



<b>Planning Committee Report LA01/2017/0992/F</b>	<b>28<sup>th</sup> March 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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	<b>LA01/2017/0992/F</b>	<b><u>Ward:</u></b>	<b>LOUGHGUILLE and STRANOCUM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>55m West of 28 Tober Road, Ballymoney</b>		
<b><u>Proposal:</u></b>	<b>Site for new farm dwelling and garage including associated landscaping.</b>		
<b><u>Con Area:</u></b>	<b>No</b>	<b><u>Valid Date:</u></b>	<b>28.07.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/a</b>		
<b><u>Agent:</u></b>	<b>Concepts, 19 The Knockans, Broughshane Ballymena</b>		
<b><u>Applicant:</u></b>	<b>Mr A McClure 27 Tober Road, Ballymoney</b>		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>2</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

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

## 1 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 refusal reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located 55m west of No 28 Tober Road Ballymoney. The site is an agricultural field abutting the Tober Road. The field rises to the east, away from the Tober Road. It is bounded by native species hedging and trees with post and wire fence behind.
- 2.2 The site is located within the rural area as defined by NAP 2016.

## 3 RELEVANT HISTORY

D/2012/0078/O

Site to North of 30 Tober Road, Ballymoney, Co.Antrim, BT53 8JP.  
Site for new Farm Dwelling and Garage including Associated Landscaping.

Approved 18.10.2012

D/2013/0017/RM

Site to North of 30 Tober Road, Ballymoney, Co. Antrim, BT53 8JP.  
Site for New Farm Dwelling and Garage including Associated Landscaping.

Approved 21.05.2013

## 4 THE APPLICATION

- 4.1 The proposal is for an alternative site than that previously approved under applications D/2012/0078/O and D/2013/0017/RM.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Two **(2)** letters of support have been received.

### **5.2 Internal**

Environmental Health Department: No objections.

NI Water: No objections.

DFI Roads: No objections.

DAERA: Active and established farmer.

## **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 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)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relates to: the principle of development; design; integration and character, and access.

### **Principle of Development**

8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents before mentioned.

8.3 The SPPS allows for a number of circumstances for a dwelling in the countryside which are set out below through PPS 21.

8.4 PPS 21 sets out the planning policies for development in the countryside. Policy CTY1 of PPS21 outlines the types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

8.5 This proposal is considered under Policy CTY 10, CTY 13 and CTY 14.

### **CTY 10 Farm dwelling**

8.6 Planning permission will be granted where the following criteria can be met:- The farm business is currently active and has been established for at least 6 years; no dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10years of the date of the application (applies from Nov 2008); the new building is visually linked or sited to cluster with an established

group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane.

- 8.7 The application is for the re-siting of a previous dwelling approved under application D/2013/0017/RM. The previous approved site was located to the north of the existing farm buildings and visually linked/clustered with a group of buildings on the farm. The previous site is located away from the road and the topography allows it to integrate into the landscape.
- 8.8 The applicant wishes to re site the approved dwelling. The agent has argued that the location of the approved dwelling hinders any possible future farm expansion plans. Criterion C of CTY 10 allows in exceptional cases an alternative site elsewhere in the farm provided that there are no alternative sites elsewhere and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing group. No verifiable plans have been submitted.
- 8.8 The proposed site does not comply with Policy CTY10 in that the new dwelling is not linked or sited to cluster with a group of buildings on the farm. The proposed dwelling does not visually link or cluster with the established farm buildings. As set out in the justification of CTY 10 in paragraph 5.41 new dwellings should be positioned sensitively with an established group of dwellings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. The dwelling behind the proposed site is not included within the farm ownership. The applicant's sister lives in this dwelling and has advised that she and her husband help out when required on the farm and consider themselves to be part of the business. However, as they are not registered as part of the farm business they are not part of the farm holding as required under Policy CTY 10.
- 8.9 The proposed site is elevated and there is little to no views of the site with the buildings on the farm from the Tober Road. The site is located 80m from the farm buildings which are on lower ground. From the Tober Road you are only aware of the tops of the old farm house and farm buildings when traveling north or south. The proposed dwelling would due to the separation distance, the rise in ground level and No

28, the proposed dwelling would be visually detached from the farm holding and fail to cluster.

## **Design**

- 8.10 The proposed dwelling is a two storey dwelling with 8m ridge. The site is elevated on slightly higher ground than No 28. No 28 is a modest single storey dwelling around 6m ridge height. The proposed dwelling will be prominent on the skyline and out of keeping with the scale and design of the locality. The proposed house type which was approved on the D/2013/0097/RM was allowed due to the fall in land and its siting set back from the road and clustering with the agricultural buildings.
- 8.11 The proposed design and orientation would also have an impact on the amenity of No 28 due to the extensive glazing and Juliet balcony proposed to the rear first floor.
- 8.12 The agent has submitted a sketch proposing a 1.5 storey dwelling. There are no measurements available. However, a more modest design and lower ridge may be acceptable on this site subject to all other prevailing planning policies.

## **Integration and Rural Character**

- 8.13 The proposed site is to the rear of a road side field. An existing laneway runs along the southern boundary. The southern boundary of the laneway is defined by mature trees providing the site with a degree of screening when travelling north along the Tober Road. The main critical views of the site are when traveling south on the Tober Road there are long uninterrupted views across to the site. The trees to the southern side of the laneway provide some backdrop. However the proposed two storey dwelling will be elevated and prominent.
- 8.15 The proposed dwelling is not visually linked with the farm buildings on this approach from the north due to the topography of the land and separation distance and fails to meet with criteria (g) of CTY 13. The roof and gable of No 28 is clearly visible and the proposed dwelling would visually link with it. However, the proposed two storey would be dominant to No 28 and be out of keeping with the size and scale of dwellings in the locality.

## **Access**

8.16 Consultation with DFI Roads was carried out. The proposal uses the existing lane and DFI Roads have no objections subject to the use of conditions.

## **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 principle of the proposed dwelling is not acceptable at this location. The proposal fails to meet with Policy CTY 10 in that the site does not visually link or cluster with established farm buildings and would if approved be prominent and not in keeping with the rural area. Refusal is recommended.

## **10 Refusal reasons**

10.1 The proposal is contrary to SPPS para 6.73 and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that 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.

10.2 The proposal is contrary to the Strategic Planning Policy Statement 6.73 and Policy CTY13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, the design of the proposed building is inappropriate for the site and its locality, would be prominent and the proposed building relies primarily on the use of new landscaping for integration.

