, Integration and Rural Character, HRA, Sewerage Disposal and Access Movement and Parking.

### **Principle of Development**

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is

otherwise allocated for development in a development plan. The application was submitted for a dwelling and garage within a gap, and therefore falls to be assessed under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.

- 8.3 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception within this policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided these respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
- 8.4 Paragraph 5.34 of PPS21 outlines that the gap to be considered is between buildings (building to building). To be acceptable under Policy CTY8 four specific elements are required to be met: the gap must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.
- 8.5 To the south east of the application site are the dwelling at No. 16, an agricultural shed/yard, the dwelling at No 14 and the dwelling at No. 12. To the North West of the application are the dwellings at Nos. 22 and 26, which are separated from the application site by an agricultural field. All of the aforementioned plots have a direct frontage onto Munalohug Rd. It is therefore accepted that there is a substantial and continuously built-up frontage at this location. The key issue is whether the application site forms part of a small gap site, when considered against the surrounding pattern of development within the built-up frontage.

- 8.6 It is considered that there are six (6) no. frontages along this stretch of the road, rather than the five identified on the site location plan. The site location plan identifies the plot immediately east of the site as comprising both the dwelling at No. 16 and adjacent shed within a singular frontage measuring 47m. However, this is not considered to be a single plot as a low level wall which runs in a NE to SW direction defines the curtilage of the dwelling at no. 16. There are two visually and physically distinctive plots in the space defined as one single plot on the site location plan. The access lane does not form part of a frontage and has not been included in the calculations
- 8.7 From east to west, there are the defined curtilages of no. 12 (60.4m frontage), No. 14 (39.2m frontage), agricultural shed between nos. 14 and 16 (21.2m frontage), the defined curtilage of no. 16 (18.8m frontage), No. 22 (34.2m frontage) and No. 26 (54.2m frontage). The average frontage measurement along this stretch of Munalohug Road is 38m. The application site is noted as having a frontage width of 55m, while the adjacent field to the North-West has a frontage width of 69m.
- 8.8 The gap (building to building) between the dwellings at No. 16 and No. 22 is approximately 137m. When assessed against the average plot widths along the frontage, the gap is capable of accommodating 3 dwellings. The gap in which the application site is sited is excessive in size when assessed against the existing character/pattern of development in the area. The application would not, when considered with the adjacent field/frontage, represent a small gap site capable of accommodating a maximum of two dwellings when respecting the other properties in the built-up frontage, and would therefore fail to comply with Paragraph 6.73 of the SPPS and Policy CTY8.
- 8.9 The plot sizes of the properties within the frontage are as follows:
- No. 12 – 3208sqm
  - No. 14 -2527sqm
  - Agricultural Shed – 878sqm



- No. 16 – 1220sqm
- No. 22 – 885sqm
- No. 26 – 1443sqm
  
- The Average plot size = 1694sqm

8.10 The application site, with its indicative rear boundary as shown in Drawing no. 02 has a plot size of 3766sqm. This is significantly larger than both the average plot size along this stretch of Munalohug Road, and the largest plot within the built-up frontage (No. 12). The proposal is not reflective of the established pattern of development within the frontage and again fails to comply with Paragraph 6.73 of the SPPS and Policy CTY8.

8.11 Having considered the existing pattern of development along the row in terms of plot size, frontage length and character of the area it is concluded that the gap is not a 'small' gap site sufficient to only accommodate up to a maximum of two dwellings and is therefore not suitable for infilling under prevailing policy. The infilling of this site and potential subsequent remaining site to the North-West would add to existing development along the road frontage, resulting in the addition to ribbon development, which is detrimental to the character, appearance and amenity of the countryside.

### **Integration & Rural Character.**

8.12 Policy CTY 13 states that 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.

8.13 An indicative block plan was submitted which showed the dwelling sitting relatively in line with no. 16. As the land rises in level towards the west, the site is apparent when travelling along the frontages of nos. 12, 14 and 16. While a dwelling may appear slightly prominent in this location it would somewhat benefit from the backdrop of no. 22. However, a single storey/bungalow would

be the maximum form of development considered acceptable in this particular location in relation to integration. A condition would be recommended to limit the ridge height to 5.5m to ensure integration. As this is an outline application no detailed plans have been submitted regarding the design of the dwelling.

8.14 A new planted rear boundary is indicated on the proposed block plan which limits the curtilage. While the proposed site would not rely heavily on this new planting, it would be welcomed to ensure that any development does not negatively encroach into the open field beyond, and would respect the plot depths along this stretch of the road.

8.15 CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- a) It is unduly prominent in the landscape
- b) It results in a suburban style build up of development when viewed with existing and approved buildings
- c) It does not respect the traditional pattern of settlement exhibited in that area
- d) It creates a ribbon of development
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

8.16 As outlined above at Paragraphs 8.4 – 8.13 the proposal does not represent the infilling of a small gap site. The application site is significantly larger in terms of frontage width and site area than the surrounding properties which define the built-up frontage and therefore fails to respect the traditional pattern of development within the area and consequently the proposal fails criterion (c) of CTY14.

8.17 When in the immediate vicinity of the application site, the proposed dwelling would be read/intervisible with the

immediately adjacent built development which, in addition to the roadside development referenced at Paragraph 8.7, includes the dwelling at No. 16a (to the rear of No. 16).

- 8.18 The infilling of this gap which exists between the buildings to the south /south-east of the site and the buildings to the north-west of the site would remove an important visual break which provides visual relief to the built-up character in the vicinity, resulting in the further erosion and damage the rural character of the area, through suburban style build-up in addition to the proposal adding to the linear form of ribbon development along this stretch of the road. The proposal is fails criterion (b) and (d) of CTY14.

### **Habitat Regulations Assessment**

- 8.19 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.

### **Sewerage Disposal**

- 8.20 Policy CTY 16 of PPS 21 – Development relying on non-mains sewerage, applies; Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.
- 8.21 The applicant proposes to discharge to a septic tank. Environmental Health and Water Management Unit have been consulted and are content therefore the proposal complies with CTY 16 of PPS 21.

## **Access Movement and Parking**

8.22 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.23 The indicative site plan (drawing 02) indicates the construction of a new access onto Munalohug Rd, which is not a Protected Route. DFI Roads was consulted on the proposal and responded with no concerns. The proposal meets with Policy AMP2 of PPS3.



## **9 CONCLUSION**

9.1 The application site fails to meet with the principle planning policies as the application site is located within a gap which is capable of accommodation more than two dwellings of a comparable character to the surrounding pattern of development, and is therefore not a 'small gap site' within a substantial and continuously built-up frontage. The proposal does not meet with any of the permissive circumstances for development in the countryside, and no over-riding reasons have been provided as to why development is necessary at this location. The application proposal will result in suburban style build-up when viewed with existing built development and will result in the addition to ribbon development along Munalohug Rd. The site lacks a sufficient level of screening and integration in order to allow a dwelling to integrate satisfactorily. The proposal is subsequently contrary to Paragraphs 6.70, and 6.73, of the SPPS and Policies CTY1, CTY8, CTY13, and CTY14 of PPS21. Refusal is recommended.

## 10 REFUSAL REASONS

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY 1 of the 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 paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that the application site is not sited within a small gap site within an otherwise substantial and continuously built-up frontage and would result in the addition to ribbon development.
3. The proposal is contrary to the Paragraph 6.70 of the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings and would add to ribbon of development.

### Site Location Plan

|  |  |                           |   |  |
|--|--|---------------------------|---|--|
| <b>FARREN ARCHITECTS</b>   |  | <b>SITE LOCATION PLAN</b> |   | N<br> |
| <small>#17 Ballyquin Road, Dungiven, BT47 4LX T: 0287746643 E: info@farrenarchitects.com</small> |  |                           |   |  |
| PROJECT NO:  | F/231  | DRAWING NO:               | Loc-01  | KEY:   |
| PROJECT TITLE:   | Proposed Dwelling & Garage<br>at site 20m NW of<br>16 Munalohug Road, Dungiven |                           |  | - Site   |
| DRAWING TITLE:   | Site Location Plan   |                           |   |  |
| DATE:  | 23.05.23   | DRAWN BY:                 | EF  |  |
| SCALE:   | 1:2500   | CHECKED BY:               |   |  |

## Referral Request

**From:** Caroline White <  
**Sent:** Wednesday, January 24, 2024 12:04 PM  
**To:** Planning <[Planning@causewaycoastandglens.gov.uk](mailto:Planning@causewaycoastandglens.gov.uk)>  
**Subject:** LA01/2023/0563/F - Defer  
**Importance:** High

Good afternoon,  
LA01/2023/0563/F

Councillor Sean McGlinchey wishes to defer this application to the planning committee for the following reasons:

Decision makers have wrongly calculated the size of plots at either side of the small gap which when averaged would allow for a maximum of two dwellings within the gap as required by CTY 8. They have argued in the DCO report the gap between buildings is too large, but they haven't allowed for plot size of No's 12 and 26 which stand on roadside plots with a frontage of 50-60m wide each. The application site has a frontage width of 55m which falls in line with the larger plots along the frontage. I respectfully ask this application be called to the committee so members can visit the site to have a look at the widths of adjacent plots in relation to the application site.

Thank you  
Caroline

Caroline White  
Caoimhe Archibald MLA  
Office Manager  
02877742488  
*email:*