

**From:** Nick Lamb <[REDACTED]>  
**Sent:** 20 January 2023 12:32  
**To:** Denise Dickson; Planning; Rosaleen McNicholl  
**Cc:** Oliver McMullan; John McAuley  
**Subject:** LA01/2022/0323/O - Lands North of 99 Carnbore Road, Liscolman  
**Attachments:** 22.09.22 - Development Management Officer Report.pdf; 23.01.25 - Planning Committee Report.pdf

To who it may concern,

**RE: LA01/2022/0323/O – LANDS NORTH OF 99 CARNBORE ROAD, LISCOLMAN**

Further to the publication of the attached Planning Committee Report relating to the above application, we are writing to express our indignation at the addition of a Reason for Refusal and particularly how the attached Development Management Officer Report (DMOR) has been amended to justify this.

- On 13/09/22, the Case Officer recommended a refusal based on a single reason relating to Policy CTY10 (c) and CTY13 (g) – clustering with existing buildings.
- On 22/09/22, the Appointed Officer signed off this recommendation with no amendments to the Reason for Refusal.

Based on the contents of the DMOR, ourselves and the applicant decided that there were material planning policy reasons to disagree with the recommendation and so approached Councillor John McAuley to refer the application to Planning Committee.

- On 18/01/23, the Planning Committee Report was published and included an additional Reason for Refusal relating to Policy CTY13 (b), (c) and (f) – integration into the landscape.

To justify this, the following excerpts have been amended between the two Reports:

1. *"The northern boundary is defined by mature trees/vegetation"* has been amended to *"The northern boundary is defined by existing trees/vegetation"*
2. *"The eastern roadside boundary is defined by a hedgerow"* has been amended to *"The eastern roadside boundary is defined by a hedgerow which provides minimal screening"*
3. *"The western/rear boundary is defined by a hedgerow"* has been amended to *"The western/rear boundary is defined by a post and wire fence"*
4. *"The existing boundary to the north and west, and proposed new planting along the southern and eastern boundaries would ensure a dwelling at this location would be integrated"* has been replaced with *"Although the existing trees and vegetation located along the northern boundary of the site does provide some screening, it is considered that the eastern and western boundaries of the site would provide minimal screening. The boundary on the southern side is also open. It is therefore considered that the site lacks long established natural boundaries and is unable to provide a degree of enclosure for the building to integrate into the landscape. It is also considered that the proposal would rely primarily on the use of new landscaping for integration."*
5. *"The site is relatively flat and not elevated and would not appear prominent in the landscape or damage rural character"* has been removed entirely.

In spite of all the above, the paragraph summarising assessment against policy remains the same and states the application "fails CTY13 (g)" with no mention of CTY13 (b), (c) and (f) which appear in the Reasons for Refusal.

There can be no question that the above amendments have been made to justify an additional Reason for Refusal. The original Report was produced first hand by a Case Officer who had visited site and was subsequently signed off by an Appointed Officer. To doctor the contents of this to strengthen the Planning Department's argument for Refusal is unacceptable and represents a flagrant attempt to mislead the Planning Committee.

We note at this point that we obviously disagree with the additional reason for refusal and the argument in our favour has already been made by the Case Officer who visited site and determined the proposal would integrate and not appear prominent – an opinion reinforced by the Appointed Officer. This first-hand account should clearly be given more weight than the biased Planning Committee Report published 4 months later.

The Planning Committee Determination Process in relation to this is published as follows by the Council:

5. Site inspected
6. Planning report prepared
7. Report considered by Development Management group
8. Opinion formed
9. Planning Committee Report prepared for Planning Committee

There is a clear opinion formed based on the Development Management Officer Report and prior to the Planning Committee Report. At point (8), the applicant is faced with accepting a refusal, withdrawing the application or requesting a referral to Planning Committee. This decision must be made with the information available at the time, i.e., the DMOR. There should be no scope after this point for the Council to fundamentally move the goalposts.

Had we accepted the refusal, the Decision Notice would have contained one Reason for Refusal. Had we subsequently chosen to appeal the decision at the Planning Appeals Commission, we would have been appealing a single Reason for Refusal. However, and apparently because we have had the audacity to challenge the Planning Department, we now find ourselves having to argue against two Reasons for Refusal at Planning Committee.

With no change to the information submitted or Planning Policy between stages (8) and (9) of the above, the only thing to have a material impact on the process has been our decision to seek referral to Planning Committee and as a result of this the Planning Department have sought to strengthen their case for refusal through a misrepresentation/omission of facts, seemingly because they think their existing case based on a single Reason for Refusal is weak. This is grossly unfair and improper behaviour by a public service designed to prejudice the Planning Committee into deciding in their favour.

We request that the Planning Committee Report be amended in line with the Development Management Officer Report and the Planning Committee Members made aware of this attempted abuse of power. We have copied the Chair of the Planning Committee, the applicant and Councillor John McAuley into this email as they have a right to be aware of the issues faced when trying to gain planning approval fairly, on policy-based reasons from a Planning Department who feel it appropriate to act in this manner.

With the application due to be decided at Planning Committee on 25/01/23, we would appreciate a response as a matter of urgency.

Regards,

**Nick Lamb**

Chartered Architect ARB RIBA



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2022/0323/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>25th January 2023</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Cllr John Mc Auley</b>

<b>Linkage to Council Strategy (2021-25)</b>	
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

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

<b>Screening Requirements</b>	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:

**No:** LA01/2022/0323/O **Ward:** Giant's Causeway

**App Type:** Outline

**Address:** Lands north of 99 Carnbore Road, Liscolman, Ballymoney

**Proposal:** Dwelling and garage

**Con Area:** N/A **Valid Date:** 18.03.2022

**Listed Building Grade:** N/A

**Agent:** Lam Architects 94 University Street Belfast BT7 1HE

**Applicant:** John White 116 Carnbore Road, Liscolman, Ballymoney, BT53 8QT

**Objections: 0** **Petitions of Objection: 0**

**Support: 0** **Petitions of Support: 0**

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for a Dwelling and garage at Lands north of 99 Carnbore Road, Liscolman, Ballymoney.
- The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 10, criteria (c) and CTY 13 criteria (g) in that the new building will not be visually linked or sited to cluster with an established group of buildings on the farm.
- Given the openness of the site and minimal natural screening the proposal also fails criteria (b), (c) and (f) of Policy CTY 13.
- Refusal is recommended

**Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>**

## **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** full planning permission subject to the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located on Lands north of 99 Carnbore Road, Liscolman, Ballymoney.
- 2.2 The application site is a portion of an agricultural field fronting the Carnbore Road. The northern boundary is defined by mature trees/vegetation. The eastern roadside boundary is defined by a hedgerow. The southern boundary is undefined and open to the remainder of the agricultural field. The western/rear boundary is defined by a hedgerow. The site has as a gradual fall in ground level from south to north and is set at a lower level than the roadside.
- 2.3 The site is located within the rural area outside any settlement development limit as defined in the Northern Area Plan 2016

## **3 RELEVANT HISTORY**

- 3.1 Planning history on the application site includes;
- LA01/2019/0479/F- Permission Granted for Retrospective remedial action application for approval of unauthorised access to previous approval E/2006/0131/F
- Planning History in the vicinity of the site includes:
- E/2002/0173/O - Permission Granted for Site for new dwelling Carnbore Road, Liscolman, Ballymoney

- E/2006/0131/F - Permission Granted for Proposed new dwelling and garage Adjacent to 97 Carnbore Road, Liscolman
- LA01/2021/1211/LDP – Permitted Development for Proposed completion of dwelling and domestic garage as approved under application ref E/2006/0131/F Adj to 97 Carnbore Road, Ballymoney.

## **4 THE APPLICATION**

- 4.1 This is an outline application for a Dwelling and garage on Lands north of 99 Carnbore Road, Liscolman, Ballymoney.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 06.04.2022.

Neighbours: No neighbours to notify.

No letters of support or objection were received on this application.

### **5.2 Internal**

NI Water: no objections.

Environmental Health: no objections.

DAERA (DARD): no objections

DFI Roads: no objections.

Rivers Agency: objections.

NIEA: 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:
- The 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 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 15 – Planning and Flood Risk

Planning Policy Statement 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, visual integration/impact on rural character, access and flood risk.

### **Principle of development**

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes there are 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, one of which is a dwelling on a farm in accordance with Policy CTY 10.
- 8.4 CTY 10 notes that planning permission will be granted for a dwelling house on a farm where certain criteria can be met. Criteria (a) notes “the farm business is currently active and has been established for at least 6 years.”
- 8.5 DAERA (DARD) was consulted on the application and in a consultation response dated 26.04.22 confirmed that; the farm business Id identified on the Form P1C has been in existence for more than 6 years, it was allocated on 19/11/1991, it’s a Category 1 farm business Id, the farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years, and the application site is on land for which payments are currently being claimed by the farm business. The farm business is active and established and the application meets CTY 10 criteria (a).
- 8.6 CTY 10 Criteria (b) notes “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”

- 8.7 The applicant has provided farm maps Doc 04. A planning history search of all farm lands were carried out. The application meets criteria (b).
- 8.8 CTY 10 Criteria (c) notes “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).
- 8.9 The farm business as per the P1c form is registered at 116 Carnbore Road. The application site is proposed at lands north of 99 Carnbore Road. The P1C form and Design and Access Statement explain that the farm at 99 Carnbore Road was purchased in 1983 and has been use for poultry rearing since. With herd numbers being provided. It is accepted that 99 Carnbore Road and outbuildings are buildings on the farm. The site is some 210m north of the poultry shed at 99 Carnbore Road. This separation distance means the site is not visually linked or sited to cluster with an established group of buildings on the farm.
- 8.10 CTY 10 does note 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).
- 8.11 Information submitted by the agent at q.6 of the P1C notes;
- sites closer to the farm buildings would be unsuitable due to the proximity to the poultry house;
  - smell and noise pollution. Alarms may sound anytime of the day or night.
  - in spite of pest control measures, vermin could be a problem.
  - a second poultry house may be necessary in the future to keep poultry enterprise viable. This would be constructed parallel to the present poultry house in the field on the north side.

- 8.12 A noise impact assessment was submitted (Doc 03) with the application as well as a supporting letter from the agent (Doc 01). This notes the predominant noise source across the site is that of transportation noise and occasional agricultural activity. A buffer zone has been recommended around the turkey shed to minimise the impact of noise and odour from the building on the proposed residential property. The proposed site is within the recommended green zone.
- 8.13 Whilst the information submitted is acceptable in its conclusion that siting a dwelling away from the existing poultry sheds would be beneficial in terms of health reasons regarding noise and odour, it is noted that the farm business is registered to 116 Carnbore Road and it has not been demonstrated that there are no alternative sites at this group of farm buildings to site a new dwelling. The comments in regards to potential future poultry houses are not determining, as there are no verifiable plans for this expansion in terms of valid planning applications.
- 8.14 The agent submitted via email on the 12.09.22 a written response to why the site could not be sited at 116 Carnbore Road. This submission notes the following;
- The existing lane at 116 Carnbore Road would have to be used for access, which would present a health and safety risk for the following reasons; the lane is used by large vehicles to access farmland; the lane is narrow and no space to pass oncoming vehicles; there is a kink and incline in the lane making it harder to see oncoming vehicles.
  - The only viable field to visually link is ref: 031 5, other fields would require passing through working farm.
  - Only the western portion of the field could be accessed directly from the existing laneway. A new laneway providing access elsewhere in the field would be a prominent feature in the landscape due to the topography of the field.
  - A dwelling in the western portion of this field would be prominent due to the topography; require cut and fill; require new landscaping for integration; overlook the amenity of 118; not respect the settlement pattern; and represent a health and safety risk located adjacent working farm dispensing noise, odour and air pollution.
- 8.15 In response to this submission I would note;

- Roads would have to be consulted to determine a safe access. We would accept the most viable field for visual linkage without accessing via the farm yard is field 031 5. We would not accept that only the western portion of field 031 5 is viable for siting a dwelling. A new dwelling could be positioned in line or set further back from 116, with the laneway running along the existing curtilage of no 116. This would visually link with the existing farm buildings and considering the position and location of 116 would not appear significantly prominent.

8.16 The application fails CTY 10 criteria (c) in that it does not visually link with the farm buildings at both 99 Carnbore road and it has not been adequately demonstrated as to why a dwelling could not be sited to visually link with the established group of farm buildings at 116 Carnbore road.

### **Visual integration/impact on rural character**

- 8.17 Planning Policy Statement 21 – Sustainable development in the Countryside CTY 13 notes 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. A new building will be unacceptable where:
- (a) It is a prominent feature in the landscape; or
  - (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
  - (c) It relies primarily on the use of new landscaping for integration; or
  - (d) Ancillary works do not integrate with their surroundings; or
  - (e) The design of the building is inappropriate for the site and its locality; or
  - (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
  - (g) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.
- 8.18 Policy CTY 14 notes 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. A new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or

- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

- 8.19 The application site is a portion of an agricultural field fronting the Carnbore Road. The northern boundary is defined by existing trees/vegetation. The eastern roadside boundary is defined by a hedgerow which provides minimal screening. The southern boundary is undefined and open to the remainder of the agricultural field. The western/rear boundary is defined by a post and wire fence. The site has as a gradual fall in ground level from south to north and is set at a lower level than the roadside.
- 8.20 Some of the roadside hedgerow would have to be removed and replanted to achieve splays. Although the existing trees and vegetation located along the northern boundary of the site does provide some screening, it is considered that the eastern and western boundaries of the site would provide minimal screening. The boundary on the southern side is also open. It is therefore considered that the site lacks long established natural boundaries and is unable to provide a degree of enclosure for the building to integrate into the landscape. It is also considered that the proposal would rely primarily on the use of new landscaping for integration.
- 8.21 As this is an outline application the design of the dwelling has not been established. No. 99 to the south and no. 97 to the north are single storey/storey and a half type dwellings. The scale of any dwelling on this site should be reflective of this and a ridge height condition would be appropriate.
- 8.22 The proposed dwelling will not create or add to a ribbon of development.
- 8.23 As assessed under CTY 10 for a dwelling on a farm the site is not visually linked/clustered with the established group of buildings on a farm and fails CTY 13 (g).

## **Access**

- 8.24 PPS 3, Policy AMP 2, Access to Public Roads notes planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.25 The application proposes the creation of a new access onto the Carnbore Road. DFI Roads have been consulted on the application and in a response dated 21.07.22 raised no objections. The application meets PPS 3 AMP 2.

## **Flood Risk**

- 8.26 PPS 15, Policy FLD 2 – Protection of flood defence and drainage infrastructure notes, “The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.”
- 8.27 An undesignated watercourse flows along the northern boundary of the site. DFI Rivers have been consulted and recommend that a working strip of 5m is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. The application is in accordance with PPS 15 FLD 2.

## **Habitats Regulation Assessment**

- 8.28 The potential impact 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.

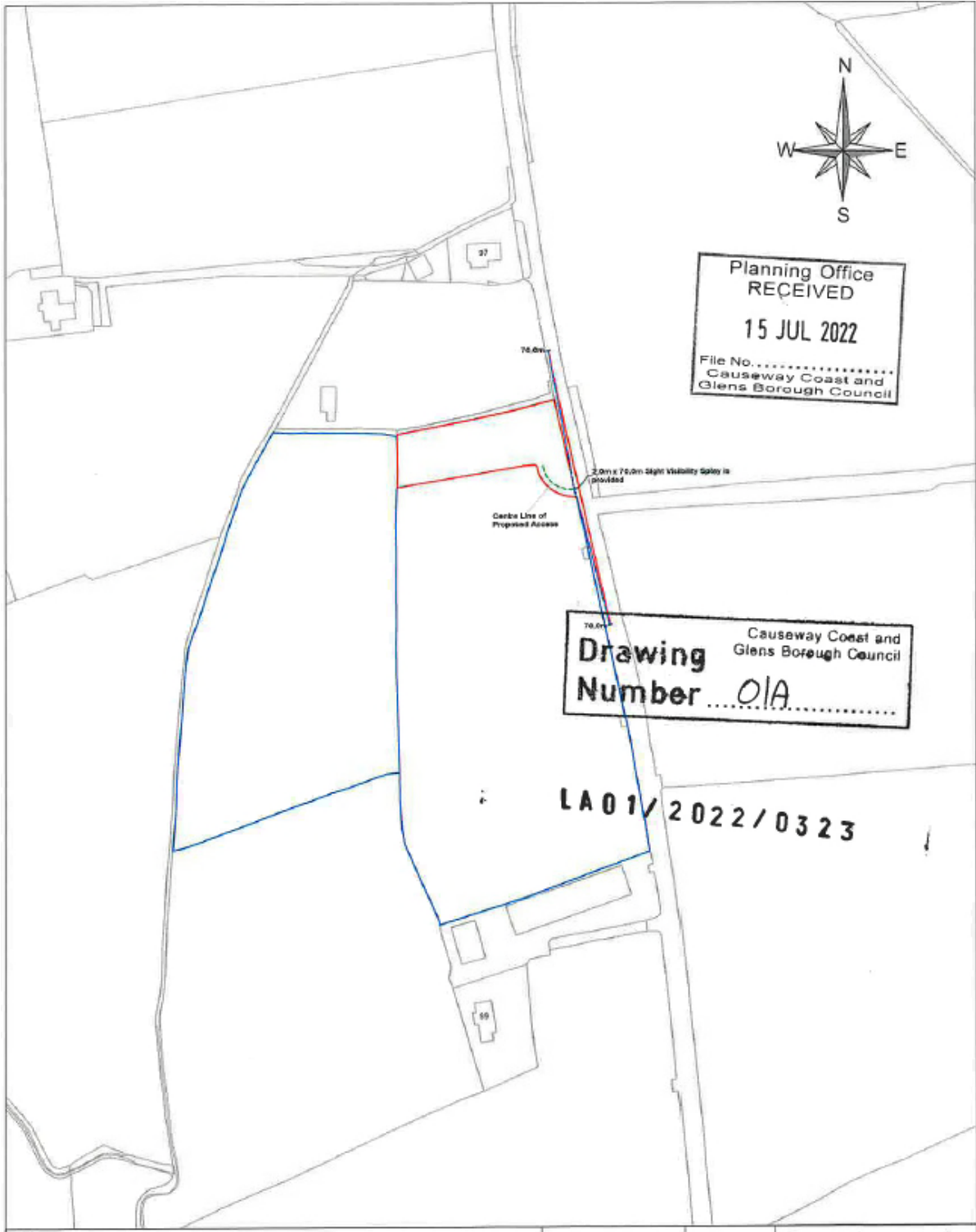
## **9 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 10 criteria (c) and CTY 13 criteria (g) in that the new building will not be visually linked or sited to cluster with an established group of buildings on the farm. The proposal is also contrary to criteria (b), (c) and (f) of Policy CTY 13.

## **10 Reasons for Refusal**

1. The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 10, criteria (c) and Policy CTY 13, criteria (g) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building will not be visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to paragraph 6.70 and 6.73 of the SPPS and criteria (b), (c) and (f) of Policy CTY13 of PPS21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries, is unable to provide a degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.

# Site location Map





# Referral Request

**From:** [john.mcauley.dun@gmail.com](mailto:john.mcauley.dun@gmail.com) <[john.mcauley.dun@gmail.com](mailto:john.mcauley.dun@gmail.com)>  
**Sent:** 23 September 2022, 17:19  
**To:** Planning <[Planning@causewaycoastandglens.gov.uk](mailto:Planning@causewaycoastandglens.gov.uk)>  
**Subject:** Ref: LA01/2022/0523, Land Adjacent to 99 Carnborne Road, Lincoln

Good Evening

In reference to Planning Application Ref: LA01/2022/0523, Land Adjacent to 99 Carnborne Road, Lincoln, I wish to request that this be deferred to Planning Committee for the following reasons:

1. The applicant is entitled to a dwelling on the farm and only the location is in dispute.
2. The Statutory Consultees have responded and are all satisfied with the application.
3. There are no objections to the application.
4. The farm land is spread over a number of locations along Carnborne Road and this application relates to a stretch of 95 Carnborne Road which we deem to be the most viable site for the dwelling (direct access, existing boundaries, topography etc.)
5. An application was made which included a Noise Impact Assessment by way of providing a demonstrable health and safety reason as to why the dwelling could not cluster with the existing Turkey Shed at the location, thereby complying with Policy CT1A01(i). This was accepted by Environmental Health Department in their consultation response.
6. The Planning Department request evidence as to why the dwelling could not be sited to cluster with buildings at the Carnborne Road and this evidence was provided within the attached Planning Response document. In summary, we believe a dwelling at this location would be contrary to CTY13 and CTY14, as well as representing a demonstrable health and safety risk as site access from Carnborne Road cannot be achieved at this location.

Regards

**John McAuley**  
Causeway Coast & Glens Borough Council  
M: 07736474848  
Email: [john.mcauley.dun@gmail.com](mailto:john.mcauley.dun@gmail.com)





Causeway Coast and Glens  
 Local Planning Office  
 Cloonavin  
 66 Portstewart Road  
 Coleraine  
 BT52 1EY

<b>Development Management Officer Report</b>		
<b>Case Officer:</b> Rosaleen Mc Nicholl		
<b>Application ID:</b> LA01/2022/0323/O		<b>Target Date:</b>
<b>Proposal:</b> Dwelling and garage		<b>Location:</b> Lands north of 99 Carnbore Road Liscolman Ballymoney
<b>Applicant Name and Address:</b> John White 116 Carnbore Road Liscolman Ballymoney BT53 8QT		<b>Agent Name and Address:</b> Lam Architects 94 University Street Belfast BT7 1HE
<b>Date of last Neighbour Notification:</b>		N/A
<b>Date of Press Advertisement:</b>		06.04.2022
<b>ES Requested:</b> No		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads	26.04.2022 21.07.2022
Advice and Guidance	Environmental Health	01.07.2022 11.08.2022
Statutory	NI Water	11.04.2022
Statutory	DAERA	26.04.2022
Statutory	NIEA	29.04.2022
Statutory	Rivers Agency	25.04.2022
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	

Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues:</b> Considered in the report	

<b>Site Visit Report</b>
<b>Date of Site Visit:</b> 19.08.2022
<p><b>Characteristics of the Site and Area</b></p> <p>The application site is located on lands north of 99 Carnbore Road Liscolman Ballymoney.</p> <p>The application site is a portion of an agricultural field fronting the Carnbore Road. The northern boundary is defined by mature trees/vegetation. The eastern roadside boundary is defined by a hedgerow. The southern boundary is undefined and open to the remainder of the agricultural field. The western/rear boundary is defined by a hedgerow. The site has as a gradual fall in ground level from south to north and is set at a lower level than the roadside.</p> <p>The site is located in the open countryside outside any defined development settlement limit.</p> <p>The site will be accessed via the creation of a new access onto the Carnbore Road.</p>
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>Planning History on the site:</p> <ul style="list-style-type: none"> <li>- LA01/2019/0479/F- Permission Granted for Retrospective remedial action application for approval of unauthorised access to previous approval E/2006/0131/F</li> </ul> <p>Planning History adjacent the site:</p> <ul style="list-style-type: none"> <li>- E/2002/0173/O - Permission Granted for Site for new dwelling Carnbore Road, Liscolman, Ballymoney</li> <li>- E/2006/0131/F - Permission Granted for Proposed new dwelling and garage Adjacent to 97 Carnbore Road, Liscolman</li> <li>- LA01/2021/1211/LDP – Permitted Development for Proposed completion of dwelling and domestic garage as approved under application ref E/2006/0131/F Adj to 97 Carnbore Road, Ballymoney.</li> </ul>

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

- The Northern Area Plan 2016
- The Strategic Planning Policy Statement (SPPS) 2015
- Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

Consultation carried out –

- DFI Roads consulted on 07.04.2022 and 21.07.22.
- NI Water consulted on 07.04.2022.
- Environmental Health consulted on 07.04.2022 and 21.07.2022.
- DAERA (DARD) consulted on 07.04.2022.
- NIEA consulted on 07.04.2022.
- Rivers agency consulted on 07.04.2022.

#### **The Northern Area Plan 2016 –**

The site is located in the rural countryside outside any development limit. The Northern Area Plan 2016 provides no specific guidance or policy in relation to this planning application.

#### **The Strategic Planning Policy Statement for NI 2015 (SPPS) –**

Paragraph 1.10 states that a transitional period will operate until such a time as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified at paragraph 1.13, together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply. Paragraph 1.12 advises any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. Where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The SPPS promotes sustainable development throughout the planning system. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS. Planning and other environmental policies must therefore play their part in facilitating sustainable development in the countryside but not at the expense of the region's rich natural assets and not at the expense of the natural and built environment.

There is no conflict between the SPPS and the policy provisions of Planning Policy Statement 21 – Sustainable development in the Countryside Policy CTY 10 which both allow for a dwelling on a farm where the criteria outlined in CTY 10 have been met.

### **Planning Policy Statement 21 – Sustainable development in the Countryside**

Policy CTY 1 notes there are 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 one of which is a dwelling on a farm in accordance with Policy CTY 10.

CTY 10 notes that planning 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;

DAERA (DARD) were consulted on the application and in a consultation response dated 26.04.22 confirmed that; the farm business Id identified on the Form P1C has been in existence for more than 6 years, it was allocated on 19/11/1991, it's a Category 1 farm business Id, the farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years, and the application site is on land for which payments are currently being claimed by the farm business. The farm business is active and established and the application meets CTY 10 criteria (a).

(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;

The applicant has provided farm maps Doc 04. A planning history search of all farm lands were carried out. The application meets criteria (b).

(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 farm business as per the P1c form is registered at 116 Carnbore Road. The application site is proposed at lands north of 99 Carnbore Road. The P1C form and Design and Access Statement explain that the farm at 99 Carnbore Road was purchased in 1983 and has been use for poultry rearing since. With herd numbers etc

provided. It is accepted that 99 Carnbore Road and outbuildings are buildings on the farm.

The site is some 210m north of the poultry shed at 99 Carnbore Road. This separation distance means the site is not visually linked or sited to cluster with an established group of buildings on the farm.

CTY 10 does note 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).

Information submitted at q.6 of the P1C notes;

“sites closer to the farm buildings would be unsuitable due to the proximity to the poultry house;

-smell and noise pollution. Alarms may sound anytime of the day or night.

- in spite of pest control measures, vermin could be a problem.

- a second poultry house may be necessary in the future to keep poultry enterprise viable. This would be constructed parallel to the present poultry house in the field on the north side.”

A noise impact assessment was submitted (Doc 03) with the application as well as a supporting letter from the agent (Doc 01). This notes the predominant noise source across the site is that of transportation noise and occasional agricultural activity. A buffer zone has been recommended around the turkey shed to minimise the impact of noise and odour from the building on the proposed residential property. The proposed site is within the recommended green zone.

Whilst the information submitted is acceptable in its conclusion that siting a dwelling away from the existing poultry sheds would be beneficial in terms of health reasons regarding noise and odour, it is noted that the farm business is registered to 116 Carnbore Road and it has not been demonstrated that there are no alternative sites at this group of farm buildings to site a new dwelling. The comments in regards to potential future poultry houses are not determining, as there are no verifiable plans for this expansion in terms of valid planning applications.

The agent submitted via email on the 12.09.22 a written response to why the site could not be sited at 116 Carnbore Road. This submission notes the following;

- The existing lane at 116 Carnbore Road would have to be used for access, which would present a health and safety risk for the following reasons; the lane is used by large vehicles to access farmland; the lane is narrow and no space to pass oncoming vehicles; there is a kink and incline in the lane making it harder to see oncoming vehicles.
- The only viable field to visually link is ref: 031 5, other fields would require passing through working farm.
- Only the western portion of the field could be accessed directly from the existing laneway. A new laneway providing access elsewhere in the field would be a prominent feature in the landscape due to the topography of the field.

- A dwelling in the western portion of this field would be prominent due to the topography; require cut and fill; require new landscaping for integration; overlook the amenity of 118; not respect the settlement pattern; and represent a health and safety risk located adjacent working farm dispensing noise, odour and air pollution.

In response to this submission I would note;

- Roads would have to be consulted to determine a safe access. We would accept the most viable field for visual linkage without accessing via the farm yard is field 031 5. We would not accept that only the western portion of field 031 5 is viable for siting a dwelling. A new dwelling could be positioned in line or set further back from 116, with the laneway running along the existing curtilage of no 116. This would visually link with the existing farm buildings and considering the position and location of 116 would not appear significantly prominent.

The application fails CTY 10 criteria (c) in that it does not visually link with the farm buildings at both 99 Carnbore road and it has not been adequately demonstrated as to why it a dwelling could not be sited to visually link with the established group of farm buildings at 116 Carnbore road.

The proposed site must also meet the requirements of CTY 13 and CTY 14.

CTY 13 notes 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. A new building will be unacceptable where:

- It is a prominent feature in the landscape; or
- The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- It relies primarily on the use of new landscaping for integration; or
- Ancillary works do not integrate with their surroundings; or
- The design of the building is inappropriate for the site and its locality; or
- It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY 14 notes 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. A new building will be unacceptable where:

- it is unduly prominent in the landscape; or
- it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- it does not respect the traditional pattern of settlement exhibited in that area; or
- it creates or adds to a ribbon of development (see Policy CTY 8); or
- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The application site is a portion of an agricultural field fronting the Carnbore Road. The northern boundary is defined by mature trees/vegetation. The eastern roadside

boundary is defined by a hedgerow. The southern boundary is undefined and open to the remainder of the agricultural field. The western/rear boundary is defined by a hedgerow. The site has as a gradual fall in ground level from south to north and is set at a lower level than the roadside.

Some of the roadside hedgerow would have to be removed and replanted to achieve splays. The existing boundary to the north and west, and proposed new planting along the southern and eastern boundaries would ensure a dwelling at this location would be integrated. The site is relatively flat and not elevated and would not appear prominent in the landscape or damage rural character.

No. 99 to the south and no. 97 to the north are single storey/storey and a half type dwellings. The scale of any dwelling on this site should be reflective of this and a ridge height condition would be appropriate.

The sites location will not add to a ribbon of development.

As this is an outline application the design of the dwelling has not been established.

As assessed under CTY 10 for a dwelling on a farm the site is not visually linked/clustered with the established group of buildings on a farm and fails CTY 13 (g).

### **PPS 3 – Access Movement and Parking**

Policy AMP 2 - Access to Public Roads notes Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The application proposes the creation of a new access onto the Carnbore Road. DFI Roads have been consulted on the application and in a response dated 21.07.22 raised no objections.

### **PPS 15 – Planning and Flood Risk**

FLD 2 – Protection of flood defence and drainage infrastructure

An undesignated watercourse flows along the northern boundary of the site. DFI Riverss have been consulted and recommend that a working strip of 5m is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

### **Summary of Consultations, Representations and Letters of Support –**



NI Water consultation response 11.04.22 no objections.

Environmental Health consultation response 11.08.22 raised no objections.

DAERA (DARD) provided a consultation response dated 26.04.22. In this response they confirmed details regarding the status of the farm business.

DFI Roads consultation response 21.07.22 no objections.

Rivers Agency 25.04.22 no objections.

NIEA consultation response 29.04.22 raised no objections.

No letters of objection or support were submitted on the application

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.

**Neighbour Notification Checked** Yes

**Summary of Recommendation**

Having assessed the application against the relevant planning policy it is my professional opinion that this application should be refused permission.

**Reasons For Refusal**

1. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 10, criteria (c) and CTY 13 criteria (g) in that the new building will not be visually linked or sited to cluster with an established group of buildings on the farm.

**Case Officer Signature: R Mc Nicholl**

**Date: 13.09.2022**

**Appointed Officer Signature:**



*Agree with case officer recommendation to refuse.*

Date: 22.09.22.