

Addendum

LA01/2020/0683/O

1.0 Update

- 1.1 Appendices 2 and 3 are attached, they are PAC Decisions 2020/A0155 and 2016/A0214 which are referenced at paragraphs 8.5 and 8.7 of the Committee Report.

2.0 Recommendation

- 2.1 That the committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with paragraph 1.1 of the planning Committee Report.

Appendix 2

Appeal Reference:	2020/A0155
Appeal by:	Mr John Markey
Appeal against:	The refusal of outline planning permission
Proposed Development:	Farm dwelling with garage
Location:	110 metres south of 11A Ballintemple Road, Meigh, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2020/0939/O
Procedure:	Remote Hearing on 19 th October 2021
Decision by:	Commissioner B Stevenson, dated 24 th November 2021

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council provided a clearer readable site location plan to that referred to in the decision notice (Drawing 12393/1). It was common case that the site location plan be admitted and that the Certificate of Ownership that was supplied both at application and appeal stages remains valid. Given that the plan identifies the land to which it relates in accordance with Article 3 of the Planning (General Development Procedure) Order (NI) 2015, I am content to replace Drawing 12393/1 and proceed on the basis of the legible site location map (PAC1).

Reasons

3. The main issues in this appeal are whether:
 - the proposal is acceptable in principle in the countryside;
 - it would visually integrate into the surrounding landscape;
 - the proposal would erode the rural character of the countryside;
 - it would adversely impact upon the integrity of the setting of the regionally important State Care monument (Conlum South Cairn); and
 - the proposal would be unsympathetic to the special character of the Ring of Gullion Area of Outstanding Natural Beauty (AONB).
4. Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that, where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate

otherwise. Until such time as a new LDP is adopted, the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) acts as the relevant LDP for the area wherein the appeal site is located. The appeal site is identified in BNMAP as outside any development limit and lying within the countryside. In BNMAP, a State Care archaeological site and monument is identified in the adjacent field. The appeal site is also situated within the Ring of Gullion AONB. BNMAP offers no specific policies pertinent to the appeal proposal.

5. Planning policy of relevance to this appeal is contained in the Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS). In the absence of an adopted Plan Strategy, retained policies namely Planning Policy Statement 2 "Natural Heritage" (PPS2), Planning Policy Statement 6 "Planning, Archaeology and the Built Heritage" (PPS6) and Planning Policy Statement 21 "Sustainable Development in the Countryside" (PPS21) are also relevant.
6. Located west of Meigh settlement and east of Killeavy Castle, the appeal site comprises the northern portion of an agricultural field. A stone wall, dispersed trees and a hedgerow define the western boundary of the appeal site. The northern boundary is demarcated by a stone wall and field gate that provides access into a neighbouring field. A low 1 metre hedgerow defines the eastern boundary. The southern boundary is undefined. There is a gentle south-westerly rise across the relatively flat appeal site. A narrow field separates the appeal site from the neighbouring dwelling (No. 11). Further dwellings (Nos. 9, 13 and 15) are adjacent to No. 11 and another dwelling is north of the appeal site. These residential properties use the same laneway as the appeal site to gain access onto the Ballintemple Road.
7. Policy CTY1 of PPS21 'Development in the Countryside' sets out 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. This includes a dwelling on a farm subject to complying with certain criteria in Policy CTY10 entitled 'Dwellings on Farms'. There is no conflict or change in policy direction between the provisions of the SPPS and those of the retained PPS21 insofar as it relates to dwellings on farms. PPS21 is therefore the appropriate policy context for assessing this appeal. The Council found the appeal proposal to offend criterion (c) of Policy CTY10 in that the new building would not visually link or cluster with an established group of buildings on the farm. I will therefore focus my consideration on this criterion.
8. The appellant's farm maps dated January 2020 show that the farm holding comprises of farmland off Ayalogue Road where the farmhouse is located, and at an out-farm close to Meigh settlement. It was common case that the established group of farm buildings are off Ayalogue Road. It was undisputed between the parties that there is no established group of farm buildings at the out-farm, where the appeal site is located.
9. Policy CTY10 states that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: (i) demonstrable health and safety reasons; or (ii) verifiable plans to expand the farm business at the existing building group(s)."

10. The first part of the exceptions test is that there must be no other sites available elsewhere at a group of farm buildings. The Council said at the hearing that there may be scope for a dwelling south of the farm buildings off Ayalogue Road, and from my on-site observations, I agree. As there is the possibility of an available site elsewhere at a group of buildings on the farm, this part of the exceptions test is not met.
11. In regard to the second part of the exceptions test, paragraph 5.42 of the amplification text of Policy CTY10 expands to say that "where an alternative site is proposed under criterion (c) which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid planning permission, building control approvals or contractual obligations to supply farm produce." No evidence was presented either to demonstrate health and safety reasons or plans to expand the farm business at the existing group of buildings on the farm that would justify a dwelling on the appeal site. The second part of the exceptions test is therefore not met.
12. The appellant argued that as there is more land at the out-farm than at the original farm holding, this would justify the proposed siting of the farm dwelling. He explained that he intends to reinstate a former agricultural building on the site and erect a farm shed in close proximity to the appeal proposal in the near future and that this would allow the appeal dwelling to visually link to a farm building. The Council had no record of either any planning permission or Certificate of Lawfulness of Proposed Use or Development (CLPUD) for such farm sheds. The appellant was also not cognisant of such approvals. No persuasive evidence was therefore presented by the appellant to demonstrate that there were firm plans for such a farm building. In the absence of such, the Council was of the view that limited weight should be given to the appellant's future plans, and I agree. As no convincing evidence was presented on the appellant's future plans, no determining weight can be attached to the appellant's intention to erect farm sheds close to the appeal proposal.
13. The appellant also advanced further arguments which included that the proposed dwelling is for the appellant's son and that this appeal proposal would facilitate him taking over the farm and create an opportunity for him to farm, and that the family home is not available at the main farm as it is to be inherited by another son. I do not find any of these further arguments either individually or cumulatively sufficiently persuasive to outweigh the provisions of policy that require a new dwelling to be sited to visually link or cluster with an established group of buildings on the farm.
14. As the appeal proposal would offend criterion (c) of Policy CTY 10 of PPS 21, the Council has sustained its second reason for refusal. No persuasive overriding reasons were advanced as to why the development is essential and could not be located in a settlement. The appeal proposal therefore fails to comply with Policy CTY1 of PPS21 and would not be acceptable in principle in the countryside. The Council's first reason for refusal is sustained.
15. Policy CTY13 of PPS21 'Integration and Design of Buildings in the Countryside' states that a new building will be unacceptable where certain criteria cannot be met.

The Council argued that the appeal proposal offends criterion (b) in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, criterion (c) in that the proposed building relies primarily on the use of new landscaping for integration and criterion (g) in that the proposed farm dwelling is not visually linked or sited to cluster with an established group of buildings on a farm. The headnote of Policy CTY10 also requires that the proposed site must also meet the requirements of CTY13 (a-f).

16. The appeal site is in the second field back from the Ballintemple Road to the west and two fields back from the same road to the north with existing landscape features on the surrounding field boundaries. An existing dwelling provides a degree of backdrop to the east and trees provide backdrop towards the south-west. Given the existing surroundings, it is my opinion that the site provides a suitable degree of enclosure for the building to integrate into the landscape from the Council's identified viewpoints along the Ballintemple Road. Therefore, I do not consider the appeal proposal to offend criteria (b) and (c) of Policy CTY13.
17. Although the appeal proposal would meet the requirements of criteria (b) and (c) of Policy CTY 13, given that the proposed dwelling would not visually link or cluster with an established group of buildings on a farm, it would fail criterion (g) of Policy CTY 13. Thus, the Council's third reason for refusal is sustained insofar as stated.
18. Policy CTY14 of PPS21 entitled 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The policy goes on to set out certain criteria that a new building must accord with in order to be considered as acceptable. The Council raised concerns relating to criterion (b) of the policy in that it would result in a suburban style build-up of development when viewed with existing buildings, and criterion (d) in that it would create or add to a ribbon of development.
19. The Council argued that existing nearby buildings are visually linked from the road immediately north of the site, and I agree. Given that there are four visually linked dwellings staggered in a row along the laneway, the addition of the appeal proposal would result in a suburban style build-up of development that would add to a substantial and built up frontage and result in ribbon development. The appeal proposal would therefore be contrary to criteria (b) and (d) of Policy CTY14 and the Council's fourth reason for refusal is sustained.
20. Some 70 metres back from the roadside, the rectangular appeal site is approximately 1 metre below the field to the west where the Clonlum South Cairn, a monument of regional significance, is located. Policy BH1 of PPS6 states that a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings will operate. The policy explains that development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances. Paragraph 6.8 of the SPPS applies the same policy test in that it states that "development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances." Given that there is no conflict or change in policy direction between the provisions of the SPPS and the retained policy insofar as they relate to the appeal proposal, PPS6 provides

the policy context for assessing this appeal in regard to the impact on Clonlum South Cairn.

21. In assessing proposals in the vicinity of such monuments, the amplification text of Policy BH1 states that particular attention will be paid to the impact of the proposal on (i) the critical views of, and from the site or monument; (ii) the access and public approaches to the site or monument; and (iii) the understanding and enjoyment of the site or monument by visitors. The Council argued that the appeal site forms a key part of the immediate visual backdrop of critical public views to the east when first approaching the monument from the public access on Ballintemple Road and that it also forms the backdrop to public views of the monument from the Ballintemple Road. The Council also considered that these critical views are a key aspect of the setting of the State Care monument and that the appeal proposal would adversely change these critical views by competing with, and becoming an incongruous visual distraction from Clonlum South Cairn. The Council was of the opinion that the appeal proposal would adversely intrude into critical public views when moving around and experiencing Clonlum South Cairn. It was stated that the introduction of built development into the adjacent pasture field would adversely change the ambience and rural pastoral character of the immediate setting of the monument which is key to how the monument is understood, enjoyed and experienced by visitors. The Council also considered that the appeal proposal would have a dominating effect, both visually and physically, on the immediate setting of the monument. Their view is that the monument has a functional relationship with the landscape to the east with the chamber entrance aligned west-east towards the appeal site. The appellant did not dispute this.
22. Despite the appellant offering to site the dwelling towards the eastern boundary of the appeal site and restrict the ridge height to no higher than the existing buildings on the same laneway, in my view, an adverse impact on the setting of the regionally important monument would remain given the close proximity of the confined rectangular appeal site. With respect to introducing supplementary planting and a buffer zone of mature trees on the western boundary of the appeal site, it would take considerable time for such planting to grow to a sufficient height and depth before filtering any views of the appeal proposal. In any event, given the close proximity of the appeal site to the Cairn and the west-east alignment of the chamber entrance towards the appeal site, it is my view that an adverse impact upon the integrity of the monument's setting would remain irrespective of new planting. As such, the appeal proposal would adversely affect the State Care monument. I was given no evidence to justify that this is an exceptional case. Both Policy BH1 of PPS6 and the SPPS would therefore be offended. The Council's fifth reason for refusal is sustained.
23. Policy NH6 of PPS2 'Areas of Outstanding Natural Beauty' states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and that certain criteria are met. Other than the SPPS specifically referring to the assessment of cumulative impacts in AONBs, there is no conflict or change in policy direction between the provisions of the SPPS and those of the retained PPS2 regarding designated AONBs. The Council found the appeal proposal to offend criterion (a) of Policy NH6 in that its siting would be unsympathetic to the special character of the AONB in general and of the particular locality. The Council also advised that the appeal proposal would threaten features which contribute to the local heritage namely

Clonlum South Cairn and be contrary to criterion (b) of Policy NH6. As I have already concluded that the appeal proposal would adversely impact on the integrity of the setting of Clonlum South Cairn, the appeal proposal would be contrary to criterion (b) of Policy NH 6 in that it would not respect or conserve the features of importance to the heritage of the landscape. Consequently, given that the setting of the State Care monument characterises the particular local area of the AONB, the appeal proposal would offend criterion (a). Thus, I find that the Council's sixth reason for refusal is sustained insofar as stated.

24. The Council has sustained its six reasons for refusal based upon policies CTY1, CTY10, CTY13 and CTY14 of PPS21, Policy BH1 of PPS6, Policy NH6 of PPS2 and the SPPS insofar as stated. The appeal must fail.

This decision is based on PAC1 to scale 1/2500 which the Commission received on 19th October 2021.

COMMISSIONER B STEVENSON

Remote Hearing Appearances

Council: - Mr A Donaldson
Newry, Mourne and Down District Council, Planning
Department

Ms E Hart (observing only)
Newry, Mourne and Down District Council, Planning
Department

Mr A Gault
Department for Communities, Historic Environment
Division

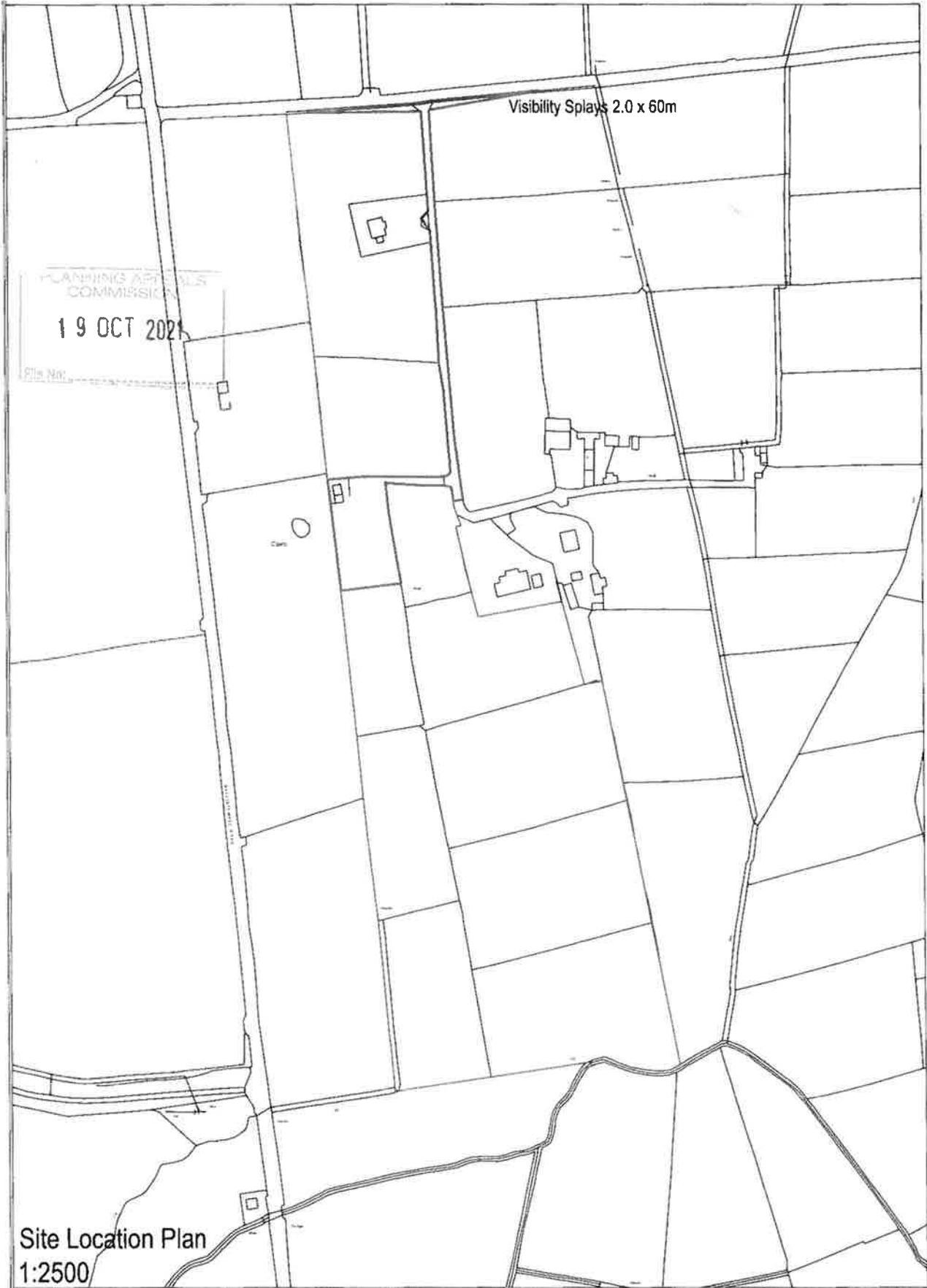
Mr A McAleenan
Department for Communities, Historic Environment
Division

Appellant: - Mr J Young
Collins & Collins

List of Documents

Council: - "A" Written Statement of Case
Newry, Mourne and Down District Council

Appellant: - "B" Written Statement of Case
Collins & Collins



Revised	Date

Client: John Murky
Site: 12500
Drawing No: 12393
Title: Site Location Map

Drawn by: A.D.
Checked by:
Date: Sept. 2020

Project: Proposed Farm Dwelling @ 110m South of 11a Ballerencele Road, Neary
Site No: 12393

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PAC1

Appendix 3



Planning Appeals
Commission

Appeal Decision

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Appeal Reference: 2016/A0214
Appeal by: PR Jennings
Appeal against: The refusal of outline planning permission
Proposed Development: Dwelling on a Farm
Location: 15m North of No.39 Listooder Road, Crossgar
Planning Authority: Newry, Mourne and Down District Council
Application Reference: LA07/2015/0647/O
Procedure: Written representations and Commissioner's site visit on 13th September 2017
Decision by: Commissioner A Speirs, dated 2nd October 2017

Decision

1. The appeal is dismissed.

Preliminary point

2. The third party objector's rebuttal comments were received by the PAC on 5th May 2017. Annex A of the submission referred to a section of land transferred from the Ulster Transport Authority to Henry O. Rea in February 1956 and a plan was attached to show said land. It was alleged that the appeal site included a small portion of the aforementioned land. Section 42(6) of the Planning Act (Northern Ireland) 2011 states that "If any person - (a) issues a certificate which purports to comply with the requirements of this section and which contains a statement which that person knows to be false or misleading in a material particular; or (b) recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular; that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale".
3. The Commission wrote to the appellant's agent on 30th May 2017 seeking clarification on the matter. The correspondence pointed out that if land outside the appellant's ownership or control had been included within the appeal site, an amended Section 42 certificate required to be forwarded to the PAC and the requisite notice served upon any affected parties. As an alternative, it was suggested that an amended drawing could be submitted, with the red line, identifying the appeal site, drawn to reflect the appellant's actual interest in the land.
4. On 5th June 2017 the Commission received copies of an amended plan, showing the area referred to by the objector excluded from the appeal site. No prejudice to

any party arises as a result of this change and I propose to determine the appeal on the basis of the aforementioned plan.

Reasons

5. The main issues in this appeal are:- whether the proposal is acceptable, in principle, in the countryside; the effect of the proposal on visual amenity in the rural area; and whether the proposal would be at risk from flooding.
6. Section 45 (1) of the 2011 Planning Act requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the rural area as identified in the Ards and Down Area Plan 2015 (ADAP). The plan contains no designation or zoning directly affecting the appeal site and the plan defers to regional planning policy and guidance in respect of applications for residential development in the countryside.
7. Other planning policy context for the proposal is provided by the Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015. The SPPS makes it clear that the provisions of, inter alia, Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and PPS 15 Revised: Planning and Flood Risk (PPS15) will continue to apply until such time as a new development plan is in place for the Newry, Mourne and Down area.
8. Policy CTY 1 of PPS 21 lists types of development which are considered to be acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 1 indicates that developments other than those listed will be permitted where there are overriding reasons why they are essential and could not be located in a settlement. Policy CTY10 indicates that planning permission will be granted for a dwelling house on a farm where various criteria are met. The listed criteria are as follows: -

“(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. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group(s).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16”.

9. The Council's evidence states that it is satisfied, in respect of criterion (a) of CTY10, that the site is part of an active and established farm business that has existed for 6 or more years. I note that this is verified in the DARD consultation response of 12th January 2016. No evidence has been presented by the objector to demonstrate that this criterion is not met.
10. The objector argued that the appellant has provided no evidence that the farm has a requirement for an additional dwelling to accommodate those involved in the farm business. It was also submitted that there is no relevance to the policy criteria if a proposed dwelling is not to be of assistance to the running of an active farm. Paragraph 5.37 of PPS21 refers to dwellings for those engaged in the farm business and *other rural dwellers* (my emphasis) and nowhere in the policy is there any indication that need must be proven.
11. Paragraph 5.40 of PPS21 states that planning permission will not be granted for a dwelling under policy CTY10 where a development opportunity has been sold from the farm. It goes on to clarify that "for the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a member of the family". The evidence before me is that the appellant occupies the dwelling at No.39 Listooder Road, which was approved as a retirement dwelling for Mrs Patricia Jennings on 8th November 2005. Policy CTY10 applies in respect of sites disposed of from the holding, with the provision only applying from 25 November 2008 onwards. The Council's evidence indicates satisfaction that no dwellings or development opportunities have been sold off or transferred from the farm holding since that date and the farm maps submitted with the application appear to support this. There is no convincing evidence to demonstrate that No.39 is no longer part of the farm holding. I am satisfied that criterion (b) of policy CTY10 is met.
12. In respect of the 'ten year rule', referred to by the objector, I note that CTY10 states that "planning permission granted under this policy will only be forthcoming once every 10 years". This is a discrete part of the policy, unrelated to criterion (b). CTY21 was published in June 2010. The full application, R/2008/1017/F, was granted on 25th March 2009. There is no evidence to suggest that permission has been granted for any dwellings on the holding under Policy CTY10 and the objector's point is not sustained.
13. Paragraph 5.41 of PPS21 indicates that, in order to help minimise impact on the character and appearance of the landscape, dwellings "should be positioned sensitively with an established group of buildings 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". Paragraph 5.42 explains that "where an alternative site is proposed under criterion (c), which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid

planning permissions, building control approvals or contractual obligations to supply farm produce”.

14. The use of the term “where practicable” in policy CTY10 indicates that there is no absolute requirement for a new dwelling on a farm to take access from an existing lane; failure to do so is not, in itself, a reason to reject a proposal. No.39 Listooder Road is a large detached dwelling with integral garages. There is a shipping container to the rear of the dwelling; the container is not a building. The dwelling cannot be described as an established group of buildings and I note that the original farm dwelling and farm buildings on the holding are located at 79 Cahard Road, some distance from the appeal site. Policy CTY10 allows, in exceptional cases, for consideration to be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, *and* (my emphasis) where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. The appellant has argued that it is not feasible to seek consent for a site adjacent to 79 Cahard Road as it is served by a laneway over which the appellant has no control and which does not meet the required visibility standards at the point of access to the public road. It is submitted that control over the land required to provide the necessary visibility standard does not exist and there is therefore a safety reason for approving a site remote from the main group of farm buildings. I do not accept this argument since the issue is not one of safety, but rather one of land ownership that may, or may not, be resolved with the relevant land owner(s).
15. Policy CTY10 does not confer an absolute entitlement to the approval of a dwelling on a farm. The policy is permissively worded but makes it clear that approval will be conditional upon certain criteria being met. The appellant referred to lands within the holding that have road frontage and I acknowledge that the Council, in a letter to the appellant’s agent in December 2016, indicated that a site thereon would be unlikely to be approved. However, the same letter also states (in respect of the lands around 79 Cahard Road) “this address includes several farm buildings and the lands associated with the farm include lands that could accommodate a farm dwelling that would be sited to cluster with the established group of buildings on the holding”. Whilst there may be objections from Transport NI to the use of the existing access for an additional dwelling on the lane, this could be addressed by improving the visibility standards.
16. I agree with the Council’s submission that the information supplied by the appellant under the title 'Report on the Health and Safety Responsibilities in connection with location of Domestic dwellings on Farms' is not specific to the appellant’s farm and the author of the report actually states “I would not propose to comment on the specific merits of the planning application”. I concur with the Council that the information merely highlights the dangers associated with living or working on a farm when health and safety is overlooked. This would apply to all farms and does not represent demonstrable health and safety reasons to justify the siting of a dwelling on the appeal site. I was not presented with any evidence that there are verifiable plans to expand the farm business at No.79 and I find that the appeal proposal does not meet criterion (c) of CTY10. As it fails in this regard, the proposal also fails in respect of policy CTY1 and I judge that the Council’s first reason for refusal is sustained.

17. Policy FLD 1 of PPS15 is entitled 'Development in Fluvial (River) and Coastal Flood Plains'. The policy indicates that Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The Council's third reason for refusal referred to the appellant's failure to submit a flood risk assessment. The latter was provided in evidence in this appeal and it is demonstrated that the upper part of the host field lies outside the 1 in 100 year fluvial flood plain. The Council's comments indicate that a condition could be applied to ensure that any dwelling was constructed on the more elevated part of the site. Given the circumstances, the Council's third reason for refusal is not sustained.
18. Policy CTY13 of PPS21 is entitled 'Integration and Design of Buildings in the Countryside'. The policy explains that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It goes on to provide a list of situations where a new building would be unacceptable and this includes, inter alia, where (c), it relies primarily on the use of new landscaping for integration; or (g) in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. The Council's objection regarding CTY13 is that the proposal represents the scenario detailed in (g). The objector further argued that the appellant has sought to rely upon vegetation for landscaping that is outside his control and ownership.
19. As I have found that the proposal fails in respect of criterion (c) of policy CTY10, in that the dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm, it follows that it also conflicts with policy CTY13 (g). Due to the need to locate a dwelling on the elevated part of the site, in order to avoid the 1 in 100 year flood plain, the proposal would be clearly visible when seen from viewpoints along Listooder Road where the vegetation along the roadside is sparse or absent. Although the vegetation to the east of the site is largely outwith the appellant's control, there is no reason to suspect that it would be removed by the landowner and it does provide a backdrop relative to Listooder Road. However, new vegetation would be required to the north of any dwelling to provide an acceptable level of enclosure and integration. This would take time to mature, and I judge that the Council was justified in stating in its reason for refusal that the proposal would rely on new landscaping for integration. I find that the second reason for refusal, based on policy CTY13, has been sustained.
20. I have found that the proposal conflicts with PPS21 policies CTY1, CTY10, and CTY13. The first and second reasons for refusal have been sustained and the appeal must therefore fail.

This decision is based on the Site Location Plan 1536/03a at scale 1:2500, received by the PAC on 5th June 2017.

COMMISSIONER A SPEIRS

List of Documents

Planning Authority:-

Doc A – Statement of Case
Doc B – Rebuttal Comments

Appellant:-

Doc C – Statement of Case
Doc D – Rebuttal Comments

Third Parties:-

Doc E – Statement of Case
Doc F – Rebuttal Comments