

Planning Committee Report LA01/2017/0240/O	26 <sup>th</sup> September 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

<b>No:</b> LA01/2017/0240/O	<b>Ward:</b> DRUMSURN
<b>App Type:</b> Outline Planning	
<b>Address:</b> Lands opposite 66 Ballyavelin Road, Drumgesh, Limavady, BT49 0QB	
<b>Proposal:</b> Dwelling and garage	
<b>Con Area:</b> n/a	<b>Valid Date:</b> 23.02.2017
<b>Listed Building Grade:</b> n/a	
<b>Agent:</b> Mrs Carol Gourley (C. McIlvar Ltd) Cookstown Enterprise Centre, Unit 7 Derryloran Industrial Estate, Cookstown, Co Tyrone, BT80 9LU	
<b>Applicant:</b> Ivan Brian Cartwright, 61 Ballyavelin Road, Drumgesh, Limavady, Co Londonderry, BT49 0QB	
<b>Objections:</b> 1	<b>Petitions of Objection:</b> 0
<b>Support:</b> 1	<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 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 site is located on the Ballyavelin Road and comprises the north-eastern corner of an existing agricultural field, with an outshot to the west for access purposes. The site fronts onto the Ballyavelin Road.
- 2.2 The north-western site boundary is currently defined by a timber post and wire fence and mature hedging. The area within which the access is to be located is currently undefined. The south-western and south-eastern site boundaries are also undefined. There is a timber post and wire fence and mature planting along the north-eastern site boundary. The gradient of the site slopes gently in a south-westerly direction.
- 2.3 The character of the surrounding area is rural. The existing farm yard and barns are located to the north of the site on the other side of the Ballyavelin Road. There is a further farmyard and outbuildings located to the north-east of the site, these are not within the applicant's ownership.
- 2.4 In the Northern Area Plan the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site.

## **3 RELEVANT HISTORY**

B/1974/0151

Farm Bungalow

Drumgesh, Limavady

Permission Refused

## **4 THE APPLICATION**

4.1 Outline Planning Permission is sought for a dwelling and garage.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: Two representations were received.

Objections: One objection was received in relation to the proposal. The issues raised are that a proposed dwelling would materially impact the future reinstatement of his property, impact on outlook and impact on amenity space. As this is an outline application there are no details at this stage in respect of the siting and design. These matters would be reserved if this application was approved.

Letter of Support: One letter of support was received in relation to the proposal from George Robinson MLA. The letter sought re-consideration of the proposal in relation to Policy CTY 10 as per another application, LA01/2017/0691/O, where planning officers had no issue with the site being located on the opposite side of the road from a cluster of existing farm buildings under Policy CTY 10. The current proposal is considered in relation to Policy CTY 10 in paragraphs 8.2 – 8.7 of this report.

### **5.2 Internal**

Environmental Health Department: No objections

NI Water: No objections

DFI Roads: No objections

DAERA Water Management Unit: No objections

DAERA (DARD): No objections

Historic Environment Division – Historic Monuments: No objections

HSENI: No objections

GNI (UK): No objections

## **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 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; integration; and rural character.

## Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted for a dwelling and a garage, and was accompanied by a P1C form and associated farm maps. The proposal was therefore assessed against Policy CTY 10.
- 8.3 Policy CTY 10 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:
- a) the farm business is currently active and has been established for at least 6 years;
  - b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
  - c) 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.
- 8.4 In the consultation response from DAERA dated 27<sup>th</sup> February 2017 it was indicated that the farm business id identified on the P1C Form has been in existence for more than 6 years. DAERA has also confirmed that the farm business has claimed SFP, LFACA or AES in the last 6 years. As the farm business has been active and established for the required period the proposal complies with criteria (a) of CTY 10.
- 8.5 The applicant has stated on the P1C that no dwellings or development opportunities have been sold off from the farm holding since 25 November 2008. A planning history search against the applicant's farm business ID number has not indicated any other planning applications. A search of farm lands identified on the associated farm maps has not revealed any previous planning histories which would suggest any previous approvals for farm dwellings or development opportunities sold off from the farm holding.
- 8.6 The application site comprises the northern corner of an existing agricultural field, with an outshot to the east for access purposes. The

existing farm yard and barns, as identified on the site location map, are located to the north of the application site on the other side of the Ballyavelin Road. For the purposes of Policy CTY 10 the proposal can visually link with an established group of buildings on the farm. On approach from the west, travelling in an easterly direction, the open nature of the proposed site coupled with the height and position of the existing yard and barns on the opposite side of the road will result in a degree of visual linkage which will satisfy criteria (c) of Policy CTY 10. Given the location of the site and its roadside position, access via an existing lane would not be practicable on this site. The proposal complies with criteria (c) of CTY 10.

- 8.7 Policy CTY 10 also states that proposals for a dwelling on a farm must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY 16. These refer to the ability of the proposal to integrate into the surrounding landscape and the effect which a proposal may have on rural character. These are covered in the following paragraphs.

### **Integration**

- 8.8 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate sympathetically with their surroundings.
- 8.9 The proposal would be contrary to the SPPS and Policy CTY 13 of PPS 21 as a new dwelling on the site would be a prominent feature in the landscape. There are views of the site on approach from the east and west when travelling on the Ballyavelin Road, this will be exacerbated by the removal of the roadside hedge to facilitate the visibility splays. The site is also visible from the Drumsurn Road as it occupies an open, elevated position on the crest of a hill. The site lacks established natural boundaries which would provide a suitable degree of enclosure for a new dwelling. While there are farm buildings located to the rear of the site from this view, these are not within the applicant's ownership, and the lack of existing vegetation will result in a new dwelling relying primarily on the new landscaping for integration.
- 8.10 The ancillary works required for the new access would fail to integrate with the surroundings. The existing roadside boundary would be removed in order to provide the new access and visibility splays. Visibility splays of 2.4m x 80m are required which results in the removal of the roadside hedge, sapling trees and the relocation of a BT pole. The removal of the roadside hedge results in a detrimental impact on the rural character of the surrounding area. The sweeping

access is suburban in appearance and fails to respect existing hedgerows and field boundaries. The proposal is contrary to Policy CTY 13 and paragraph 6.70 of the SPPS.

### **Rural Character**

- 8.10 The proposal would have a detrimental impact on rural character due to its prominent position, the lack of existing natural vegetation and the open nature of the site, and the impact of the ancillary works associated with a new access. Given the characteristics of the site, any dwelling would be a prominent feature in the landscape. When viewed from both the Drumsurn Road and Ballyavelin Road a new dwelling would appear unduly prominent in the landscape. The proposal would have a detrimental impact on the character and appearance of this rural area.
- 8.11 The ancillary works associated with the new access and the removal of the roadside hedge to facilitate the provision of visibility splays would damage rural character. The arrangement of the access and its sweeping layout contributes to the detrimental impact on the rural character of the area. The proposal is considered to be contrary to policy CTY 14 and paragraph 6.70 of the SPPS.

## **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. While the proposal meets the tests of Policy CTY 10 of PPS 21 for a dwelling on a farm, it fails to comply with the policy provisions of Policies CTY 13 and CTY 14 in terms of integration and rural character. The proposal would fail to integrate into the surrounding landscape and would be unduly prominent in this location. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

-the proposed building would be a prominent feature in the landscape;

-the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

-the proposed building relies primarily on the use of new landscaping for integration;

-the ancillary works do not integrate with their surroundings;

and therefore would not visually integrate into the surrounding landscape.

2. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to the rural character of the countryside.



# Site Location Map



