

Planning Committee Report LA01/2017/0625/F	24th October 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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2017/0625/F	<u>Ward:</u> MAGILLIGAN
<u>App Type:</u> Full Planning	
<u>Address:</u> Buildings adjacent to 51 Duncrun Road, Limavady	
<u>Proposal:</u> Proposed conversion of existing ground floor farm building into 2 No. self-catering tourism units.	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 18.05.2017
<u>Listed Building Grade:</u>	n/a
Agent: 5050 Architecture, 3A Keldon Court, 17 Linenhall Street, Limavady, BT49 0HQ	
Applicant: Mr & Mrs Kelly, 51 Duncrun Road, Limavady	
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 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 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the Duncrun Road and sits within an existing farm complex which surrounds the site. The site comprises existing stone outbuildings and a barn, which form three sides of an existing yard area, immediately adjacent to the main farm dwelling.
- 2.2 One of the stone outbuildings is single storey in height and runs parallel to the Duncrun Road with roadside frontage. The adjoining stone building sits at a right angle to the road and has a stepped roof line increasing from the adjoining single storey up to approx. storey and a half. The site also includes an existing farm access to the south-west of the outbuildings, and a strip of land, which is undefined on site, which runs to the rear of existing farm buildings and then runs to the roadside boundary to the north of the outbuildings.
- 2.3 The character of the surrounding area is rural and is defined by the Binevenagh mountain which rises up to the rear of the site. The immediate surrounding area of the site is characterised by an existing farm which is within the applicant's ownership.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement development limits. The site lies within the Binevenagh Area of Outstanding Natural Beauty.

3 RELEVANT HISTORY

LA01/2016/1554/F

Proposed 2 storey replacement dwelling.

51 Duncrun Road, Limavady

Permission Granted: 18/05/2017

4 THE APPLICATION

- 4.1 Full Planning Permission is sought for the conversion of existing ground floor farm building into 2 No. self-catering tourism units.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: No objections.

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DAERA (DARD): No objections

Loughs Agency: No objections

DFI Roads: in the initial consultation response, DFI Roads objected to the use of the existing farm / residential / yard access due to the substandard visibility splays. The proposal requires 2.0 x 70m visibility splays and the splays cannot be achieved from this access due to wall of building subject to this change of use.

An amended access arrangement was proposed using the existing farm access and access to no 51a but Roads have advised that this will require the set back of the boundary wall of no 51, lowering of grass bank to south and the permanent closure of the access to the north of no. 51 in order to avoid access being attracted to the proposed development via that substandard access. Revised plans are required.

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 21: Sustainable Development in the Countryside

Planning Policy Statement 16: Tourism

Planning Policy Statement 3: Access, Movement and Parking

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development; tourism; and road safety.

Principle of Development

8.2 Policy CTY 1 of PPS 21 is superseded by the policies contained within PPS 16 so as it relates to the tourism policies of the Planning Strategy for Rural Northern Ireland. Policies in PPS 21 which provide scope for

tourism development in the countryside are not duplicated in PPS 16 and will be applied as appropriate to individual proposals. Therefore as this proposal relates to the conversion of farm buildings it will be considered under the relevant policy in PPS 21.

8.3 Policy CTY1 identifies a number of instances when residential and non residential development will be granted permission. The proposal is for the conversion of existing ground floor farm building into 2 no. self-catering units, it was submitted with accompanying P1C form and farm maps therefore the proposal falls to be determined under Policy CTY 11.

8.4 Policy CTY 11 states that planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- (a) the farm or forestry business is currently active and established;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it will not have an adverse impact on the natural or built heritage; and
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

8.5 In respect of criteria (a) paragraph 5.49 of the justification and amplification of Policy CTY 11 states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. Criteria (a) of CTY 10 states that the farm business must be currently active and have been established for at least 6 years. DARD have been consulted and responded on the 25th May 2017 indicating that the farm business id

identified on the P1C Form has been in existence for more than 6 years. DARD has confirmed that the farm business has claimed SFP, LFACA or AES in the last 6 years. The proposal meets criteria (a).

- 8.6 In respect of criteria (b) the character and scale of the proposed self-catering units is considered to be appropriate to the location. The proposal would result in the conversion of the existing farm outbuildings and there are no proposed extensions to the existing buildings. Additional wall openings for windows will be required but the proposal retains the existing character of the stone farm buildings. All windows are to be white painted timber sliding sash with the natural stone walls and corrugated metal roof. The roadside position of the site means that the buildings are visible on approach from both directions. Alterations to the elevations of the existing buildings internally within the site, from the courtyard area, would not alter the overall character of the buildings. The single storey stone building, which runs parallel to the Duncrun Road, is currently used for a gym and storage. Its conversion to a one bedroom self-catering unit would result in the removal of two existing doorways and their replacement with windows on the internal site elevation. A small porthole style window remains. Three windows will be added to the roadside elevation. A proposed chimney to the gable end has now been removed and a small flue is proposed. This part of the proposal is acceptable in terms of scale and character. The adjoining stone building sits at right angles to the Duncrun Road and has a stepped roof line. This increases from the adjoining single storey up to approx. storey and a half, and is currently used for storage. The overall character of the internal site elevation will remain, with two of the existing door openings converted into window openings. The rear elevation, which is visible when travelling south on the Duncrun Road, will require one new window opening at ground floor level, and the conversion of an existing door opening into a window opening. A smaller window opening will be closed up. Wall finishes are to remain as existing. A business plan was submitted alongside the application indicating the applicant's intention to establish a luxury self-catering business with NITB accreditation trading as Tamlagh Farm Luxury Holiday Homes. The proposal meets criteria (b).
- 8.7 In respect of criteria (c) the conversion of the existing stone farm buildings would not have an adverse impact on the built heritage or natural heritage of the site given the existing buildings and the alterations proposed. The proposal meets criteria (c).

- 8.8 In respect of criteria (d) the proposal is sited within a larger existing farm and therefore Environmental Health was consulted. Environmental Health have advised that as the proposal is sited within the grounds of an operational farm and is in close proximity to a large number of agricultural buildings this may give rise to offensive conditions and have an impact on the amenity enjoyed by the proposed development due to elevated levels of odour and noise. Given the seasonal nature of self-catering accommodation, the amenity of guests using the proposed development would not be impacted to an unacceptable degree.
- 8.9 In respect of the impact of the proposal on nearby residential dwellings, the proposed access arrangements, which as of amended plans received 16th March 2018, propose to use the existing farm access rather than the existing residential access to No. 51, would have a detrimental impact on the amenity of the residential dwelling at No. 51. The use of the existing farm access would result in additional vehicles being directed to the side and rear of No. 51 before traversing along the other gable of no. 51 and parking in the courtyard. This would have an unacceptable impact on the residential amenity of No. 51 as the dwelling would be subject to additional noise and disturbance as a result of visitors coming to and from the site, who would be approaching the site from the rear of the dwelling. While the existing agricultural access runs to the rear of No. 51, this is associated with the farm and No. 51 is the farm dwelling therefore it is reasonable to consider that the use of this access would be within the control of the occupants of No. 51. Traffic associated with the self-catering units would not benefit from the same control. In addition the use of the agricultural access would require the current residential access, immediately north of the dwelling house at No. 51, to be permanently closed off. This access is the current residential access for No. 51. The proposal fails to comply with criteria (d).

Tourism

- 8.10 For proposals involving the conversion or re-use of farm buildings PPS 16 sets out that these should be considered under Policy CTY 11, as considered in the report above.

Road Safety

- 8.11 DFI Roads were consulted in respect of the proposed access arrangements. In the original submission the access was proposed via the existing access between the existing dwelling at no 51 and the buildings subject to this change of use to tourist accommodation. DFI

Roads objected to the use of the existing farm / residential access due to the substandard visibility splays. Visibility splays of 2.0 x 70m are required however only 2.4 x 5m are available to the north and 2.4 x 10m to the south due to wall of building which is subject to that change of use.

8.12 To address the access issues the agent amended the proposal to use the existing agricultural access to the south of no. 51. DFI Roads were re-consulted. The required visibility of 2.0m x 70m is not currently available from this access as the grass bank to the south is 1.7m back from road and the wall to the north is positioned 0.7m from the road, both would have to be set back to achieve the required 2.4 x 70m visibility splays. In addition, the access serving the farm yard and no 51 would have to be permanently closed in order to avoid access being attracted to the proposed development via this substandard access. No further information has been forthcoming therefore the proposal is contrary to Policy AMP 2 of PPS 3.

Habitats Regulations Assessment

8.12 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 2016 and other material considerations. The proposal would result in a detrimental impact on the amenity of nearby residential dwellings which fails to comply with Policy CTY 11 of PPS 21. It has not been demonstrated that the proposal would not prejudice road safety therefore the proposal would be contrary to Policy AMP 2 of PPS 3. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to paragraphs 4.11, 4.12 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY11 of Planning Policy Statement 21, Sustainable Development in

the Countryside in that the development, if permitted, will result in a detrimental impact on the amenity of nearby residential dwellings by reason of noise and general nuisance.

2. The proposal is contrary to Policy AMP2 of Planning Policy Statement 3 – Access, Movement and Parking in that it would if permitted prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 x 70 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

