

Planning Committee Report LA01/2019/0528/F	25th November 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2019/0528/F	<u>Ward:</u>	MACOSQUIN
<u>App Type:</u>	Outline		
<u>Address:</u>	Approx 375 West of 25 Knocknougher Road, Macosquin, Coleraine		
<u>Proposal:</u>	Retention of Mobile, Touring Caravan & Associated Paraphernalia		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	20.05.2019
<u>Listed Building Grade:</u>	N/A		
Agent:	Moore Design, Market Court, 63 New Row, Coleraine		
Applicant:	Mr & Mrs W Joyce 78 Union Street, Coleraine BT52 1QB		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

EXECUTIVE SUMMARY

- Full planning permission is sought for the Retention of Mobile, Touring Caravan & Associated Paraphernalia for a temporary period of 3 years.
- The site is located within the countryside, outside of any defined settlement development limits as defined in the Northern Area Plan 2016. The site lies just outside the Binevenagh Area of Outstanding Natural Beauty.
- The principle of development is considered unacceptable as there is no policy reason to allow the retention of the caravans in this location.
- The proposal has an unacceptable visual impact as it fails to appropriately and adequately integrate into the countryside and will have a detrimental impact on rural character.
- Environmental Health, DfI Roads, and Northern Ireland Water all raise no objection to the proposal.
- The application is recommended for Refusal.

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, guidance and consideration in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site, formerly part of a wider field, is located 375m west of 25 Knocknougher Road, Macosquin. The site is rectangular in shape and is located adjacent to Altikeeragh Lane. The site comprises a mobile home set on a raised platform of hardstanding, a touring caravan and what appears to be a plastic heating oil tank.
- 2.2 Access to the site is taken from Altikeeragh Lane via a makeshift gate fashioned from a wooden pallet and green wire fencing. The hardstanding is retained with timber boards at an approximate height of 0.3m.
- 2.3 The western boundary of the site is defined with dense hedgerow, post and wire fencing and the aforementioned wooden pallet and green wire fencing at the site entrance. The remaining boundaries are undefined.
- 2.4 The character of the immediate area is defined with open countryside and dispersed agricultural and residential development.
- 2.5 The site is located in the open countryside, outside of any development limit. The site abuts an AONB however it is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.

3 RELEVANT HISTORY

LA01/2019/0532/F – Proposed Farm Sheds, Approx 130m West of 25 Knocknougher Road, Coleraine. Under Consideration

4 THE APPLICATION

- 4.1 Full Planning Permission is sought for the Retention of Mobile, Touring Caravan & Associated Paraphernalia or a period of 3 years to allow for the construction of farm sheds.
- 4.2 The application for the construction of the farm sheds is subject to a second application submitted under LA01/2019/0532/F which is referred to the Planning Committee for determination.

Habitats Regulation Assessment

- 4.3 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There was one representation submitted neither objecting nor supporting this proposal. The representation made comment on the aesthetic appearance and that it is unlikely to be granted as a permanent residence. Commentary is also made in relation to precedent and the individual's interest in doing something similar.

5.2 Internal

Environmental Health – has no objection to the proposal

DfI Roads – has no objection to the proposal

Northern Ireland Water – has no objection to the proposal

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)

PPS21: Sustainable Development in the Countryside

PPS 3 (and its Addendums): Access, Movement and Parking

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, personal circumstances, visual impact and rural character, and traffic matters.

Planning Policy

8.2 The site is outside any settlement development limit as defined in the Northern Area Plan 2016.

- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 The SPPS states that provision should be made for a residential caravan or mobile home for a temporary period in exceptional circumstances. These may include the provision of temporary residential accommodation pending the development of a permanent dwelling, or where there are compelling and site specific reasons related to personal or domestic circumstances.
- 8.5 Policy CTY 9 Residential Caravans and Mobile Homes has similar wording stating that planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances. *These exceptional circumstances include:*
- *The provision of temporary residential accommodation pending the development of a permanent dwelling; or*
 - *Where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).*

All permissions will normally be subject to a three-year time limit. However, this may be extended having regard to the particular circumstances of the case.

- 8.6 The applicant does not have permission or an application pending for the development of a permanent dwelling. Therefore, as the caravans are not being used as temporary residential accommodation pending the construction of a permanent dwelling it fails the first policy. Therefore, there is a need to consider any compelling and site-specific reasons related to personal or domestic circumstances.

Personal Circumstances

- 8.7 Policy CTY 6 of PPS 21 provides policy context relating to personal and domestic circumstances primarily relating to the provision of a new dwelling. A similar test is applied for considering a temporary permission for a mobile home as set out under Policy CTY9.

8.8 The justification and amplification on CTY6 states that there may be cases where special personal or domestic circumstances require a new house in the countryside. Such cases will include instances where a young adult who requires a continuing and high level of care, but who could also benefit from a greater degree of independent living. While this application is not seeking a new dwelling, this provides an instance of compelling and site-specific circumstances which would merit approving planning permission and illustrates an example of when personal and domestic circumstances warrant the approval of planning permission.

8.9 CTY 6 states that applicants will be expected to provide sufficient information to allow a proper assessment of each specific case. Such information should include:

- *a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.*
- *details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.*
- *an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused.*
- *details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.*
- *any other information considered relevant to the particular case.*

8.10 While all the criteria listed in Para 8.10 may not be relevant to the consideration of every application it provides an understanding regarding the level of detail and information required when any applicant is seeking permission under personal and domestic circumstances.

8.11 The applicant has submitted a letter stating they keep rescue horses and ponies on the fields abutting the site. Additionally they submitted

correspondence from DAERA regarding the allocation of goat, equine and sheep herd/flock numbers. The applicant states the caravans are required as a security measure after they had equipment, ancillary to the keeping of the animals, stolen from the site as well as providing toilet facilities.

- 8.12 An office meeting was held 17th October 2019 with the applicants and their agent. At the meeting the applicant reiterated that the caravans were required until they received approval for a shed, which is subject to a separate application and remains under consideration. The applicant was afforded the opportunity to submit any evidence they feel may support their case.
- 8.13 The applicants submitted an account detailing money and time spent draining and improving the land and personal reasons for seeking the retention and development of this land, including a personal plea on behalf of themselves and their foster child highlighting the enjoyment and pleasure they all experience.
- 8.14 There was a further statement stated that there is an intention to use the caravans to provide temporary residential accommodation on the farm until they were ready to submit plans for a permanent dwelling. As the applicant is unable to demonstrate an active and established farm, it is unlikely there is any current planning policy to support the principle of a new dwelling in this instance.
- 8.15 Having regard to the factual and personal matters submitted, while officials are sympathetic to the matters raised, it is considered that these are not compelling and site-specific reasons related to personal and domestic circumstances which carry determining weight in seeking the retention of these caravans.
- 8.16 As the proposal does not comply with Policy CTY 9, it is considered that the principle of retaining the caravans is unacceptable at this location.

Visual impact and rural character

- 8.17 CTY 9 requires the siting of a residential caravan or mobile home to be subject to the same planning and environmental considerations as a permanent dwelling. These criteria are set out in Policies CTY 13 & CTY 14 and although these policies relate to new buildings, CTY 9 directs the decision maker to these in assessing the integration of

such a development. CTY 9 also states that permission depends on the ability to integrate the unit within an existing building group and screen the unit from public view. No building unit exists in which to integrate the units with and they are open to public views.

- 8.18 In terms of consideration against Policies CTY 13 and CTY14, the caravans are a prominent feature in the landscape by virtue of their conspicuousness and lack of surrounding development. This is further exacerbated by the open nature of the site with only the boundary with the road defined. Roadside vegetation along the Knocknougher road and Altikeeragh Lane integrates views of the development to a degree on approach to the site. However it is noted that much of the vegetation to the only defined boundary requires removal to facilitate sight lines. The design of the buildings are inappropriate for their location. Caravans without surrounding development are not a common sight within the countryside and the development does not blend with the surrounding natural features. The proposal has an unacceptable visual impact as it fails to appropriately and adequately integrate into the countryside and will have a detrimental impact on rural character.

Traffic Matters

- 8.19 DfI Roads was consulted as the competent authority on road and traffic matters and it raises no objection to the proposal. It is considered that the proposal complies with PPS 3 and its addendums.

9 CONCLUSION

- 9.1 The proposal is considered to be unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, PPS 21 and PPS 3. The retention of the caravans does not meet the policy exceptions set out in CTY 9 of PPS 21. The proposal has an unacceptable visual impact on the rural area and impacts on rural character. The proposal also fails to meet CTY 1 as it is not considered an acceptable type of development in the countryside. Refusal is recommended.

10 Reasons

1. The proposal is contrary to SPPS Para 6.73 and Policies CTY1 and CTY 9 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an

exceptional case in that such circumstances have not been demonstrated.

2. The proposal is contrary to Policies CTY9, CTY13 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside as the proposal fails to integrate, is an unduly prominent feature in the landscape, is inappropriate for the site and its locality, and has an unacceptable visual and a detrimental impact on rural character.

Site location Map



Location Plan for Mobile Home at Altikeeragh Lane, Macosquin, Coleraine.

Scale 1:2500

Proposed Layout

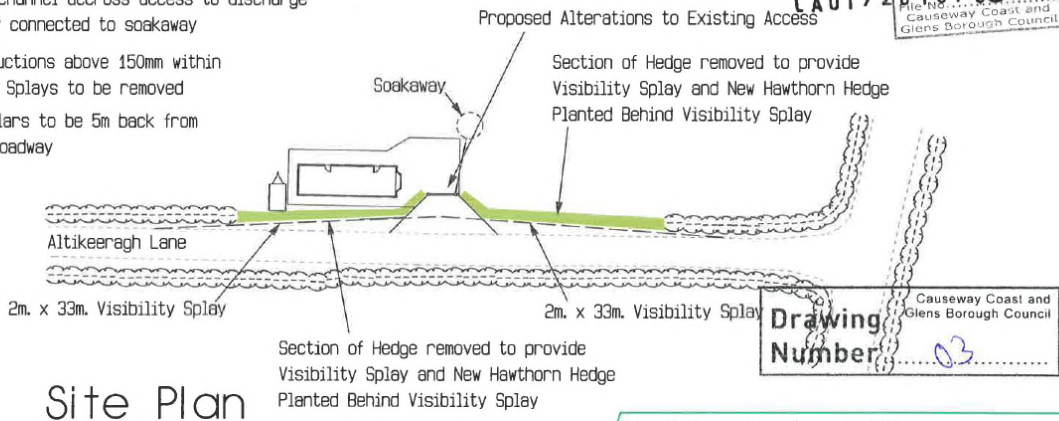
Width of Access to be 3.2m.

Gradient of Access not to exceed 1 in 12.5 for the first 5m. from the back of the footpath.

Drainage channel across access to discharge into gully connected to soakaway

All obstructions above 150mm within Visibility Splays to be removed

Gates/Pillars to be 5m back from edge of roadway



Site Plan

Altikeeragh Lane

job no 07-19 drawing 1A. scale 1:500
5th July 2019

client: **Mr & Mrs W. Joyce**

project: Mobile Home at Altikeeragh Lane, Macosquin, Coleraine.

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