

Title of Report:	Planning Committee Report – LA01/2022/0238/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th March 2024
For Decision or For Information	For Decision – Referred Application by Alderman McAuley
To be discussed In Committee YES/NO	No

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	
Included in Current Year Estimates	N/A
Capital/Revenue	
Code	
Staffing Costs	

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>No:</u>	LA01/2022/0238/O	<u>Ward:</u>	
<u>App Type:</u>	Full		
<u>Address:</u>	Approx 200m NE of 43 Farran Road, Ballymoney		
<u>Proposal:</u>	Outline application for one and a half storey dwelling with detached garage		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	25.02.2022
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr James Torrens, 43 Farran Road, Ballymoney		
Agent:	R Robinsons & Son, Albany Villas, 59 High Street, Ballymoney BT53 6BG		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk>

EXECUTIVE SUMMARY

- Outline planning permission is sought for a one and a half storey dwelling with detached garage.
- The application site is located within the rural area and lies within Designation COU 5 (Lignite Resource Area) as identified within the Northern Area Plan (NAP) 2016. The site is located on land Approx 200m NE of 43 Farran Road.
- The proposal fails to meet the criteria for the principle of development under Policy CTY10 (a) and (c) as the farm business is not actively farming this land and the proposal fails to visually link or cluster with a group of buildings on the farm.
- As the proposed site fails to integrate into the landscape and it does not visually link with a group of buildings on the farm, and would have an unacceptable impact on rural character, the proposal is also contrary to CTY13 and 14.
- DfI Roads, NI Water and Environmental Health were consulted on the application and raise no objection.
- DAERA was also consulted and it states that the application site is not on land for which payments are currently being claimed by the farm business and that the site is located on land associated with another farm business.
- There are no third-party representations on the proposal.
- The application is recommended for Refusal.
- Reasons for referral by elected member are attached as an annex to this report.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located on land approx 200m NE of 43 Farran Road.
- 2.2 The site is relatively flat and is a rectangular plot of land cut out from an agricultural field. While there is some vegetation the southern boundary of the agricultural field, the northern, southern and eastern boundaries of the proposed site are currently undefined. The western boundary of the field has a post and wire fence with hedging. Some of this will be required to be removed to access the site which is accessed via an existing laneway.
- 2.3 Further south of the site is the applicants dwelling and buildings, although there is little other development in the immediate surrounds of the site. The immediate area is fairly open and exposed, while there is development as you travel further west along Farren Road, and development around the junction with Boyland Road to the east.

3 RELEVANT HISTORY

While there is some history within the surrounding land, there is no relevant planning history on the application site.

4 THE APPLICATION

- 4.1 Outline planning permission is sought for a one and a half storey dwelling with detached garage.

Habitat Regulations Assessment

- 4.2 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the application

5.2 Internal

DfI Roads – No objection to the proposal.

NI Water – No objection to the proposal.

Environmental Health- No objection to the proposal.

DAERA – States the application site is not on land for which payments are currently being claimed by the farm business and that the site is located on land associated with another farm business.

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 both 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

The application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035

Northern Area Plan 2016.

Strategic Planning Policy Statement.

Planning Strategy for Rural Northern Ireland

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

Supplementary Planning Guidance

Building on Tradition: A Sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, integration and rural character, lignite resource area and; access.

Planning Policy

- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.3 Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 indicates that the development of a dwelling sited within an active and established farm in accordance with Policy CTY10 may be acceptable.

Principle of Development

- 8.4 The application has been submitted as a dwelling on the farm. PPS 21 states under CTY 10 that planning permission will be granted for a dwelling house on a farm where all of the criteria (set out below) can be met. An assessment of the proposal against each criterion is provided.

(a) the farm business is currently active and has been established for at least 6 years;

DAERA was consulted on the application, and it confirmed that the farm business ID (identified in the P1C form) has been in existence for more than 6 years, with the farm business ID claiming either single farm payment, less favoured Area Compensatory Allowance or Agric Environment Schemes in the last 6 years. However, DAERA has confirmed that the application site is not on land

for which payments are currently being claimed by the farm business and that the site is located on land associated with another farm business.

The agent has submitted receipts and confirmation that the land is leased to another farmer, with notes from Mr Phillip Christie stating he has rented the land for the previous three years from the applicant. The receipts submitted relate to the years 2021 and 2022 and provide evidence of maintenance of land. This relates to hedge cutting and the provision of new gates, and the provision of livestock drinkers and only relates to general maintenance and not active farming, and cannot be specifically linked to the application site.

Having regard to the information submitted, together with the farm business ID identified on the form P1C, and the consultation response from DAERA that the site is not within the current farm business, it is considered, on balance, that the proposal fails to meet this policy test and the farm business under which permission is sought, is not actively farming this land.

(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;

A history search of farm lands has been carried out and it is considered that 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. The proposal meets this policy test.

(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).*

The proposal fails to visually link or cluster with a group of buildings on the farm. The policy objective for clustering or visual linkage is to contain development within the rural area. Notwithstanding the applicant may own the land, policy requires the site to be on land within the farm business as identified in the P1C Form. As DAERA has confirmed, the site is associated with another farm business and fails to cluster with a group of buildings on the farm.

- 8.5 As the site is not on land associated with the Farm Business, the site fails to meet the requirements of CTY 10.

Integration and rural character

- 8.6 Policy CTY 13 states 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 and policy CTY14 of PPS21 states 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.

- 8.7 The application site is a portion of an existing field which is roadside and has little restricting views of the site. The site is relatively open, due to the lack of extensive vegetation within the field, and the site boundaries do not provide a suitable degree of enclosure to fully integrate the dwelling into the local landscape. A dwelling on the site would appear prominent in the landscape and damage the rural character due to the

openness of the land and surrounding fields and the views of the site travelling east and west along Farren Road.

- 8.8 Criterion (g) of Policy CTY 13 also requires that in the case of a proposed dwelling on a farm, a proposed dwelling is unacceptable if it is not visually linked or sited to cluster with an established group of buildings on a farm. As considered under Para 8.4 (c) of this Report, the proposed site is not within land within the farm business.
- 8.9 As the proposal would be prominent and have an unacceptable impact on rural character, the proposal is contrary to Policy CTY 13 and Policy CTY 14 of PPS21.

Lignite Resource Area

- 8.10 The site lies within Designation COU 5 as designated in the Northern Area Plan 2016. This lignite deposit is recognised as an important and valuable mineral resource, part of which has been proven to be of internationally recognised standards and the Plan aims to safeguard this resource, to ensure the reserves remain exploitable if and when the need arises.
- 8.11 Policy MIN 5 of a Planning Strategy for Rural Northern Ireland states that surface development which would prejudice the future exploitation of valuable mineral reserves (such as lignite) will not be permitted. It is considered that a single dwelling on this land will not prejudice any future potential for lignite exploitation and accords with the requirements of MIN5, when balanced against CTY 1 of PPS 21.

Access

- 8.12 DfI Roads was consulted as the competent authority on these matters and raises no objection to the proposal. The application is unlikely to prejudice road safety or significantly inconvenience the flow of traffic at this location and meets the requirements of AMP 2 of PPS 3

9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS.
- 9.2 DAERA has confirmed that the proposed site is associated within another farm business. The proposal fails to meet the principle policy requirements under CTY10 for a dwelling on the farm as the proposal is not located on a site within the farm business. The proposal fails to meet the tests for visual integration and rural character as the site is open and lacks long established boundaries as required by Policy, and if a dwelling was constructed at this site, it would be a prominent feature on the landscape. Refusal is recommended.

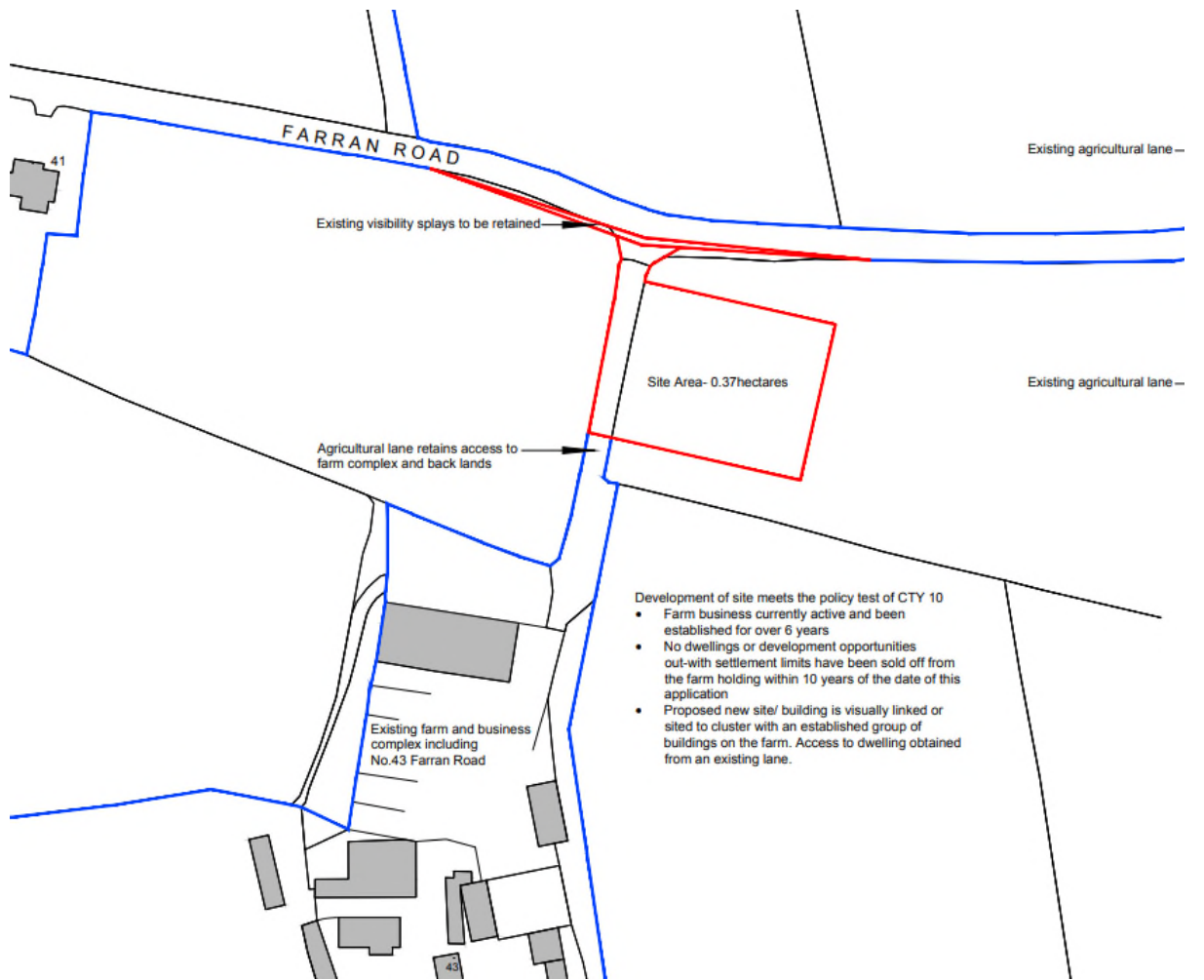
10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY 1 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.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies CTY 1 and criteria (a) & (c) of CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside as the site is associated with another farm business.
3. The proposal is contrary to paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and criteria (a), (b) (c) (f) and (g) of Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the countryside, in that a new building will be a prominent feature in the landscape, 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, it relies primarily on the use of new landscaping for integration, it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and it is not visually linked or sited to cluster with an established group of buildings on a farm.

4. The proposal is contrary to paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and criteria (a) and (c) of Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the countryside, in that a new building will be unduly prominent in the landscape and it does not respect the traditional pattern of settlement exhibited in that area.

Location Plan



Referral Reasons

From: <John McAuley>
Sent: Thursday, June 15, 2023 11:17 PM
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: Re: LA01/2022/0238/O (43 Farran Road)

Good Evening

Can I please request that the following planning application be referred to the planning committee for the reasons stated below:

Ref number – LA01/2022/0238/O

Applicant - Mr James Torrens, 43 Farran Road, Ballymoney

Proposal – Outline application for a 1 ½ storey dwelling with detached garage approx. 200m NE of 43 Farran Road Ballymoney.

The applicant has demonstrated that the farm is active and this has been confirmed by DAERA but the planners are not accepting this.

Planners have also stated that the proposed site is not integrated within the farm buildings part c of the policy –the reason for the choice for this site having ruled out other areas due to flooding

issues identified in NI floodmaps, has already been explained.

Regards

John McAuley
Causeway Coast & Glens Borough Council
Mob.
Email:

