

<b>Planning Committee Report – Agenda Item 5.13 LA01/2017/0111/O – 430m South West of 41 Dunamallagh Road, Ballycastle</b>	<b>28<sup>th</sup> February 2018</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/a

**430m South West of 41  
Dunamallaght Road  
Ballycastle**

**LA01/2017/0111/O**

**Outline Planning**

**28<sup>th</sup> February 2018**

<b><u>App No:</u></b>	LA01/2017/0111/O	<b><u>Ward:</u></b>	Torr Head & Rathlin
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	430m South West of 41 Dumamallaght Road, Ballycastle		
<b><u>Proposal:</u></b>	Replacement dwelling		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	20.01.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	05.05.2017
<b>Applicant:</b>	Mr Patrick Kelly		
<b>Agent:</b>	Bailey Architecture		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1.0 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** planning permission subject to the reasons set out in section 10.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located 430m South West of 41 Dunamallaght Road, Ballycastle. The site is irregular in shape and is accessed via a long laneway from Dunamallaght Road. The site comprises an agricultural field with a derelict building

with stone walls and a collapsed tin roof. Ballycastle Forest is located to the north, west and south of the site. The site is situated on high ground due to the topography of the land with views of Rathlin Island.

- 2.2 The site is located within the countryside in the Antrim Coast and Glens AONB. Ballycastle is approx. 1.3km north of the application site. The surrounding area is characterised by agricultural land with dwellings scattered throughout.

### **3.0 RELEVANT HISTORY**

- 3.1 No planning history exists on the application site.

### **4.0 THE APPLICATION**

- 4.1 Replacement Dwelling.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External:**

None.

#### **5.2 Internal:**

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

DAERA (Water Management Unit): No objections.

Historic Environment Division (Historic Monuments): No objections.

### **6.0 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 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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

PPS 21: Sustainable Development in the Countryside

**Supplementary Planning Guidance**

Antrim Coast and Glens AONB Design Guide

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The application site is located within the countryside and the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).
- 8.2 The proposed replacement dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, visual impact and rural character, archaeology, access and natural heritage.

### **Principle of Development**

- 8.3 Policy CTY 1 of PPS 21 advises there are a range of types of development which in principle are acceptable in the countryside. Planning permission will be granted for a replacement dwelling in accordance with Policy CTY 3.
- 8.4 Policy CTY 3 advises planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
- 8.5 The derelict structure on site consists of stone walls with a collapsed tin roof. The northern gable elevation consists of a door opening. The front elevation consists of a door and window opening. The rear elevation and southern gable elevation have no openings. There is no evidence of chimneys being present nor any other features reflective of a dwelling.

8.6 Evidence to justify how the proposal exhibits the essential characteristics of a dwelling to meet policy requirements was submitted by the Agent. Information from the Griffiths Valuation was provided which shows there was a building located in the townland of Kilcreg. It was highlighted that this specific building was detailed as a house occupied by James McDowell although this is not conclusive.

8.7 Research via the OSNI Historical Second Edition Map 1846 – 1862 also shows a building at this location. Whilst a building has existed for several years and in fact may have been used as a dwelling in the past, the building to be replaced does not exhibit the essential characteristics of a dwelling at present. If the building ever did have original features characteristic of a dwelling this is not evident now due to various alterations. The existing structure could have been used as a dwelling but equally it could have been used as a barn. The proposed replacement dwelling fails to meet this policy requirement and therefore is unacceptable in principle.

8.8 The gable walls of the structure are considered to be substantially intact with only a small amount of stone out of place. The rear elevation is fully intact and the front elevation has part of the wall missing above the door and window opening. Although the roof has collapsed, all of the walls are considered to be substantially complete as a considerable or ample amount is complete or whole.

8.9 All Replacement Cases must comply with the following criteria:

*-the replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.*

This application seeks outline permission and an indicative position for the new replacement dwelling has not been provided. However, the replacement dwelling will be located within the confines of the red line which is the established curtilage of the existing building.

*-the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.*

The size of the replacement dwelling is unknown at outline stage. To ensure a new dwelling integrates and does not have a visual impact greater than the existing dwelling, restrictions can be applied to the gable depth and ridge height allowing the proposal to blend sympathetically into the landscape.

*-the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness*

The design of the replacement dwelling should be of traditional rural form.

*-all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality*

Surface water will be disposed of via soakaways and foul sewage will be disposed of via a septic tank. NI Water, DAERA: Water Management Unit and Environmental Health have no objections to this application.

- 8.10 Following assessment of all information submitted the proposal is contrary to paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of PPS 21 in that the existing structure does not exhibit the essential characteristics of a dwelling.

### **Visual Impact and Rural Character**

- 8.11 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design (Policy CTY 13 of PPS 21). Permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area (Policy CTY14 of PPS 21).
- 8.12 The detailed design and exact positioning of the replacement dwelling is not provided at outline stage. The proposal if modest in scale and design, could be visually integrated into the



surrounding landscape given the remote site location with limited public views and the adequate backdrop from the mature trees of Ballycastle Forest. Virtually no views of this site would be possible from Dunamallaght Road given separation distances.

### **Archaeology**

- 8.13 The site is located within an archaeological buffer zone so consultation occurred with HED: Historic Monuments. Their response indicated no archaeological objection. Therefore, the proposal complies with Policy BH 2 of PPS 6.

### **Access**

- 8.14 PPS 3 relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. DFI Roads was consulted in relation to this application and offer no objections. The section of Dunamallaght Road where this site is accessed from is private and not maintained by DFI Roads.

### **Natural Heritage**

- 8.15 Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour. The proposal in terms of the principle for a replacement dwelling at this site is unacceptable as considered above. However, a dwelling at this location would not offend Policy NH 6 as it could visually integrate provided scale, design and finishes are suitable for this AONB location.

### **Habitats Regulations Assessment**

- 8.16 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.

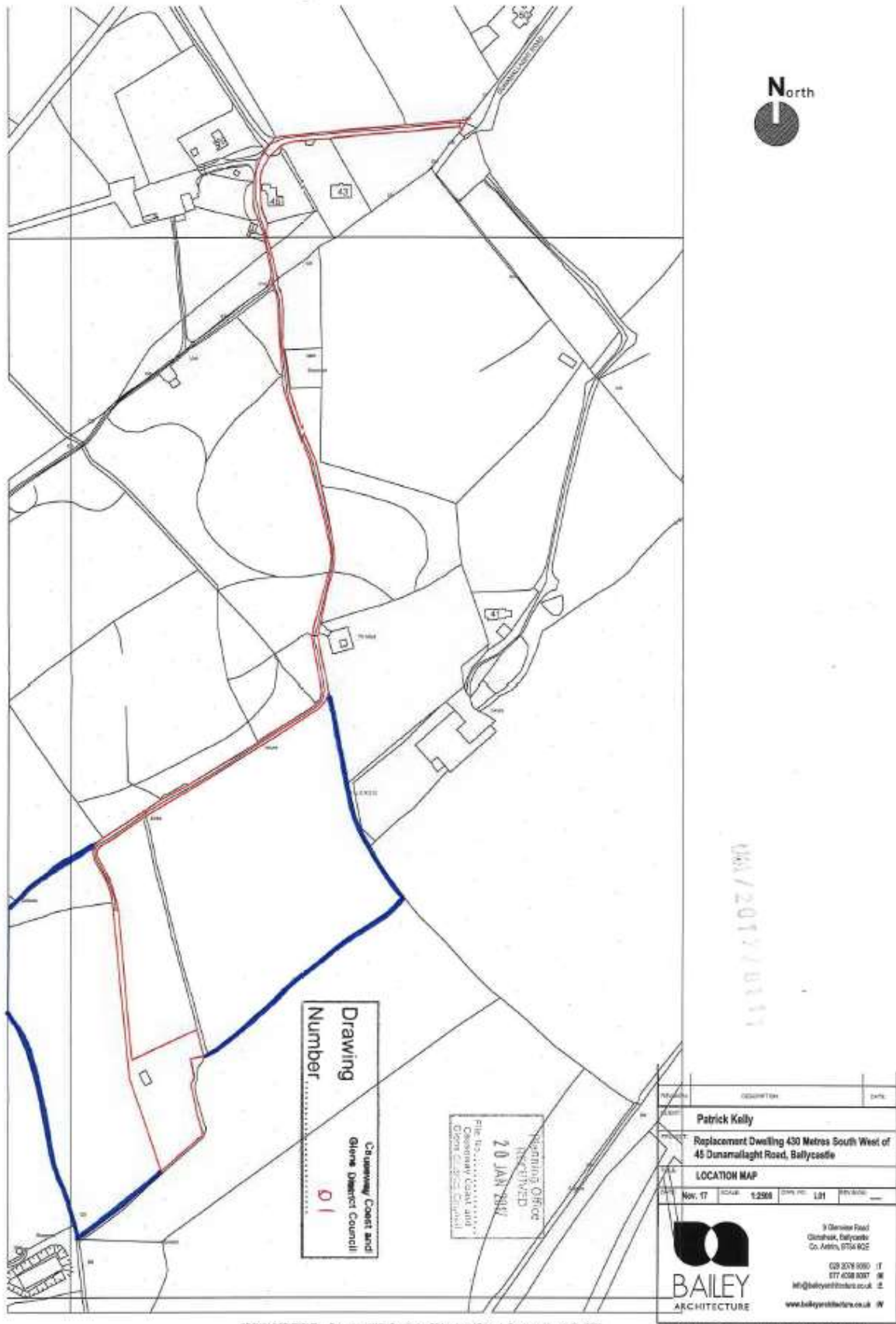
## **9.0 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Policy CTY 3 of PPS 21 in terms of the principle of a replacement development as the existing structure does not exhibit the essential characteristics of a dwelling. Refusal is recommended.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the existing structure does not exhibit the essential characteristics of a dwelling.

# Site Location Map



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