

Title of Report:	Planning Committee Report – LA01/2020/1170/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd September 2021
For Decision or For Information	For Decision

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	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	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> LA01/2020/1170/O	<u>Ward:</u> DUNLOY
<u>App Type:</u> Outline	
<u>Address:</u> 160m NE of 86 Bravallen Road, Ballymoney	
<u>Proposal:</u> Proposed 1no new dwelling with detached garage along with associated lane and landscaping works	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 04.11.2020
<u>Listed Building Grade:</u> N/A	
<u>Agent:</u> Studiorogers Architects Ltd, 1 Mountsandel Road, Coleraine, BT52 1JB	
<u>Applicant:</u> Mr B Barkley, 14 Landhead Road, Ballymoney	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

EXECUTIVE SUMMARY

- Outline planning permission is sought for 1 no new dwelling with detached garage along with associated lane and landscaping works
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policies CTY 1 and CTY10 in that it has not been demonstrated that the farm business is currently active and established for at least 6 years or that the new building would be visually linked or sited to cluster with an established group of buildings on the farm or that access is obtained from an existing lane.
- The proposal would result in ribbon development and would therefore be contrary to Policy CTY 8.
- As the proposal fails to comply with Policy CTY 8, it is also unacceptable under Policy CTY 14 as it will create a ribbon of development and affect rural character.
- DFI Roads, Environmental Health, NI Water and DAERA (Water Management Unit) were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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

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 relates to a site located 160m north-east of no 86 Bravallen Road. The site extends to approximately 0.3ha and comprises an existing small, rectangular plot and a partial cut-out of the north-eastern corner of the adjacent field. The narrow plot currently comprises a small yard area and a modest, linear mono-pitch, open ended building with adjacent small animal pen / enclosure formed by a low block work wall. The remainder of the site comprises pasture. The northern boundary is defined by a 2m wooden slatted fence which forms the party boundary to a recently completed dwelling and detached garage which exists immediately adjacent. The eastern boundary abuts an existing stoned laneway which accesses the rear of a number of nearby dwellings (including the adjacent dwelling). The site boundary to the laneway is generally defined by a mature but fairly sparse native species hedgerow. A small recently constructed shed is also located adjacent the south-eastern corner of the site within the existing agricultural field. This building comprises a steel framed building with metal cladding, blockwork base and stoned floor. The opening to the building is formed by an agricultural field gate.
- 2.2 The proposed access lane is taken from an existing field gate onto the Bravallen Road which accesses the roadside field but does not currently consist of a formalised agricultural laneway. The proposed access is approximately 200m in length and defined entirely along the southern boundary by an existing native species hedgerow. The Bravallen Road comprises a 1 ½ m native species hedgerow set to the rear of a 1m verge either side of the existing field gate. The proposed visibility splays will require removal of a short section in either direction with the remainder faced back.

- 2.3 The site is within the open countryside as per the Northern Area Plan 2016. The area is rural in character comprising mainly agricultural land with a number of individual dwellings and small farm groupings within the locality.

3 RELEVANT HISTORY

None

4 THE APPLICATION

- 4.1 Proposed new dwelling with detached garage along with associated lane and landscaping works.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Coleraine Chronicle on 16th November 2020

Neighbours: There are no objection to the application.

5.2 Internal

DfI Roads - No objections.

Northern Ireland Water - No objections.

Environmental Health - No objections.

DAERA Water Management Unit - No objection subject to standing advice.

DAERA Natural Environment Division – No objection subject to conditions

DAERA Countryside Management: The farm business ID was allocated in 2005 as Category 1. The farm business has not claimed SFP in each of the last 6 years and the proposed site is located on land associated with another farm business ID.

NIE – No objection.

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

Regional Development Strategy (RDS) 2035

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: principle of development, visual integration, rural character and natural heritage issues.

Planning Policy

- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.
- 8.3 The Northern Area Plan 2016 identifies the site as being located within the countryside, outside any defined settlement limits.

Principle of Development

- 8.4 Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states 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. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. This application has been accompanied by a P1C Form and farm maps and as such has been accessed under Policy CTY 10 – Dwellings on a Farm.
- 8.5 Policy CTY 10 relates to dwellings on farms and states that planning permission will be granted for a dwelling house on a farm where all of the outlined criteria can be met. The agent has submitted a supporting statement which makes a number of assertions regarding the interpretation of policy CTY10 and in particular what constitutes a farm business being “active” in line with policy. The supporting information includes a number of PAC decisions indicated as relevant.

- 8.6 Criterion (a) of CTY 10 requires that the farm business is currently active and has been established at least 6 years. Paragraph 5.38 states that the applicant will be required to provide the farm business ID number along with other evidence to prove active farming over the required period. While a DARD Business ID number is the most useful way of establishing farming activity it is not the only means by which this can be established and there may be certain instances, in the absence of the appellant having a business ID number, where other evidence is provided to demonstrate that there is an active and established farm business. Bullet point three of paragraph 6.73 of the SPPS effectively reiterates the requirements of CTY10 including that the farm business must be currently active and established for a minimum of 6 years.
- 8.7 The application relates to a farm holding extending to approximately 20.76 hectares incorporating lands to the east of Bravallen Road extending from the junction with Burnquarter Road. The submitted farm maps are incomplete and substantially out of date (dated 21/12/2012), however subsequent land registry maps have been submitted indicating lands at Dunaghy and Tullaghans. The submitted P1C form indicates that the farm business to which the map relates is owned by the applicant (Mr Brian Barkley) and Mr Richard Barkley both of whom are identified as residing at No 14 Landhead Road. This address is also registered as the business address for R Barkley & Sons Transport which is a haulage company. A number of buildings exist at this address which appear to be in association with the haulage business.
- 8.8 Up to date farm maps have been requested from the agent who has stated that these cannot be obtained due to the applicant no longer claiming on the land and that the two missing farm maps from that time are also unavailable. The agent has confirmed that the applicant leases 6 of the 13 fields (DAERA have confirmed that the application site is on land claimed by a separate farm business) on the holding to supplement income but retains the remainder.
- 8.9 DAERA has been consulted and confirm that the business identified on the P1C form has been in existence for more than 6 years, the farm business ID being allocated in 2005. DAERA has also confirmed that no claims have been made in relation to the

identified farm business in any of the previous 6 years and that the proposed site is located on land associated with a separate farm business. Para 5.39 of Policy CTY10 states that “agricultural activity” refers to the production, rearing or growing of agricultural products or maintaining the land in good agricultural and environmental condition. On this basis the agent has identified 6 fields on the farm holding as being retained in the applicants ownership (with the remainder leased in conacre) as well as supporting information that the lands retained are maintained and the farm business currently active. Although it would be helpful if DAERA could confirm the extent of lands currently leased to another farm business, they have confirmed that the subject site is on land which is associated with a separate farm business. This does not conflict with the information submitted by the agent which identifies those fields as being leased in conacre.

8.10 Point 3 of the supporting information asserts that land let out in conacre and actively farmed under a separate business remains active in relation to the applicant’s business. The evidence includes a PAC decision (2018/A0024) which relates to an application where farm land was let out and actively farmed under a separate farm business and also maintained by the appellant to good agricultural and environmental conditions and was considered acceptable. Point 3 of supporting information also states that the applicant retains some land for his own agricultural business activity and includes invoices provided as evidence of continuing farming activity. The evidence comprises a variety of sales invoices, receipts and herd information from DAERA between the years 2013 - 2021.

8.11 In relation to the land retained by the appellant, although no farm payments are claimed, activity commensurate with the policy definition in paragraph 5.39 over the requisite period could potentially establish that the identified farm business remains active.

8.12 Many of the sales invoices relate to what would be considered agricultural activity and are dated, and also reference the works as relating to Bravallen Road. Many of these are hand written informal receipts.

8.13 The submitted information does include a number of more formal receipts between the years 2013 and 2020. Although these are also not site specific they are more formal in nature comprising business headed receipts which clearly reference the contractor business including vat registration. These include;

- Receipts from Claughey Farms (agricultural contractor) for the years 2013, 2014, 2016 and 2017 for a variety of works including replacing field gates, repairing fences. cleaning sheughs, cutting hedges, drainage works and ploughing / reseeding.
- Receipts from Mr Stephen McAuley for R Barkley and Sons at 14 Landhead Road, 2017 and 2018. One receipt relates to hedges (non-specific) and the other is unspecified.
- Invoices from H Skelton and Sons 2013 and 2016 relating to the spreading of lime for R. Barley at an unspecified location.
- Invoice for building materials (possibly relating to the recently constructed shed) dated 2020 (after the date of application submission).
- DAERA herd register for Mr Brian Barkley of No 113 Kilraughts Road in 2020. This is not the applicants address as noted on the submitted P1 form and relates to an address at Dunaghy which incorporates a number of agricultural buildings and appears to have access to agricultural land to the rear. This may correlate with the lands identified as being within the townland of Dunaghy on the partial farm map submission. Remaining maps have not been submitted but have been requested.

8.14 Further receipts are included from JS, SD and DJ Anderson. Although these are also hand-written and not on headed documents, they do include vat registration identification. These documents relate to farming works carried out at Bravallen Road for the applicant in 2014, 2015, 2016 and 2018.

8.15 The current application was submitted in 2020 and although the evidence for most of the years is limited there is reasonable evidence of some farming activity relating to the land retained by

the applicant having taken place over the requisite period. However, as the receipts are not specific these may relate only to those fields at Bravallen Road which are retained by the applicant and not the application site which has been confirmed as being farmed under a separate farm business.

- 8.16 The applicant has referred to a PAC decision (2018/A0024, 2017/A0010, 2017/A0231) which references the combination of land let out in conacre with some maintenance carried out by the applicant as evidence of activity. Criterion (a) refers in the definitive article to the farm business and the policy is framed in such a way that it enables an applicant to apply for a dwelling on a farm based on the activities of the person conducting and operating the farm business on which the application site is situated. PAC decisions (e.g 2015/A0117, 2020/A0056) have taken this approach. The field on which the proposed buildings would be sited forms part of a separate farm business and has not been actively farmed under the applicants farming business for the requisite 6 year period and therefore the proposal fails criterion (a).
- 8.17 A planning history search was carried out on the land identified within the submitted farm maps which confirm that no other permissions have been granted within 10 years of the date of this application. In keeping with criterion (b) no dwellings or development opportunities have been sold off from the farm holding as identified within 10 years of the date of this application (post 25 Nov 2008).
- 8.18 Criterion (c) of Policy CTY10 states that the proposed new dwelling should be 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. In relation to the first test the applicant has indicated on the submitted location plan that he is in control of the farm land identified, including the building and pen and recently constructed building to the south. As described above, the original building comprises a modest open – ended structure with adjacent pen. The small, recently constructed building to the south is located approximately 80m from the original building, has not been granted planning permission and has not been the subject of a Certificate of Lawfulness. Part 7 of The

Planning (General Permitted Development) Order (Northern Ireland) 2015 outlines the criteria for permitted agricultural development and stipulates that development is not permitted where the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings. The original building would certainly not constitute a group of buildings while some ambiguity also exists in relation to where the principal group of agricultural buildings (if any) are located.

8.19 DAERA Herd Register document states that the herd was registered on 8/10/2020 to Mr Brian Barkley of No 113 Kilraughts Road. This address includes a residential property and a number of fairly large agricultural buildings which would appear to form a farm grouping with access to agricultural land to the rear and represents a principal group of farm buildings. The subsequent land registry maps received by e-mail on 28/7/21 appear to confirm this to be the case. On this basis the small, recently constructed building may be unlawful and could not be considered to form part of a group of buildings. As the proposal is not sited to cluster with an established group of buildings on the farm it fails criterion (c).

8.20 In relation to the second test of criterion (c), the land is currently accessed via an existing laneway to the rear which also serves a number of dwellings. It has not been demonstrated that it is not practical to take access to the proposal from this existing lane.

Integration and Rural Character

8.21 Policy CTY 13 of PPS21 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The policy also requires such proposals to meet a number of stated criteria.

8.22 The site is set well back from Bravallen Road but adjacent the existing laneway. The site is well screened from Bravallen Road and the removal of roadside hedgerows necessary to facilitate access is fairly limited. The boundary to the rear laneway comprises a fairly mature hedgerow and although the remaining

boundaries of the site are generally either undefined or man-made, the proposed access incorporates a mature hedgerow along its length. The combination of existing built form and boundary vegetation means that the site incorporates a reasonable sense of enclosure and could potentially satisfactorily accommodate an appropriately designed dwelling. It is considered that the proposal meets Policy CTY 13 of PPS 21.

- 8.23 In terms of Rural Character (CTY14) the laneway to the rear accesses at least two dwellings and is adjacent a third. Although access is proposed from the Bravallen Road, the site abuts this communal laneway. Policy CTY14 states that a new building will be unacceptable in any of the outlined circumstances including where the subject site would result in a suburban style build-up of development and create / add to a ribbon of development.
- 8.24 Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. While the policy does not provide a comprehensive definition of ribbon development, paragraph 5.33 gives examples of instances that can represent ribbon development. It states that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.
- 8.25 A dwelling on this plot which abuts the communal access would have a common frontage with the other dwellings and buildings adjacent the laneway and would visually link with a number of existing buildings to create a ribbon of development and result in a built up appearance. The proposal therefore does not represent an exception to Policy CTY8 and fails CTY14.

Non-mains Sewerage

- 8.26 In relation to policy CTY16 the application proposes the use of a septic tank and soakaways within the site. This would appear to be achievable and Water Management Unit has referred to Standing Advice.

Access

8.27 DFI Roads has been consulted on this application and raise no objections to the proposal, subject to the implementation of conditions. Therefore, it has been determined that the quality of the access to the dwellings shall not detrimentally impact upon the safety of road users. The proposal meets Policy AMP 2 of PPS 3.

Habitat Regulations 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.

9.0 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. It has not been demonstrated that the proposal is one of the acceptable types of development permitted under policy CTY 1. Having considered the policy context and other material considerations this proposal fails to meet the policy requirements for a new dwelling. The proposal fails to meet Policy CTY 10 for a dwelling on a farm and would also result in ribbon development and a build-up of development. As such, the proposal also fails Policy CTY 8 and CTY 14 of PPS 21.

10.0 Refusal Reasons

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years or that the new building is visually linked or sited to cluster with an established group of buildings on the farm or that access is obtained from an existing lane.

2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition / creation of ribbon development.

3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would create or add to a ribbon of development therefore resulting in a detrimental change to the rural character of the countryside.

Site Location

