

Title of Report:	Planning Committee Report – LA01/2023/0270/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th August, 2024
For Decision or For Information	For Decision – Referred Application by Ald John McCauley

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

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.		
	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: LA01/2023/0270/O **Ward:** Clogh Mills

App Type: Outline

Address: Land between 100A & 102 Finvoy Road, Ballymoney.

Proposal: Proposed infill for two number dwellings.

Con Area: N/A **Valid Date:** 14th March, 2023

Listed Building Grade: N/A

Agent: 2020 Architects, 49 Main Street, Ballymoney, BT53 6AN

Applicant: Mr Steven Jackson

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

- Outline planning permission is sought for a pair of dwellings 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 on land between 100A & 102 Finvoy Road, Ballymoney.
- 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.
- 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.
- 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.

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 on land between 100A & 102 Finvoy Road, Ballymoney.
- 2.2 The site is positioned some 40 metres east of the Finvoy road. The access is existing and serves a number of other properties along the laneway. The site is positioned on the southern side of the lane.
- 2.3 The site is part of a field placed between two residential properties and a garage. The boundaries are made up, with the northern boundary defined by post and wire fencing with a mature hedge running along its length. The eastern boundary is made up of mature hedging and trees along its length. The southern boundary is undefined. The western boundary is made up of post and wire fencing.
- 2.4 There is a slight slope to the site which runs from a north to south direction to the rear of the site. The dwellings to the west and east of the plot are single storey. Further along the laneway there is another single storey dwelling with outbuildings on the northern side of the lane, and a planning approval for a farm dwelling, directly opposite on the southern side. This is not constructed to date.
- 2.5 The area is zoned as white land within the Northern Area Plan 2016. The area is rural in character with a number of individual rural dwellings and farm groupings, albeit there is a small clachan

to the north of the site positioned some 150m away from the proposed site.

3 RELEVANT HISTORY

- 3.1 There is planning history in the surrounding area but there is no relevant planning history on this application site.

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed 2 no. dwellings. The application site is located within an agricultural field. No plans relating to the scale and design of the dwelling have been submitted.

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

Planning Policy

- 8.1 The main consideration in the determination of this application relate to the Access Movement and Parking, Principle of Development, Ribbon Development, Integration, Rural Character, and Sewerage Disposal.

Access Movement and Parking

- 8.2 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.
- 8.3 DFI Roads was consulted on the proposal and responded with no concerns.

Principle of Development

- 8.4 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.5 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 2no. dwellings in a gap site, this is considered below under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.
- 8.6 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 applies and states 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 this 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.

- 8.7 The amplification text within paragraph 5.34 of Policy CTY 8 clearly states that the gap is between houses or other buildings and it requires four specific elements 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.
- 8.8 For a site to qualify as an infill opportunity, there must be a minimum of a line of 3 buildings sharing the same road or laneway frontage with the application site. The site is located along a laneway between dwelling no's 100A which includes a garage sharing the frontage of the laneway and the dwelling at 102 Finvoy Road. The total distance between the rear return of the dwelling at 102 Finvoy Road and the western gable of dwelling 100a Finvoy Road is approximately 104 metres. In regard to dwelling 102 Finvoy Road is fronted onto Finvoy Road. The boundary of the frontage onto the laneway includes a mature hedgerow. In regard to the dwelling there is a presence from the laneway. In regard to the site location plan it shows that there is a garage which appears to have been removed. In its place there is a small shed and another small temporary building. Given their temporary nature this would not be considered as further buildings to provide a frontage onto the laneway in terms of Policy CTY 8.
- 8.9 In regard to dwelling 100a Finvoy Road has a frontage onto the laneway. The main front of the dwelling is located toward Finvoy Road but the dwelling is also double fronted onto the laneway where the dwelling access is. The dwelling also has a standalone

garage which shares the frontage onto the laneway. The garage is located in front of the second frontage onto the laneway and given this it has a shared frontage and has the same curtilage of the dwelling. Therefore, in terms of Policy CTY 8 this is only one building. It is considered that there is not a continuous build frontage onto this laneway.

- 8.10 In regard to the site location plan it is also shown that a further dwelling was approved in the north of the site which was approved under application LA01/2020/0454/F. This dwelling has not been commenced and cannot therefore be included as a building in meeting the built frontage onto the laneway. Given this it is considered that there is no continuous built frontage onto the laneway.
- 8.11 The development pattern in terms of average plot size will now be considered. Dwelling no. 102 has a plot size some 0.13 hectares, dwelling number 100a has an area of some 0.3 hectares. From this the average is some 0.215 hectares. The site has a total area of some 0.215 hectares. From this it can be deduced that if two dwellings are proposed then this would leave each plot with roughly 0.11 hectares. This is considered unsuitable in terms the number of dwellings proposed given the size of the development pattern along the laneway.
- 8.12 The development pattern in terms of site frontages will now be considered. Dwelling no 102 has a frontage of some 37m onto Finvoy Road. Dwelling no. 100a has a frontage of some approximately 48metres. This provides an average of some 42.5m. The proposed site has a total frontage of some 58m. When considering the average as given the site, (albeit could accommodate two dwellings) is out of character with the existing development pattern, where it is considered that one dwelling could be accommodated.
- 8.13 Having considered the existing pattern of development along the frontage in terms of plot size, frontage length and character of the

area in terms of siting and design I would conclude that the proposal for two dwellings would not respect the existing development pattern, however the lane does not provide a substantial and continuously built up frontage and therefore does not meet the criteria, and therefore would lead to ribboning along the laneway.

Integration & Rural Character.

- 8.14 Policy CTY1 of PPS 21 and paragraph 6.70 of the SPPS is a material consideration and states that all proposals must be sited and designed to integrate into its setting, respect rural character and be appropriately designed.
- 8.15 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.
- 8.16 No concept plan was submitted with the application, but it is foreseen that both plots will access onto the existing laneway. The southern boundary is undefined with the western boundary defined by a timber fence to the rear of property number 102, from where it extends in a southerly direction by post and wire fencing. The northern boundary is defined by a mature hedge which runs the length of the laneway, bar, access to dwelling number 100a. The eastern boundary is defined by mature trees and hedgerow.
- 8.17 The topography of the land falls from north to south, creating a plateau nearing the northern boundary. It is considered that the site would read relatively open approaching from a southerly direction, but this is lined extensively with trees. The dwellings would appear slightly prominent from the above approach given the topography of the land. There would be a lack of integration as the rear of the site especially, is open to the remainder of the agricultural field. If the application were to be approved the proposed dwelling would be conditioned with a 5.5m ridgeline.

The site will also be screened by a dwelling that is being built on the entrance of the laneway under application LA01/2022/0581/O and application LA01/2023/0151/RM.

8.18 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

8.19 It is considered that the proposal would be prominent within the landscape as highlighted in paragraph 8.15. The proposal would result in a suburban development by virtue of the existing development pattern and recently approved dwelling in the near vicinity, both along the Finvoy Road coupled with the approved development along the laneway, north of the site. This approval was for a dwelling on a farm and was granted on the 30/09/2020. A material start has not commenced on this site and therefore cannot be counted at this time. However, it is considered that given the number of approvals within the near vicinity it would have a cumulative effect on the overall character of the area.

8.20 Having considered the existing pattern of development along the frontage in terms of plot size, frontage length and character of the area in terms of siting and design I would conclude that the average plot sizes, frontages does not comply with the overall character of the existing development along the laneway. If approved the proposal would create a ribbon of development by

virtue that the laneway currently is not a substantial and continuously built-up frontage.

- 8.21 The proposal fails to comply with criteria 'b', 'c' and 'd' and will erode rural character therefore fails to comply with Policy CTY 14 and Paragraph 6.70 of the SPPS.

Habitat Regulations Assessment

- 8.22 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

- 8.23 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.
- 8.24 Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.
- 8.25 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.

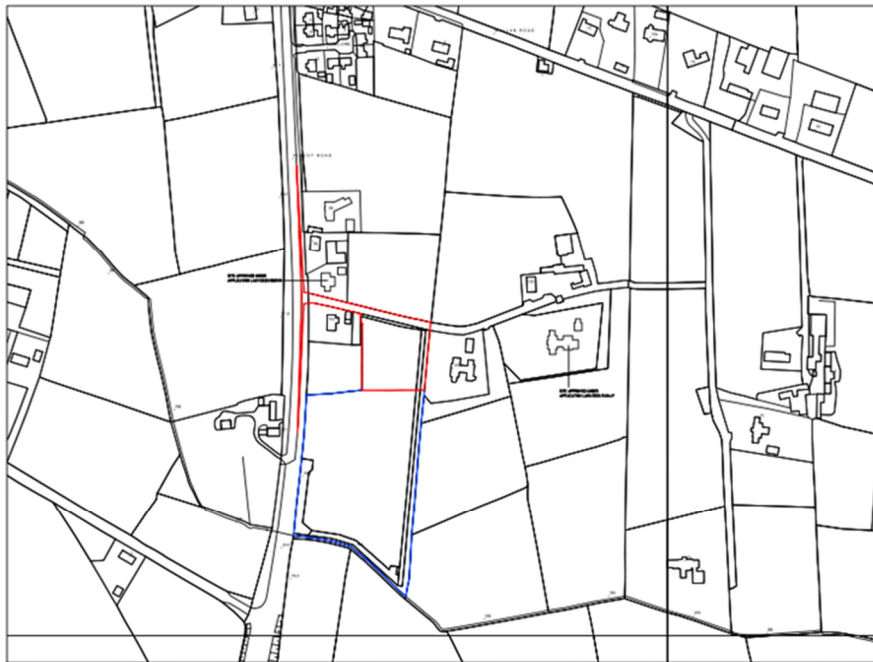
9 CONCLUSION

- 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.
- 9.2 The proposal fails to meet the principal policy requirements under CTY1 for dwelling in the countryside as the proposal does not meet the criteria for the development of a small gap site within a substantial and continuously built up frontage under Policy CTY 8.
- 9.3 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 be prominent within the landscape, the development would add to / create a ribbon of development.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and policies 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 paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it 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 frontage and would result in ribbon development.
3. This proposal is contrary to the provisions contained in 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 / create a ribbon of development.

Site Location Plan



Planning	
Project Name	AP1051
Proposed Site Use	Site Between 1000 & 1010 North Road, Balmuccia, 4102-7-1
Client	2408 2020
Street Address	
Planning No.	P0001
Site Location	2408 2020
	1:5000

2020 ARCHITECTS, 47 Main Street, Balmuccia, CO, Australia, 3103 0491
 1 100 276 6779
 9142 2020@architects.com.au
 www.2020architects.com.au



Reasons for Referral

From: John McAuley

Sent: Thursday, December 14, 2023 5:28 PM

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: RE: LA01/2023/0270/O

Good Evening

I would request that the above-mentioned application (LA01/2023/0270/O) is referred to the planning committee for the following reasons.

- The predominant reason for refusal relates to the principle of ribbon development and the proposal adherence to this. The case officers report states that the dwelling at no.102 does have frontage onto the laneway as does no.100a. They have discounted the garage of no.100a though as they state it shares frontage with the dwelling as it is to the front of it. We would understand this rationale if the garage was located to the rear of the dwelling as it would not be visually linked with the ribbon. However, we believe that the garage should not be discounted as paragraph 5.33 of PPS21 clearly states that "Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked." The dwelling at no.102 and the dwelling and garage at no.100a are all visually linked and due to the scale of the dwelling behind the garage it is not hidden and therefore shares common frontage. We strongly believe that the planning departments interpretation of the garage is incorrect and that there are 3 buildings along the lane, and we are infilling between them.
- The remaining refusal reasons relate to integration with the council stating that the proposal lacks long established boundaries and is unable to provide a suitable degree of enclosure. We disagree with this assessment as the Northern and Eastern Boundary of the proposed site is bound by long established mature vegetation which will be retained as part of the proposal, the Western boundary is already bound by no.102 leaving only one boundary that is not bound by vegetation or development. The main public views of the site would be from the Finvoy Road, and the proposal would be screened by the dense mature vegetation that bounds the field that the site is part of.
- We strongly believe that the proposal is within the provisions of policy and would request that the application is determined by the planning committee due to the irreconcilable differences in policy interpretation between ourselves and the planning department.

Many Thanks

John

Sent from Samsung Mobile on O2

Sent from [Outlook for Android](#)

Addendum

LA01/2023/0270/O

Update

- 1.1 Application LA01/2023/0270/O was presented to Planning Committee on 25 September 2024, with a recommendation to Refuse. Planning Committee disagreed with the Recommendation and determined to Grant Permission.
- 1.2 Three objections from (2no. objectors) have been received to the application prior to issuing. These are detailed below:
 - No 102 Finvoy Road was used *recently as a property for an infill between 98 and 102, to permit development to the rear of 102 would be an infringement under ribbon development.*
 - *102 does not have dual road frontage, how can it front the lane between 100a and 102.*
 - *100a the garage is parallel with the main dwelling, how would this comply with 3 dwellings in a row.*
 - *The site to the rear of 102 is elevated which would mean the proposed dwelling would have an impact on privacy to the rear of 102.*
 - *Object to the Planning Committee decision*
 - *The report clearly states the proposal is ribbon development, it does not meet gap infill criteria nor does it comply as infill as there is not 3 buildings in a row. All of the above are in clear violation of the planning policy.*
 - *What are the grounds for granting this development, when it is in breach of a number of planning regulations.*
 - *P2 challenge to ownership of the laneway.*

2.0 Assessment

- 2.1 LA01/2022/0581/O was approved at 20m south of 98 Finvoy Road for a one and half storey dwelling and garage. Permission was granted 4.10.2022. This permission was granted based on No. 102

being one of the three or more buildings providing a frontage onto the Finvoy Road.

- 2.2 The points of objection relating to the status of No. 102 Finvoy Road for the purposes of CTY 8 and the garage at 100a were considered in the Planning Committee Report in paragraphs 8.8 and 8.9.
- 2.3 The issue of impact on the amenity of the rear of No.102 Finvoy Road was not considered in the Planning Committee report. There is the potential for impact on amenity to No 102 due to the proposal for 2no dwellings adjoining the rear boundary. However, design measures to reduce overlooking may be resolved at reserved matters stage.
- 2.4 The reasons for the Planning Committee disagreeing with the Officers Recommendation to Refuse are set out in the Planning Committee minutes.
- 2.5 Regarding land ownership, a certificate of ownership is required as per Section 42 of the Planning Act (Northern Ireland) 2011. The original application form as submitted included completion of Certificate A indicating that the applicant is in full ownership of all lands identified within the application site red line.
- 2.6 The third-party representation advised that the completed Certificate of ownership is incorrect and that the applicant has no access rights over the identified laneway. Clarification has been sought with the agent regarding this matter and a revised certificate of ownership (Certificate C) has been received with the requisite P2A form completed serving notice on the relevant landowner of the laneway. Given the nature of amendments, the application was readvertised, 30.10.2024 and relevant neighbours re-notified. The consultation period for both has now expired.
- 2.7 The objection relating to landownership has been addressed through the submission of a revised Certificate which followed the advertisement and neighbour notification process. As advised in all applications, planning permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraphs 1.1 and 9 of the Planning Committee report.