

Planning Committee Report Item – Agenda Item 5.20 LA01/2017/0937/O – Land adjacent to 94 Macfin Road, Ballymoney	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

**Lands Adjacent to
94 Macfin Road
Ballymoney**

LA01/2017/0937/O

Outline Planning

28th February 2018

<u>No:</u>	LA01/2017/0937/O	<u>Ward:</u>	Route
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Adjacent to 94 Macfin Road, Ballymoney.		
<u>Proposal:</u>	Proposed replacement dwelling.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	11.07.2017
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Daniel Brady, 6 Allison Place, Kirkliston, Edinburgh.		
Agent:	Jeff Wilson Chartered Architect. 1 Sedgemoor Close, Coleraine.		
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

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 section 7 & 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 adjacent No 94 Macfin Road, approximately 785m south-west of Macfin. The proposed replacement forms part of a farm grouping located

approximately 500m from the public road and accessed via an existing laneway.

Buildings onsite comprise a two storey farm dwelling (No 94) set within a defined curtilage and a fairly large group of agricultural buildings including older sheds set within a small yard to the immediate south-west of No 94.

- 2.2 The proposed replacement dwelling forms part of this group of buildings facing north, fronting directly onto the existing concrete yard and comprises a small pitched roof building with lean-to to the rear and adjoining derelict building to the eastern end and small shed to the western gable.
- 2.3 The proposed site comprises an irregular shaped cut-out of the agricultural field to the immediate south of the proposed replacement dwelling and is fairly flat. The northern boundary is defined by an existing farm building and adjacent silos. The remaining boundaries are undefined.
An extension to the existing access is proposed from the northern extent of the farm grouping circumventing the farm grouping and accessing the site to the south.
- 2.4 The site is defined as rural remainder as designated within the Northern Area Plan 2016.

3 RELEVANT HISTORY

4 THE APPLICATION

This is a planning application for a proposed replacement dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External

None

5.2 Internal

DFI Roads: Has no objection.

Health & Safety Executive NI: Has no objection.

Shared Environmental Services: Has no objection.

Historic Environment Division: Has no objection.

NI Water: Has no objection.

Environmental Health: Has no objection.

Rivers Agency: Has no objection

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 development 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
- 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 RELEVANT POLICIES & GUIDANCE

Strategic Planning Policy Statement (SPPS)

Northern Area Plan 2016

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 6 (PPS6) Planning, Archaeology and the Built Heritage.

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, proposed siting, access, archaeology.

Planning Policy

- 8.2 The site is located within the rural area as identified in the Northern Area Plan 2016.
- 8.3 The principle of this development proposed must be considered having regard to the SPPS and PPS policy documents specified above and any other material considerations. The SPPS was published 28 September 2015. In the accompanying Ministerial Statement it stated that the provisions of the SPPS are material to all decisions on individual planning applications and appeals.
- 8.4 Paragraph 6.73 bullet point 2 of the SPPS in relation to replacement dwellings echoes policy CTY 3 of PPS 21.

Principle of Development

- 8.5 The agent has submitted a supporting statement as part of the proposal which identifies the existing building as a dwelling which was abandoned and used as an agricultural store and agricultural vehicle maintenance workshop. The information identifies the building on historic maps and refers to census records which confirm three dwellings within that townland. The submitted information identifies the original group of buildings and asserts that it incorporates one of the dwellings identified. However, this is insufficient to confirm the existing building as a dwelling.

- 8.6 The submitted information goes on to state that the existing house at No 94 may have been built between the years 1957-1963, and to replace the original dwelling. As it pre-dates planning policy this would not prevent it from potentially being eligible for replacement under the current policy. It would appear that the current No 94 replaced the original dwelling and historic maps would confirm that at least one original structure was demolished after the construction of No 94 and the existing group of agricultural buildings consolidated.
- 8.7 Policy CTY 3 of PPS21 is the relevant policy context for such proposals and states that 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”. Therefore, the consideration is set out below assessing the two elements of the primary criteria in that order.
- 8.8 With regard to the first policy element, the structure to be replaced is a low, linear single storey building with vaulted pitched roof, gable projections and single storey lean-to to the rear. The northern elevation (facing the farm yard), comprises a 14.5m long building with two door openings, one of which is a wide agricultural type opening with the partial remains of a sheet metal barn door in place. There are no window openings although there would appear to be external evidence of at least one window opening having been blocked up and re-rendered at some point.
- 8.9 To the western gable of this building are the partial remains of a further structure comprising three remaining walls which exist to wall plate level (the northern wall is entirely missing) as well as a small lean-to cattle pen. To the eastern gable of the main structure is a further small agricultural building with a low curved barrel roof and small doorway on the northern elevation. The rear of the structure (southern elevation) comprises a further single storey lean-to along the majority of this elevation with six small high level windows as well as a large opening on the western end. This structure appear to be used for storage. The rear elevation of the western end single storey projection also comprises a large agricultural type opening with sheet metal barn door.

- 8.10 The door and window openings sizes and pattern are indicative of an agricultural outbuilding. There is no uniformity in size or spacing.
- 8.11 The main structure comprises a vaulted pitched roof, is subdivided into two elements by a low internal wall and appears to have been used as a workshop and store. On the western gable there is a fire opening on a raised plinth, set considerably above floor level and served by an internal chimney breast which tapers towards the ridge line terminating approximately ½ m below the ridge line. The fire opening is not centred on the wall and there is no evidence on the ridge line of a chimney although there does appear to be a small projecting flue pipe opening in the roof. The fire opening is more redolent of a workshop. The opposite gable wall is blank.
- 8.12 There is internal evidence of two window openings on the northern elevation which have been closed up as well as a door opening along the southern elevation in close proximity to the chimney and a further door opening to the eastern end of the northern elevation. The structure has been the subject of considerable alterations over time and on the balance of probability, having regard to the existing building features it does not appear to incorporate established original features which would demonstrate that the building exhibits the essential characteristics of a dwelling.
- 8.13 There are no regular or original openings typical of a vernacular dwelling. The building design, including the vaulted roof and lack of original internal sub-division as well as the scale and massing is more typical of an agricultural building. The presence of the chimney breast which does not appear to be an original feature in combination with other features is not sufficient to demonstrate as a minimum that the building exhibits the essential characteristics of a dwelling.
- 8.14 The second paragraph of CTY 3 states that buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not be eligible for replacement under this policy. Taken in the round, the subject building has the characteristics of a farm shed converted to a workshop rather than a former dwelling.

Appeal Ref: 2009/A0356 has similarities to this case where it was found that the subject building to be replaced had the absence of the essential characteristics of a dwelling and was redolent of a shed.

- 8.15 With regard to the second policy element which is as a minimum all external walls are substantially intact, the proposal meets this test.

Siting / Archaeology

- 8.16 The remainder of CTY 3 sets out 5 criteria to meet once the principle has been established. Though the principle for the development has not been met in this case it would be prudent to address the remainder of the policy for completeness.
- 8.17 Criterion 1 states that the proposed replacement is 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 size dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 8.18 Drawing No 01 proposes that the replacement dwelling is sited within an adjoining agricultural field. The existing structure is set within a large group of farm buildings and does not benefit from an obvious curtilage therefore it would be reasonable to site beyond the existing positioning. This would be in keeping with the rural character.
- 8.19 The second criterion seeks that the size of the new dwelling integrates into the surrounding landscape and would not have a visual impact significantly greater than the existing building. The indicative block plan shows a considerable footprint, larger than the existing dwelling. Historic Monuments Unit has advised that a low ridge height is necessary to lessen the impact of the proposal on the setting of the nearby historic monument.

Access

- 8.20 Access is taken from the existing laneway and DFI Roads has no objection to the proposal subject to the submission of a scale plan and accurate site survey submitted as part of the Reserved

Matters showing the access constructed as per the relevant RS1. Historic Monuments Unit has advised that they have no objection to the proposal but advise that the laneway should not be altered or widened as it crosses through the remains of known archaeology (an enclosure). The proposed access taken around the farm grouping passes through the identified enclosure and is therefore unacceptable.

9 CONCLUSION

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal fails to meet the primary test of Policy CTY 3, in that the subject building does not exhibit the essential characteristics of a dwelling and is redolent of a shed. The proposed access also impacts on archaeological sites. Refusal is recommended.

10 Refusal Reasons:

- 10.1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY1 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.
- 10.2 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building does not exhibit the essential characteristics of a dwelling.
- 10.3 The proposal is contrary to Paragraph 6.9 of the Strategic Planning Policy Statement and Policy BH2 of Planning Policy Statement 6, Planning Archaeology and the Built Heritage, in that the proposal adversely affects archaeological sites of local importance.

Site Location

