

Planning Committee Report – Agenda Item 5.18 LA01/2017/0852/O – 40m NE of 76 Ballyeamon Road, Cushendall	28th February 2018
PLANNING COMMITTEE	

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

**Approx. 40m N East of 76
Ballyeamon Road,
Cushendall**

LA01/2017/0852/O

Outline Planning

28th February 2018

<u>App No:</u>	LA01/2017/0852/O	<u>Ward:</u>	Lurigethan
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Approx. 40m N East of 76 Ballyeamon Road, Cushendall.		
<u>Proposal:</u>	Proposed site for dwelling on a Farm.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	29.06.2017
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	12.10.2017
Applicant:	Mr Michael Delargy		
Agent:	O N Wheeler, F A Wheeler		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- 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 at Approx. 40m N East of 76 Ballyeamon Road, Cushendall. The site comprises part of an agricultural field and slopes upwards in an eastern direction. The site is almost square in shape with the access located centrally within the field from the Ballyeamon Road. The

roadside and eastern boundaries consist of post and wire fencing with mature trees. The southern boundary is defined by timber fencing. The northern boundary consists of post and wire fencing with dispersed vegetation.

- 2.2 The site is approx. 2.5 miles south of Cushendall village. The surrounding area is characterised by dwellings, small farm holdings and associated farm buildings. Dwellings within the area include bungalows, 1 ½ and 2 storey buildings. South of the site is 4 dwellings and a farm complex.

3.0 RELEVANT HISTORY

- 3.1 No planning history exists on the application site.

4.0 THE APPLICATION

- 4.1 Proposed site for dwelling on a Farm.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

None.

5.2 Internal:

DFI Roads: Issues to be addressed

NI Water: No objections

Environmental Health: No objections

Historic Environment Division (Historic Monuments): No objections

DARD: Confirmed Business Farm ID & claims had been made in the last 6 years

DAERA (Water Management Unit): No objections

DAERA (Natural Environment Division): Biodiversity Checklist to be completed

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 within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).
- 8.2 The proposed farm 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 dwelling on a farm in accordance with Policy CTY 10.
- 8.4 Policy CTY 10 states planning permission will be granted where all of the following criteria are met:

(a) the farm business is active and established for at least 6 years

DARD was consulted and confirmed that the applicant has a registered farm business ID which has been in existence for

more than six years. DARD also stated that the business has claimed for Single Farm Payment, Less Favoured Area Compensatory Allowances or Agri Environment schemes in the last six years.

(b) no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application (applicable for dates after the 25th November 2008)

A planning application is currently being considered on the farm holding for a replacement dwelling, LA01/2017/0423/F at No. 79 Ballyeamon Road. No other permissions have been granted on this land. The applicant has indicated on the P1c form that no dwellings or development opportunities have been sold off from the holding.

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and access should be obtained from an existing lane.

The farm holding consists of the main farm dwelling at No. 72 Ballyeamon Road. The farm complex is north of this and comprises a densely packed farm courtyard with livestock sheds, farm outhouses and associated farm buildings. There is also 3 No. adjacent holiday cottages which were approved under E/1996/0185 as farm diversification. No other farm buildings are located on the holding.

The proposed site is located north of Nos. 66 & 76 Ballyeamon Road. Nos 66 & 76 are not within the farm holding and are owned by private third parties. It is considered the proposal fails to visually link or cluster with the farm buildings and access is not obtained from an existing lane.

Paragraph 5.41 in the 'Justification and Amplification' section under Policy CTY 10 states "It will not be acceptable to position a new dwelling with buildings which are on a neighbouring farm holding".

- 8.5 Additional information was submitted to explain Field 5 had been chosen due to being 45m away providing visual linkage and due to the restricted farm yard area. Although it is claimed

the site can be accessed by a rear laneway eliminating the need to enter Ballyeamon Road, the sight lines are poor at the Ballyeamon Road and would require substantial improvement outside the remit of this application and the applicants' control.

This proposed access is not considered appropriate as it is located centrally within the field and not along an existing field boundary.

- 8.6 Following assessment of all information submitted the proposal is contrary to paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 10 of PPS 21. The new dwelling is not visually linked or sited to cluster with an established group of buildings on the farm contrary to criteria (c) of Policy CTY 10.

Visual Impact and Rural Character

- 8.7 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).
- 8.8 The proposal is for a dwelling on the farm but no indicative plans in relation to the exact position or design have been provided. The application site is on elevated land from the Ballyeamon Road. To achieve the visibility splays for the new access, the majority of roadside boundary of dense vegetation will have to be removed opening up views of the site.
- 8.10 It is considered a dwelling at this location would be prominent when viewed from the Ballyeamon Road due to limited backdrop and enclosure from certain vantage points.
- 8.11 The site would be partially screened by the existing buildings and vegetation when travelling north along the Ballyeamon Road. When viewed when adjacent to No. 66 the proposed dwelling would be potentially skyline, dependent upon height. Views would be more prevalent when travelling the other direction due to the removal of the roadside boundary treatment opening up the site resulting in development being a prominent feature in the landscape with limited integration. Views of the

site are also possible from the laneway which is adjacent to this site.

- 8.12 The ancillary works do not integrate with their surroundings as the new access is located centrally in the field which is visually obtrusive. Access lanes should run along existing field boundaries.
- 8.13 The proposal is considered to add to a ribbon of development given the relationship with the existing group of properties within this triangular piece of land and contribute to a suburban style of build-up.
- 8.14 The proposed farm dwelling does not visually link or cluster with the established group of buildings on the farm.
- 8.15 The proposal is therefore contrary to paragraph 6.70 of the SPPS and Policies CTY 13 & 14 of PPS 21 as the new dwelling does not result in acceptable visual integration and would harm rural character.

Archaeology

- 8.16 The site is located within an archaeological buffer zone so consultation occurred with HED: Historic Monuments. Their response indicated no archaeological objection so the proposal complies with PPS 6.

Access

- 8.17 An access is proposed onto the Ballyeamon Road to serve the new dwelling. DFI Roads was consulted and require amended plans such as an accurate site location plan. The sight visibility splays necessary for this development are 2.4m x 90m. It has not been demonstrated that the proposal would not prejudice road safety in accordance with Policy AMP 2 of PPS 3 and DCAN 15 due to insufficient information.

Natural Heritage

- 8.18 Planning permission will only be granted where development does not result in an unacceptable adverse impact on priority habitats, species or features of Natural Heritage Importance.

DAERA: NED was consulted and requested completion of a Biodiversity Checklist for this application as their records show hedgerow habitat bounding and within the site which has the potential to support wild birds. It has not been demonstrated that the proposal would not result in an unacceptable adverse impact on habitats, species or features of Natural Heritage Importance in accordance with paragraph 6.171 of the SPPS and Policy NH 5 of PPS 2 due to lack of submission of a Biodiversity Checklist.

- 8.19 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 as considered under 'Principle of Development' and 'Visual Impact and Rural Character' above fails to satisfy policy requirements in particular CTY 10, 13 & 14 of PPS 21. It is considered to have a detrimental impact upon the character and appearance of this designated AONB given the siting for a farm dwelling is not sympathetic or appropriate in this context harming rural character. The proposal is therefore contrary to paragraph 6.171 of the SPPS and Policy NH 6 of PPS 2.

Habitats Regulations Assessment

- 8.20 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 in terms of the principle of development as the dwelling does not visually link or cluster with an established group of buildings on the farm and it has not been demonstrated to be an exceptional case. The proposal will be prominent and fail to

integrate sympathetically into the landscape with inappropriate ancillary works. The proposal will add to a ribbon of development along the Ballyeamon Road resulting in a suburban style of build-up of development harming rural character. The proposal will have a detrimental impact upon the character of the AONB. It has not been demonstrated that the proposal satisfies policy requirements relating to Access and Natural Heritage. 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 10 of Planning Policy Statement 21 “Sustainable Development in the Countryside” and does not merit being considered as an exceptional case, and it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 2.** The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 13 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, be prominent and fail to integrate sympathetically into the landscape with inappropriate ancillary works. The proposed farm dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.
- 3.** The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 14 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, be prominent in the landscape; adds to a ribbon of development along Ballyeamon Road resulting in a suburban style of build-up of development; ancillary works are inappropriate; and cause a detrimental change to further erode the rural character of the countryside.
- 4.** The proposal is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of Planning Policy Statement 2 “Natural Heritage” in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.

- 5.** The applicant has failed to demonstrate that the proposal would not result in an unacceptable adverse impact on habitats, species or features of Natural Heritage Importance in accordance with paragraphs 6.171 of the SPPS and Policy NH 5 of Planning Policy Statement 2 “Natural Heritage” due to insufficient information.
- 6.** The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 “Access, Movement and Parking” and Development Control Advice Note 15 due to insufficient information on submitted plans allowing DFI Roads to make a determination.

Site Location Map

