

# Causeway Coast & Glens Borough Council

To: Planning Committee

Date: 27<sup>th</sup> May 2015

## Transitional Arrangements for Planning Appeals

### For Agreement

<b>Linkage to Corporate Plan</b>	
<b>Strategic Priority</b>	Development Management
<b>Objective</b>	Transitional Arrangements
<b>Lead Officer</b>	Denise Dickson
<b>Cost: (If applicable)</b>	

#### 1.0 Introduction

- 1.1 The Planning (2011Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015 sets out the transitional provisions for a number of the planning functions carried out by the Department prior to the transfer of the majority of planning powers to local government on 1 April 2015.
- 1.2 Article 3 of the Transitional Provisions relate to planning appeals against a decision or determination of the Department under the Planning (Northern Ireland) Order 1991 (or any order or regulations made under the 1991 Order) which was made before the transfer date.
- 1.3 The transitional provisions state that where an appeal on the decision or determination made by the Department was made to the Planning Appeals Commission (PAC) before the transfer date (1<sup>st</sup> April 2015) and has not been decided by that date by the PAC then for the purposes of the appeal the relevant decision shall be treated as if it has been made by the appropriate council. It goes on to state that if an appeal has not been made to the PAC by 1<sup>st</sup> April 2015 but the time limit prescribed in the 1991 order for making such an appeal has not expired before the transfer date, again the relevant decision shall be treated as if it had been made by the appropriate council.

#### 2.0 Details

- 2.1 Members were advised at the Planning Committee meeting held on 22<sup>nd</sup> April 2015 that there are a number of live planning appeals cases in the system which relate to decisions made by the Department of the Environment prior to 1<sup>st</sup> April 2015 or where a non-determination appeal was lodged with the PAC and draft refusal reasons were submitted prior to 1<sup>st</sup> April 2015. These cases are all at different stages in the appeal system. The responsibility for such appeal case transferred to the Causeway Coast and Glens Borough Council as part of the transfer of the majority of the planning functions on 1<sup>st</sup> April 2015.

However, the jurisdiction for reaching the final decision on these appeals has transferred to the Planning Appeals Commission.

- 2.2 The Planning Committee requested additional information in relation to these appeals, particularly in relation to any view the previous legacy Councils may have had when the applications were presented to the legacy Councils for their view. This has now been included within the details of each appeal attached.
- 2.3 The Planning Committee's approval is therefore sought for the Council to defend those cases where the Department's decision to refuse is appealed or draft reasons have been put forward for a non-determination appeal. A list of appeals that are at an advanced stage are detailed at Appendix 1 for information but there are others where the appeal may not yet be lodged.

### 3.0 Recommendation

- 3.1 It is **recommended** that the Planning Committee agree that those transitional cases where there is an appeal lodged against a decision taken by the department on a planning or other related application is defended by the Council.

## Appeal,

**Lands 600 metres south of 175 Gelvin Road and east of the American Road in the townlands of Evishagaran and Cruckanim approximately 5.5 kilometres east of Dungiven**

**B/2013/0120/F  
Full Planning**

**27<sup>th</sup> May 2015**

<b>No:</b>	B/201/0120/F	<b>Ward:</b> UPPER GLENSHANE
<b>App Type:</b>	Full Planning	
<b>Address:</b>	Lands 600 metres south of 175 Gelvin Road and east of the American Road in the townlands of Evishagaran and Cruckanim, approximately 5.5 kilometres east of Dungiven	
<b>Proposal:</b>	Construction of a windfarm comprising 14 no. wind turbines (tip height not exceeding 125 metres), an electrical substation and control building, construction of internal access tracks, spoil deposition areas, temporary construction compound, formation of passing bays on Gelvin Road and Peter's Road	

**Drawings and the retail impact assessment report are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMENDATION**

- 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 section 7 and resolves to **SUPPORT DEFENCE** of this refusal of planning permission subject to the reason set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located on the eastern slope of Benbradagh and north of Carn Hill in the townland of Evishagaran, approximately 5km north-east of Dungiven, 10km southwest of Garvagh and 14km southeast of Limavady.
- 2.2 The site comprises of various habitats including heathland, grassland and mire. The current use of the site is grazing. There are a number of watercourses and drainage channels which serve the Rivers Gelvin and Formil. The Formil River is located approximately 0.5km to the north east of the application site, however its tributaries dissect the application site and run adjacent to proposed turbine locations.

## **3 RELEVANT HISTORY**

None

## **4 THE APPLICATION**

- 4.1 The proposed application consists of 14 wind turbines up to a maximum height of 125m (from the tower base to the blade tip) consisting of a hub height of 80m and blade diameter of 90m, and ancillary infrastructure

including an electrical substation and control building, construction of internal access tracks, spoil deposition areas, temporary construction compound, formation of passing bays on Gelvin Road and Peter's Road, junction improvements at Gelvin Road/American Road and Peter's Road/Legavallon Road, and all associated ancillary works. Each turbine is indicated as having a generating capacity of 2.5MW (35MW in total).

## **5 PUBLICITY & CONSULTATIONS**

### **External:**

5.1 **3<sup>rd</sup> Party Representations: Twelve (12)** letters of objection in total which for the purposes of this report can be summarised as follows:

Impact on the landscape;

- Impact on public drinking water – Formil Hill well;
- Lack of public consultation;
- The cumulative impact of the proposed turbines;
- Surfeit of wind farms in Northern Ireland;
- Tourism;
- TV / Electromagnetic interference;
- Dwellings not shown on drawings;
- Impact on property values;
- Impact on AONB;
- Impact on hill walking in the area;
- Impact on wildlife, swans, golden eagle, deer population
- Noise;
- Impact on peat;
- Public safety.

5.2 **Twenty three (23)** letters of support have been received and can be summarised as follows:

- Economic benefit to the local area;
- Wind farm will eventually become visually part of the landscape;
- Sustainable source of energy;
- Community fund
- Importance of supporting renewable;
- Local businesses will benefit from the proposal (B&B, plant hire, farm supplies);
- Existing access road historically used by US Navy.

5.3 This application is accompanied by a voluntary Environmental Statement and as such this application was advertised in conformity with the Environmental Impact Regulations.

### **Consultations:**

#### 5.4 **No objection:**

- Belfast International Airport
- City Of Derry Airport (CODA)
- National Aviation TS
- Arqiva
- PSNI
- Defence Infrastructure Organisation
- Cable & Wireless
- Everything Everywhere
- Joint Radio Company
- EHO – Limavady Borough Council
- Limavady Borough Council
- DETI – Geological Survey NI
- DETI – Energy Branch
- NI Water
- NIEA-Water Management Unit
- Rivers Agency
- DARD – Countryside Management
- NIEA-Historic Monuments Unit
- NIEA – Protecting Historic Buildings
- DARD – Fisheries
- DCAL- Inland Fisheries Group

#### 5.5 **Objection/FEI**

- Roads
- NIEA- Natural Heritage
- NIEA – Landscape Architects Branch

#### 5.6 **Non-Committal**

- Northern Ireland Tourist Board (refer to the proposed development site being located within the Sperrin Mountains; this is one of nine 'key tourism areas' identified in the 'Consultation on a Tourism Strategy for Northern Ireland' to 2020)

#### 5.7 **No Response From:**

- Council for Nature Conservation and Countryside (CNCC)

### 6 **MATERIAL CONSIDERATIONS**

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, "where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to

the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- Draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

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) – Northern Ireland 2035

PPS 1 – General Principles

PPS 2 – Planning and Nature Conservation

A Planning Strategy for Rural Northern Ireland

PPS 3 – Access, Movement and Parking (Revised)

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 18 – Renewable Energy (Best Practice Guide)

Supplementary Planning Guidance - Wind Energy Development in Northern Ireland's Landscapes

Limavady Area Plan 1984-1999

Draft Northern Area Plan 2016

## 8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: the principle of the proposed development in this location; the impact on the landscape, impact on residential amenity, impact on tourism and the value of any economic benefits

### **Planning Policy**

8.2 The site is within the:

- Sperrin Area of Outstanding Natural Beauty (AONB)
- Binevenagh Landscape Character Area (LCA)

8.3 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above.

### **Impact on Landscape**

- 8.4 NIEA –Landscape Architects have stated that the proposed development is unacceptable in the landscape and consider that it will have a detrimental impact on the overriding sense of wildness and tranquillity of the northern extent of the Sperrins AONB.
- 8.5 The Department is of the opinion that the 14 turbines are in a location that, when viewed from the public road network and private dwelling located to the west of the site, impact on the skyline of Benbradagh. There is a dramatic slope to the landform when viewing Benbradagh from the west and the proposed turbines will be clearly above the ridgeline.
- 8.6 In the Department's opinion, the proposal has not acknowledged the importance of the wider landscape including the impact on the AONB and Benbradagh.

### **Residential Amenity**

- 8.7 An assessment has been undertaken of those properties that lie within 900m of turbines (i.e. 10 times rotor diameter). There is one property in proximity to the site, 175 Gelvin Road, and it has a financial interest in the proposal. It is considered that there will be significant impacts to this property in terms visual dominance due to the massing, size and proximity of the turbines. There is insufficient separation distance between T1 & T2 and this property which could lead to unsatisfactory living conditions.

### **Tourism**

- 8.8 Benbradagh and its setting within the Sperrins AONB is clearly a 'tourism asset'. NITB promotes the beauty and tranquillity of the Sperrins as two of its key attributes. Discover Northern Ireland promotes this region with particular reference to the flora, fauna and the unique landscape with many other websites featuring information on the locality, its history, walks, maps and are promoting the Sperrin, Benbradagh and its environs as a tourism attraction.

### **Economic Benefits**

- 8.9 The details within the Environmental Statement (ES) suggest that a 35mw yield (the output of the proposal) would be sufficient to supply 22,400 households; however the Further Environmental Information (FEI) document equates 35mw to the equivalent energy to power 41,526 homes.



There is a marked difference between these two figures which brings into question the actual benefit.

- 8.10 The ES advises that approximately 20-30 people will be employed on site during the construction phase. Local suppliers will benefit from deliveries to the site – this would represent significant capital expenditure which will go directly to the local companies and help sustain/create employment opportunities in the local area. There will also be indirect economic impacts – eg specialist workers staying overnight in local accommodation, local retailers benefitting from purchases by the workforce. The ES considers that the benefits to the community will be of ‘significant beneficial impact’. These indicators highlight the economic opportunities being created through development of wind energy.
- 8.11 The main benefits as presented are considered to be in the form of local landowner payments and rate payments. The ES also advises of a community fund, the details of which are to be decided at a more advanced stage of the project (a commitment has been made of at least £1000 per megawatt of installed capacity). However, the provision of a fund and community benefits is on a purely voluntary basis with no connection to the planning application process.
- 8.12 While an applicant may state that it is their intention to use local labour/companies to build out a site, there is no control over this business aspect once planning permission has been granted. Therefore there is no guarantee that local benefits will accrue locally and a real possibility that financial benefits are overstated and/or open to leakage.

### **Consultation with Limavady Borough Council**

- 8.13 The Department presented the application to Limavady Borough Council on 16 September 2014. The Council did not seek a deferral as the agent had indicated that they intended to exercise their right of appeal.

## **9 CONCLUSION**

- 9.1 The potential wider benefits that this proposal could bring to the local area and Northern Ireland in general have been considered. (However, it should be noted that there is no mechanism for ensuring that all stated benefits will accrue to NI – and therefore given our experience of this matter in terms of sites sold and construction companies from elsewhere being employed, there is significant potential to ‘leak’ a portion of the potential benefits.) Taking a very optimistic view of the potential benefits as a best case scenario and affording them the significant weight that Policy RE1 requires, it does not appear that they outweigh the significant harm to this landscape

and the impact on visual amenity of the Sperrin AONB and the Binevenagh LCA as defined under NH6 of PPS2. The proposal is unacceptable in policy terms and an insensitive approach to the development of wind energy development in this particular location.

## **10 REFUSAL REASON**

- 10.1 The proposal is contrary to Policy RE 1 of Planning Policy Statement 18 - Renewable Energy and Policy NH6 of Planning Policy Statement 2 – Natural Heritage in that the development would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the area, including the Sperrins AONB and Benbradagh Mountain, by reason of the number, scale, size and siting of turbines.
- 10.2 The proposed development is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that it would have an unacceptable adverse impact on residential amenity of sensitive receptors through visual dominance by reasons of proximity from the proposed turbines and insufficient information has been submitted to establish otherwise.
- 10.3 The proposal is contrary to Policy TSM 8 of Planning Policy Statement 16 - Tourism in that it would have an unacceptable adverse impact on a tourism asset, the Sperrins AONB - a feature associated with the natural environment which is of intrinsic interest to tourists.

## Statement of Case

### Appeal under the Planning (Northern Ireland) Order 1991 Article 32

**Application reference:** B/2013/0023/O

**Proposal:** Site for farm dwelling

**Location:** 270m west of 162 Seacoast Road, Crindle, Limavady

**Submission Deadline:** 12 May 2015

**Prepared by:** Shane Mathers

**Appeal Reference:** 2014/A0217

**Appellant:** Mr Kane

**Date of Hearing:** 02 June 2015

## **1.0 Background**

- 1.1 The site is located in the open countryside as designated by the North East Area Plan 2002 and draft Northern Area Plan 2016.

## **2.0 Planning Consideration**

- 2.1 The application site is located on a farm. The site is located in an agricultural field, accessed off a farm lane and is removed from a group of buildings on the farm.

### **2.1 Justification for Refusal Reason 1**

- 2.1.1 The site is located approximately 800 metres from a group of buildings on the farm at 172 Seacoast Road. Given this distance the site is not considered to visually link or site to cluster with an established group of buildings on the farm.
- 2.1.2 Policy CTY 10 allows exceptions to this policy where there are demonstrable health and safety issues or verifiable plans to expand the farm business at the existing building group(s). In this case it has been argued that land around the existing building group is subject to flooding. This is accepted as a legitimate health and safety reason to allow to allow an alternative site elsewhere on the farm. However, the application site is also located in a floodplain. As such, the proposal fails to meet criterion c of Policy CTY 10.

### **2.2 Justification for Refusal Reason 2**

- 2.2.1 Rivers Agency as the competent authority advises that the site lies within The River Roe fluvial flood plain and the Lough Foyle coastal flood plain. Policy FLD 1 of PPS 15 specifies that development is not permitted in floodplains subject to some specified exceptions. The proposal is not one of the specified exceptions. As such, the proposal fails to meet Policy FLD 1.

## **3.0 Conclusion**

- 3n.1 The proposed site is not visually linked or sited to cluster with a group of buildings on the farm. The alternative site is located within a flood plain and as such, does not offer an acceptable alternative siting location away from a group of buildings on the farm. The proposal is contrary to Policies CTY 1 and 10 of PPS 21 and Policy FLD 1 of PPS 15. As such, the appeal should be dismissed.

### **Consultation with Limavady Borough Council**

8.7 The Department presented the application to Limavady Borough Council on 21 May 2013. The Council resolved to defer the application for an office meeting. This was convened on 31 May 2013. The application was then held for a meeting with John Dallat MLA. This was convened on 31 January 2014. Subsequently, a further opinion to refuse the application was presented to Limavady Borough Council on 19 August 2014. The Council made no comment. Further to this, the application issued as a refusal on 01 September 2014.

# Appeal

**Lands at Windy Hill  
Co Londonderry in the townlands of  
Gortmore  
Avish,  
Ballyhacket and Altikeeragh,  
approximately 2km west of  
Ballyhackett Lane  
Castlerock**

**C/2013/0248/F  
Full Planning**

**27 May 2015**

<b>No:</b>	C/2013/0248/F	<b>Ward:</b> CASTLEROCK
<b>App Type:</b>	Full Planning	
<b>Address:</b>	Lands at Windy Hill, Co Londonderry in the townlands of Gortmore, Avish, Ballyhacket and Altikeeragh approximately 2km west of Ballyhackett Lane, Castlerock, BT51 4SU	
<b>Proposal:</b>	Erection of wind farm and associated infrastructure comprising: 21 no. three-bladed, horizontal axis wind turbines	

Drawings and the retail impact assessment report are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## **6 RECOMENDATION**

- 6.1 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 section 7 and resolves to **SUPPORT DEFENCE** of this refusal of planning permission subject to the reason set out in section 10.

## **7 SITE LOCATION & DESCRIPTION**

- 7.1 The application site is accessed from Bishop's road in the North and bounded by Burrenmore Road on the East and Ballyhacket Lane on the South East.

## **8 RELEVANT HISTORY**

- 8.1 **B/2010/0111/F** - Erection of 56m high 225kw wind turbine - 2000m NNE of Junction at Leighry Road and Bishops Road, Limavady – Refused – 14/06/2011

## **9 THE APPLICATION**

- 9.1 The proposed application is for the erection of wind farm and associated infrastructure comprising of 21 three-bladed, horizontal axis wind turbines each with a maximum tip height of 125m, associated transformers and

foundations, crane hardstandings; internal site access tracks: spoil and peat deposition areas; control building and temporary construction compound; and all ancillary works

## **10 PUBLICITY & CONSULTATIONS**

### **External:**

- 10.1 **Neighbours: four hundred and thirty one (431) objections and Zero (0) letters of support.**

### **Consultations:**

- 6.4 A large number of consultations have been carried out in the process of this application to both government and non-government bodies. As the appeal was lodged prior to the Department formulating an opinion, these have not yet been fully assessed by the Council.

## **7 MATERIAL CONSIDERATIONS**

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”
- 8.2 The development plan is:
- Draft Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.5 Due weight should be given to the relevant policies in the development plan.

## **9 RELEVANT POLICIES & GUIDANCE**

Regional Development Strategy (RDS) – Northern Ireland 2035

PPS 1 – General Principles

PPS 2 – Planning and Nature Conservation

A Planning Strategy for Rural Northern Ireland

PPS 3 – Access, Movement and Parking (Revised)

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 18 – Renewable Energy (Best Practice Guide)

Supplementary Planning Guidance - Wind Energy Development in Northern Ireland's Landscapes

Draft Northern Area Plan 2016

## **10 CONSIDERATIONS & ASSESSMENT**



### **Planning Policy**

- 8.13 The site is within the Binevenagh Area of Outstanding Natural Beauty.
- 8.14 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above.

### **Consultation with Coleraine Borough Council**

- 8.15 The Department did not have the opportunity to present the application to Coleraine Borough Council as the applicant lodged an Article 33 "Non Determination" appeal. The Department was notified of this appeal on 11 July 2014 and provided 12 draft refusal reasons to the PAC on 20 August 2014. These refusal reasons were based on the information provided at the time.

### **Current Status**

- 8.16 While this application is the subject of an appeal hearing (date to be confirmed), a preliminary hearing has been called by the Planning Appeals Commission (PAC) on Friday 26 June 2015.
- 8.17 This preliminary hearing has been set to discuss amendments to the proposal that the applicant has submitted to the (PAC). These changes were never put forward as part of the original application presented to the Department. They involve a reduction from 21 to 16 turbines, and changes to the ancillary works.
- 8.18 This hearing also proposes to consider the environmental effects of a new visitor centre which is not part of this application but has been recently submitted as a new stand-alone application.

## **9 CONCLUSION**

- 9.1 The Department considered that the proposal did not meet many of the requirements of Planning Policy Statement 18 and would have an adverse impact on natural heritage and tourism.
- 9.2 **Consideration of this proposal is ongoing and officials are not in a position to put forward a definitive recommendation at this time.**

## **10 REFUSAL REASONS**

- 10.1 The proposal is contrary to policy RE1 of the Department's Planning Policy Statement 18: Renewable Energy in that the development would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the Binevenagh Area of Outstanding Natural Beauty

- by reason of the number, scale, size and siting of turbines and by reason on cumulative effects with existing operational wind turbines.
- 10.2 The proposal is contrary to policy RE1 of the Department's Planning Policy Statement 18: Renewable Energy in that the development would, if permitted, potentially have an unacceptable adverse impact on the residential amenity of sensitive receptors arising from shadow flicker, proximity of turbines, height, number, scale, size and siting of turbines.
  - 10.3 The proposal is contrary to policy RE1 of the Department's Planning Policy Statement 18: Renewable Energy in that the development would, if permitted, have an unacceptable adverse impact on residential amenity at noise sensitive receptors in the vicinity of the development and insufficient information has been provided to demonstrate otherwise.
  - 10.4 The proposal is contrary to policy RE1 of the Department's Planning Policy Statement 18: Renewable Energy in that the development would, if permitted, have an unacceptable impact on the public road network (in terms of haul routes, provision of passing bays and details of autotracking for delivery vehicles at key locations) and insufficient information has been provided to demonstrate otherwise.
  - 10.5 The proposal is contrary to policy RE1 of the Department's Planning Policy Statement 18: Renewable Energy in that the development would, if permitted, have an unacceptable adverse impact on public safety of road users since the location of several turbines are within the recommended fall clearance distance from the public road boundary.
  - 10.6 The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage, Policy NH1, in that development would, if permitted, have an adverse effect on the integrity of Magilligan Special Area of Conservation (SAC) and insufficient information has been submitted to establish otherwise.
  - 10.7 The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage, Policy NH2, in that development would, if permitted, be likely to harm bats, a European protected species under Conservation (Natural Habitats etc) Regulations (Ni) 1995 (as amended), and insufficient information has been submitted to establish otherwise.
  - 10.8 The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage, Policy NH5, in that the development would, if permitted, have an unacceptable adverse impact on blanket bog and wet heath, Northern Ireland priority habitats and insufficient information has been submitted to establish otherwise.
  - 10.9 The proposal is contrary to policy RE1 of the Department's Planning Policy Statement 18: Renewable Energy in that the development would, if permitted, have an unacceptable adverse impact on biodiversity, watercourses and nature conservation interests and insufficient information has been submitted to establish otherwise.

- 10.10 The proposal is contrary to policy RE1 of the Department's Planning Policy Statement 18: Renewable Energy, and the Department's Planning Policy Statement 2: Natural Heritage, Policy NH5 in that the development would, if permitted, have an unacceptable adverse impact on active peatland.
- 10.11 The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage, Policy NH6, in that the development would, if permitted, would be harmful to the visual appeal, amenity value, and would not be sympathetic to the special character of the Binevenagh Area of Outstanding Natural Beauty at this particular locality due to the number, scale, size and siting of the turbines.
- 10.12 The proposal is contrary to Policy TSM 8 of the Department's Planning Policy Statement 16: Tourism in that development would, if permitted, be harmful to the visual appeal and amenity value of local tourism assets located within Binevenagh Area of Outstanding Natural Beauty and significantly impact upon its tourism value.

# APPEAL

**Approx 505m NW of 20 Churchland  
Lane, Coleraine**

**C/2014/0097/F  
Full Planning**

**27 May 2015**

<b>No:</b>	C/2014/0097/F	<b>Ward:</b>	MACOSQUIN
<b>App Type:</b>	Full Planning		
<b>Address:</b>	Approx 505m NW of 20 Churchland Lane, Coleraine		
<b>Proposal:</b>	A single wind turbine with a height of 37m and a max output of 250kw		
<b>Officer:</b>	Gary McClelland		
<b>Con Area:</b>	N/A	<b>Valid Date:</b>	24 March 2014
<b>Listed Building Grade:</b>	N/A	<b>Target Date:</b>	
<b>Agent:</b>	Wind NI Ltd, 20 Upper Main Street, Larne BT40 1SX		
<b>Applicant:</b>	Mr O'Donovan		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and the retail impact assessment report are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 11 RECOMMENDATION

- 11.1 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 section 7 and resolves to **SUPPORT DEFENCE** of this refusal of planning permission subject to the reason set out in section 10.

## 12 SITE LOCATION & DESCRIPTION

- 12.1 The site is located in the countryside surrounded by agricultural land just west of Coleraine. It is located approximately 670 metres west of the Greenhall Highway.
- 12.2 The site is located with a rolling area of landscape, lower than the level of the Greenhall Highway. There is minimal vegetation in the immediate vicinity of the site. Host field boundaries are defined by post and wire fences.

## 13 RELEVANT HISTORY

**C/2010/0342/F:** 20KW wind turbine (27m to blade tip) Adjacent 19 Farranlester Road, Coleraine Approved 05 January 2011

**C/2012/0414/F:** 250KW wind turbine (46.5m to blade tip) 185m SW of 60 Greenhall Highway, Coleraine Approved 23 January 2013

**C/2013/0086/F:** 250KW wind turbine (46.5m to blade tip) 370m NW of 60 Greenhall Highway, Coleraine Approved 21 May 2013.

**C/2013/0235/F:** 250KW wind turbine (67.8m to blade tip) 489m SW of 20 Churchland Lane, Coleraine Approved 28 November 2013.

## 14 THE APPLICATION

- 14.1 Planning permission is sought to erect a commercial scale wind turbine. It has a hub height of 37 metres and a blade tip height of 67.8 metres. The diameter of the blades is 54 metres.

## **15 PUBLICITY & CONSULTATIONS**

### **External:**

15.1 **Neighbours: Zero (0)** letters of representation have been received.

### **Internal:**

5.2 **Transport NI:** Has no concerns with the proposal.

**Environmental Health:** Has no concerns with the proposal.

## **16 MATERIAL CONSIDERATIONS**

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- North east Area Plan 2002
- draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **17 RELEVANT POLICIES & GUIDANCE**

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 18 Renewable Energy

## **18 CONSIDERATIONS & ASSESSMENT**

18.1 The main considerations in this appeal is solely the impact on visual amenity by reason of the cumulative impact of wind turbines in the locality.

### **Planning Policy**

18.2 The site is located within the open countryside as defined by the North east Area plan 2002 and draft Northern Area Plan 2016.

- 18.3 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above.

### **Cumulative Impact**

- 18.4 There are four other approved wind turbines in the immediate locality running broadly in a short north-south axis, extending to approximately 1.5km in length, which would visually read with this proposal. Details of these are in Section 3. The proposed site has strong visual linkage with those in the immediate locality and would serve to extend the negative visual impact of approved developments across this area of countryside on the fringe of this urban area.
- 18.5 Critical views from which the negative, cumulative effect would be apparent are from the Greenhall Highway in either direction of travel. From the Windyhill Road, the negative, cumulative effect would be apparent when travelling east towards Coleraine from nearing the junction with Ballinteer Road. The outlook from residential properties at Wheatfield Avenue and Broomhill Park (accessed from the Greenhall Highway) would be adversely affected by reason of this negative, cumulative effect.
- 18.6 Cumulatively, the proposal would have a detrimental visual impact which outweighs the other considerations in this case. Such other considerations include: the environmental benefits of renewable energy; some limited economic benefits and that the proposal is acceptable in terms of residential amenity with regard to noise and shadow flicker.

### **Consultation with Coleraine Borough Council**

- 8.7 The Department presented the application to Coleraine Borough Council on 22 July 2014. The Council resolved to defer the application for an office meeting. This was convened on 15 August 2015. Subsequently, a further opinion to refuse the application was presented to Coleraine Borough Council on 25 November 2014. The application was then held for a meeting with John Dallat MLA. This was convened on 16 December 2014. Further to this, the application issued as a refusal on 18 February 2015.

## **9 CONCLUSION**

- 9.1 The proposed site has strong visual linkage with four other wind turbines in this immediate locality. Cumulatively, the proposal would have a detrimental visual impact which outweighs other considerations in this case. Supporting defence of this refusal of planning permission is recommended.

## **10 REFUSAL REASON**

10.1 The proposal is contrary to Planning Policy Statement 1 General Principles and Planning Policy Statement 18: Renewable Energy, Policy RE1, by reason of cumulative impact.



# **Statement of Case for Causeway Coast and Glens Borough Council**

**Appeal under the Planning (Northern Ireland) Order 1991**

**Application reference: D/2013/0092/F**

**Proposal: Proposed 2 No. infill dwellings and garages.**

**Location: Between Nos 99 and 101 Garryduff Road, Ballymoney.**

**Submission Deadline: 29<sup>th</sup> April 2015.**

**Prepared by: Joseph McCaughan (Case Officer)**

**Agreed by: Shane Mathers (Grade 7)**

**Appeal Reference: 2014/A0207**

**Appellant: Mr Terry Cuss**

**Date of Hearing/ Accompanied Site Visit: N/A**

## 1.0 Planning Assessment

1.0	<b>Refusal Reasons 01, 02 and 04</b>
1.1	<p>The current application relates to a roadside site cut out of a rectangular shaped field sited between No 101 &amp; No 99 Garryduff Road. The site extends 70 metres along the road frontage and generally consists of fairly rough grazing with three well defined boundaries including a mature hedgerow to the roadside set back via an existing grass verge.</p> <p>To the south of the site three detached dwellings exist (Nos 101, 103 &amp; 105) all accessed off a single laneway. No 101 faces the public road with the remaining two dwellings sited behind No 101 and orientated gable to the public road.</p> <p>Two dwellings exist to the immediate north of the site, No 99 (fronting onto the public road) and No 97b sited to the rear of No 99 and accessed via a separate laneway.</p> <p>A further three buildings exist further north and to the west, a small derelict building exists north of No 99, No 97a is to the north-west and an Orange Hall exists on the eastern side of Garryduff Road directly opposite No 99.</p>
1.2	<p>Policy CTY 8 entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. While it is not defined in policy, Paragraph 5.33 sets out what ribbon development can consist of. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that an exception will be permitted for the development of a gap site. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, providing four specific elements are met. Namely, the gap site must be within an otherwise substantial and continuously built up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.</p>

1.3	<p>The first point in determining whether an “infill” opportunity exists is to identify whether there is a substantial and continuously built up frontage present which for the purpose of the policy “includes a line of three or more buildings along a road frontage without accompanying development to the rear”.</p> <p>A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road. Although orientated towards the public road, No 101 consists of a modest dwelling set back approximately 50 metres from the public road and within a fairly confined curtilage, with a further informal parcel of land to the front of the plot extending to the public road. To the rear of No 101 further development also exists in the form of two detached dwellings (Nos 103 and 105). An agricultural type access exists between the parcel of land to the front of 101 and the appeal site and appears to access through to No 103 but does not form part of the defined curtilage of this property which is accessed via the shared access to Nos 101-105. Within policy, curtilage is defined within CTY3 of PPS21 as “the immediate, usually defined and enclosed area surrounding an existing or former dwelling” and in the instance of No 101 is defined by a low privet hedge around the plot on which the dwelling is sited separating it from the remaining parcel of land extending to the public road. As such the Planning Authority is not satisfied that the residential property at No 101 represents road frontage.</p>
1.4	<p>To the north west of the site is No 99, a road frontage site incorporating a detached dwelling with garage set to the rear. To the rear of this property a further detached dwelling exists (No 97b) while 97a is to the north-west. 97a is set back a similar distance as 97b from the public road (approximately 50 metres) and is also not road frontage.</p> <p>The remaining plot within the immediate context of the site consists of a small, ruinous, derelict structure adjacent the north western boundary of No 99. Irrespective of the nature of this structure it is the view of the Planning Authority that the existing buildings within the context of the site do not constitute a substantial and built up frontage as defined within policy due to the fact that the plots on which Nos 97a and 101 stand do not have a frontage to the road and accompanying development exists to the rear of both Nos 101 and 99.</p>
1.5	<p>The appeal site, is of a size sufficient to accommodate two dwellings and would generally respect the existing development pattern, consequently, the proposal meets the second and third elements required to satisfy the exception for infill development.</p>

1.6	<p>The fourth element of the infill policy in CTY 8 to be considered is whether the appeal proposal meets other planning and environmental requirements. In the context of this appeal, the main issue is Policy CTY 14 and the impact on rural character. The proposal incorporates a paired access to the two sites which will in itself appear quite suburban and will require the substantial loss of vegetation across of the front of the site in order to provide the necessary access arrangements.</p> <p>The result will be the development of a site which currently provides a significant visual break between the three dwellings at Nos 101-105 and those buildings to the north of the site resulting in a ribbon of development extending a considerable distance along Garryduff Road and resulting in an unacceptable detrimental impact upon the rural character and appearance of the area.</p>
1.7	<p>It is therefore the contention of the Planning Authority that the proposal fails Policies CTY8 and CTY14 and as such does not represent a type of development which in principle is considered to be acceptable as per CTY1.</p>

2.0	<p><b>Refusal Reason 03</b></p>
2.1	<p>A supporting statement has been submitted by the agent outlining the policy context for the current proposal and identifies the site as also complying with Policy CTY2a.</p> <p>Policy CTY2a states that planning permission will be granted for such a proposal subject to six criteria.</p> <p>A cluster of development is not defined in the Policy but the first three criteria give an indication of the intended meaning, namely that the cluster consists of four or more buildings (excluding ancillary buildings) which lies outside of a farm of which at least three are dwellings and where it appears as a visual entity in the local landscape.</p> <p>The existing built form within the surrounding context lies outside of a farm, And incorporates a number of dwellings, six within the immediate context and a further dwelling north west of the site (No 97a).</p> <p>On the eastern side of Garryduff Road the existing built form consists of a single dwelling (No 100) with a small Orange Hall located a further 90 metres north.</p> <p>On the western side of Garryduff Road Nos 101, 103 and 105 are all accessed off a single laneway and appear as a fairly distinct entity in the landscape being set back 50 metres from the public road and visually separated from the remainder of development along the western side of Garryduff Road when viewed in either direction from the public road.</p>

2.2	<p>Nos 99 and 97b are located to the immediate north of the site and although sited in close proximity to each other visual linkage is very limited due to existing vegetation. A further small, ruinous, derelict structure exists to the north of 99 but has limited visual impact due to its scale and state of repair and has limited visual linkage with Nos 99 or 101.</p> <p>Visual linkage between Nos 99, 97b and Nos 101-105 is virtually non-existent due to the extent of roadside and boundary vegetation.</p>
2.3	<p>The Planning Authority acknowledges the community building (Orange Hall) in proximity to the site, however views linking development within the vicinity of this building (including the site) extending from Nos 97a to 101 are severely restricted by the existing mature roadside as well as extensive boundary vegetation around existing development plots. As such it is the view of the Planning Authority that when travelling in either direction along Garryduff Road the existing built form does not appear as a visual entity in the local landscape nor is it bounded on two sides with other development.</p> <p>As such the current proposal is not absorbed within an existing cluster which appears as a visual entity and does not represent a "rounding off" or consolidation. Rather it will propose the development of a site which currently forms a substantial visual break and will result in a significant degree of visual linkage between buildings over a considerable distance and will adversely alter the character of the area and intrude into the open countryside.</p>

**Appendices**

- Appendix 1: Planning History (digitised map and schedule)
- Appendix 2: Proposed Conditions (without prejudice)

**Appendix 1**

<b>Site no.</b>	<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Development</b>	<b>Decision</b>
<b>1</b>  <b>Appeal Site</b>	D/2013/0092/F	Mr T. Cuss	Between Nos 99 and 101 Garryduff Road, Ballymoney	Proposed 2 no. infill dwellings and garages	Appeal
<b>2</b>	D/2004/0071/O	Mr & Mrs Mc Mullan	Land adjacent to 99 Garryduff Road, Ballymoney.	Site for dwelling and domestic garage.	Permission refused 19.08.2004  Appeal Dismissed 20.06.2005
	D/1990/0193/O	Not available	Diagonally opposite 98 Garryduff Road Ballymoney	Site for replacement dwelling	Permission Refused 22.01.1991
<b>3</b>	D/2003/0521/O	Mr Alan Patterson	Behind 97 Garryduff Road, Ballymoney, BT53 7DH.	Site for One & a Half Storey Dwelling & Garage.	Permission Refused 30.11.2004
<b>4</b>	D/2004/0800/O	Mr John Thompson	Land opposite 100 (adjacent to 101) Garryduff Road, Ballymoney.	Site for replacement dwelling.	Withdrawn

**APPENDIX 2  
PROPOSED DRAFT CONDITIONS**

In the event that the Planning Appeals Commission recommends that the appeal should succeed the Department recommends the following draft conditions without prejudice.

<b>i</b>	Standard Time Limit.
<b>ii</b>	The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with Roads Service requirements prior to the commencement of any works or other development hereby permitted.
<b>iii</b>	The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.
<b>iv</b>	The existing trees along the southern and northern boundaries of the site shall be permanently retained at a height not less than 4 metres and shall be allowed to grow on.
<b>v</b>	The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.



Addendum to Planning Appeal D/2013/0092/F  
PAC Ref: 2014/A0207

This application was presented to the Planning Committee of Ballymoney Borough Council on 16<sup>th</sup> September 2013 with a recommendation to Refuse. The application was deferred for an office meeting which took place in September. Two further meetings were held with the MLA, one meeting with the PPTO 7<sup>th</sup> February 2014 and secondly with the Area Planning Manager, 20<sup>th</sup> October 2014. The application returned to the Planning Committee of Ballymoney Borough Council on 17<sup>th</sup> November 2014. The application issued as a refusal on 26<sup>th</sup> November 2014.

# **Statement of Case for Causeway Coast and Glens Borough Council**

**Appeal under the Planning (Northern Ireland) Order 1991**

**Application reference: D/2013/0106/O**

**Proposal: Proposed 2 No. dwellings for residential purposes.**

**Location: 205A Seacon Road, Ballymoney.**

**Submission Deadline: 14<sup>th</sup> May 2015.**

**Prepared by: Joseph McCaughan (Case Officer)**

**Agreed by: Shane Mathers (Grade 7)**

**Appeal Reference: 2014/A0231**

**Appellant: Miss S Keery**

**Date of Hearing/ Accompanied Site Visit:**

## 2.0 Planning Assessment

<p>1. 1</p>	<p>Planning Policy Statement 7 applies to all residential development proposals with the exception of single dwellings in the countryside and as such is the relevant planning context under which to assess the current proposal in conjunction with the subsequent addendum published in August 2010, DCAN 8 and “Creating Places”.</p> <p>Policy QD1 of PPS7 outlines the criteria to which all residential development will be expected to conform.</p> <p>Criterion (a) states that the development must respect the surrounding context and be appropriate to the character and topography of the site. The overall character of the area generally consists of a low density, suburban, well established residential area consisting of a mix of house types which are mainly single storey to the southern side.</p> <p>Seacon Road is a mature residential area characterised by wide public grassed verges incorporating individual trees and narrow public footpaths. The urban grain is characterised by a strong building line along the southern side of Seacon Road forming an arc of development extending from the junction with Newbridge Road (No 219) to No 201 Seacon Road. The majority of these properties have a common aspect to the public road with large mature front gardens which forms part of the overall arc of development and defines the wider context and character. This includes Nos 197-205a regardless of the lack of clear definition of private space as well as the use of a shared access.</p> <p>The exceptions to this common aspect are Nos 199, 201 and 203 which are smaller plots fronting the accesses serving Nos 197, 203, 205 and 205a. Although these three properties do not mirror the orientation of Nos 197 – 219 they form part of a wider visual envelope comprised of Nos 201-219 which is distinct from the character of the higher density dwellings to the north. These three properties also represent a natural book-end to this visual envelope, backing onto a wide private laneway which serves No 195 Seacon Road and demarcates the change in character to the north.</p> <p>It is the open, spacious nature formed by large front gardens which singularly defines the character of the area along the north-western side of Seacon Road. This is also reflected on much of the opposite (north-eastern side) of Seacon Road which comprises a very distinctive and uniform character defined by a strong building line extending from the junction with Newbridge Road to the access to Down View.</p>
<p>1. 2</p>	<p>While new residential development should seek to reinforce the existing organisation of the fronts and backs of dwellings the current application proposes the erection of two dwellings within the front garden of No 205a. While the site is certainly physically capable of accommodating the current proposal,</p>

	<p>the proposed development would result in the loss of the bulk of the existing garden which forms an important part of the character and context of the area. The siting of the proposed dwellings towards the public road is out of keeping with the existing character and will result in an openly visible public aspect comprising views of rear and side elevations along the streetscape when viewed along Seacon Road. Such a public aspect will jar considerably with the existing form and character of the area and will also set a precedent for other properties within the area.</p>
<p>1. 3</p>	<p>Criterion (a) of Policy QD1 is further expanded upon in criterion (b) of Policy LC1 of Addendum to PPS7 which states that proposals will only be acceptable where the pattern of development is in keeping with the overall character and environmental quality of the established residential area. Para 2.7 of the Justification and Amplification goes on to state that for residential development to be successful it needs to consider a number of issues including the context of the site and surroundings and the potential impacts on the street scene including main views. As per above, the proposal is likely to significantly impact on the existing street scene due to the proximity to the site frontage and the presentation of rear elevations and private amenity space (including all the associated paraphernalia) to the public road. This is an alien form of development when viewed against existing character and will negatively impact on the street scene and main views along the Seacon Road.</p>
<p>1. 4</p>	<p>Although Nos 199-203 do not reflect the orientation of Nos 197-219, they form a book-end to this part of what is a very mature and established residential area. This is reinforced by the existing, mature, boundary vegetation which limits any views of these dwellings which may appear incongruous within the surrounding context. The design of No 201 combined with the separate access directly onto Seacon Road also serves to further limit any visual impact on the surrounding character.</p>
<p>1. 5</p>	<p>In order to provide privacy to the proposed dwellings the submitted Design Concept Statement indicates substantial boundary planting both around and between the two proposed dwellings. Unlike Nos 199-203, the introduction of the proposed dwellings and landscaping on this site is at variance to the existing very open aspect and character which currently exists, comprised of the large front gardens. As a consequence the proposal is contrary to criterion (b) as the pattern of development is out of keeping with, and will undermine, the overall character and environmental quality of the established residential area.</p>

**Appendices**

Appendix 1: Planning History (digitised map and schedule)

Appendix 2: Proposed Conditions (without prejudice)

**Appendix 1**

<b>Site no.</b>	<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Development</b>	<b>Decision</b>
<b>1</b> <b>Appeal Site</b>	D/2013/0106/O	Miss S Keery	205A Seacon Road	Proposed 2 dwellings for residential purposes	Appeal
<b>2</b>	D/2000/0086/F	Mr & Mrs R Bartlett	191 Seacon Road, Ballymoney	Demolition of existing dwelling and outhouses. Erection of 5 No new town houses.	Permission Refused 19.05.2000
	D/2000/0320/O	Sandel Building Co Ltd	191 Seacon Road, Ballymoney	2 No chalet styled dwellings	Permission Refused 18.10.2000
	D/2003/0544/F	Mrs Christine Bartlett	191 Seacon Road, Ballycormick, Ballymoney	Replacement of existing dwelling with 2 new dwellings and garages	Permission Refused 29.12.2003
	D/2008/0141/F	Mr Ian Mc Grath	191 Seacon Road, Ballymoney	Replacement dwelling and garage	Permission Granted 21.10.2008
<b>3</b>	D/2002/0611/O	Mr & Mrs Calderwood	Land adjacent to 195 Seacon Road, Ballymoney.	Site for dwelling & domestic garage	Withdrawn 23.04.2003

4	D/2007/0460	Mr B Harkness	134 Newbridge Road, Ballymoney.	Demolition of existing dwelling house to facilitate new housing development (3 No. dwellings)	Permission Granted 29.10.2009
5	D/2008/0140	Mr Ian Mc Grath	191a Seacon Road, Ballymoney	Demolition of existing dwelling and construction of five dwellings and garages.	Permission Granted 21.11.2008

**APPENDIX 2  
PROPOSED DRAFT CONDITIONS**

In the event that the Planning Appeals Commission recommends that the appeal should succeed the Department recommends the following draft conditions without prejudice.

<b>i</b>	Standard Time Limit.
<b>ii</b>	The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with Roads Service requirements prior to the commencement of any works or other development hereby permitted.
<b>iii</b>	Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters'), shall be obtained from the Department, in writing, before any development is commenced.
<b>iv</b>	The development hereby approved shall be designed in accordance with the provisions of Planning Policy Statement 7: Quality Residential Environments, Policy QD1.
<b>v</b>	The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.
<b>vi</b>	No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Department.
<b>vii</b>	A landscaping scheme shall be agreed with the Department at Reserved Matters stage and shall include a scheme detailing species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season after the occupation of the dwellings.



**Addendum to Planning Appeal D/2013/0106/O**  
PAC Ref: 2014/A0231

This application was presented to the Planning Committee of Ballymoney Borough Council on 18<sup>th</sup> November 2013 with a recommendation to Refuse. The application was deferred for an office meeting which took place that month. A further meeting with the MLA and PPTO was held 27<sup>th</sup> April 2014. The application returned to the Planning Committee of Ballymoney Borough Council on 20<sup>th</sup> October 2014. A refusal issued 23<sup>rd</sup> October 2014.

The Department was made aware that this application had been appealed on 7<sup>th</sup> March 2015. The Statement of Case was submitted for the 14<sup>th</sup> May 2015.

# APPEAL

**837m NW of 59 Moyarget Road,  
Ballycastle**

**E/2014/0134/F  
Full Planning**

**27 May 2015**

<b>No:</b>	E/2014/0134/F	<b>Ward:</b>	KINBANE
<b>App Type:</b>	Full Planning		
<b>Address:</b>	837m NW of 59 Moyarget Road, Ballycastle		
<b>Proposal:</b>	Erection of a single wind turbine with 37m hub height (50.5m to blade tip) and construction of a new access track together with associated electrical switch room		
<b>Officer:</b>	Jennifer Lundy		
<b>Con Area:</b>	N/A	<b>Valid Date:</b>	03 July 2014
<b>Listed Building Grade:</b>	N/A	<b>Target Date:</b>	
<b>Agent:</b>	Carey Consulting, 25-27 New Row, Coleraine BT52 1AD		
<b>Applicant:</b>	North Power Ltd c/o Agent		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0

Drawings and the retail impact assessment report are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 RECOMENDATION

- 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 section 7 and resolves to **SUPPORT DEFENCE** of this refusal of planning permission subject to the reason set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located in the countryside surrounded by agricultural land near the Carnealty Civic Amenity Site.
- 2.2 The site is located with gently undulating landscape. There is a young conifer plantation adjacent to the south and the more mature Clare Wood is approximately 1 km to the north west of the site.

## 3 RELEVANT HISTORY

**E/2010/0322/F:** 225KW wind turbine (31.5m hub height) 190m SE of Bailey Waste, Dunamallaght Road, Ballycastle Approved 02 January 2013

**E/2010/0334/F:** 1 no 250kw wind turbine (37m hub height) 320m SE of 66 Moyarget Road, Ballycastle Approved 09 January 2012.

**E/2011/0088/F:** 4 wind turbines (base to blade height 99.5m) and ancillary development Carnealty Townland, Ballycastle Undecided

**E/2013/0135/F:** 250kw wind turbine (37m hub height) 682m NW of 59 Moyarget Road, Ballycastle Approved 08 July 2014

## 4 THE APPLICATION

- 4.1 Planning permission is sought to erect a commercial scale wind turbine. It has a hub height of 37 metres and a blade tip height of 50.5 metres. The diameter of the blades is 27 metres.

## 5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours: Zero (0)** letters of representation have been received.

**Internal:**

5.2 **Transport NI:** Has no concerns with the proposal.

**Environmental Health:** Has no concerns with the proposal.

## **6 MATERIAL CONSIDERATIONS**

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- North East Area Plan 2002
- draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 18 Renewable Energy

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in this appeal is solely the impact on visual amenity by reason of the cumulative impact of wind turbines in the locality.

### **Planning Policy**

8.2 The site is located within the open countryside as defined by the North East Area Plan 2002 and the draft Northern Area Plan 2016.

8.3 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above.

## **Cumulative Impact**

- 8.4 There is an approved wind turbine immediately adjacent this site. Furthermore, it would in the immediately locality, visually read with six further wind turbines. Details of these are in Section 3. This extends to a total of ten wind turbines in the wider locality. The proposed site has strong visual linkage with those in the immediate locality, within a short radius of – m and would serve to extend the negative visual impact of both the approved and proposed developments across this area of open landscape.
- 8.5 The application site is located adjacent one of the main tourist routes to Ballycastle (Moyarget Road) and is within an area of countryside which forms the setting of Ballycastle. Critical views from which the negative, cumulative effect would be apparent are from the Moyarget Road when approaching the site from the junction of Magheramore Road. A vantage point is located on Magheramore Road, near the junction with Moyarget Road. There are intermittent views along Straid Road between the NIE substation and its junction with Novally Road.
- 8.6 Cumulatively, the proposal would have a detrimental visual impact which outweighs the other considerations in this case. Such other considerations include: the environmental benefits of renewable energy; some limited economic benefits and that the proposal is acceptable in terms of residential amenity with regard to noise and shadow flicker.

## **Consultation with Moyle District Council**

- 8.7 The Department presented the application to Moyle District Council on 15 December 2014. The Council did not comment on the application. Further to this, the application issued as a refusal on 05 January 2015.

## **9 CONCLUSION**

- 9.1 The proposed site has strong visual linkage with seven other wind turbines in this immediate locality, extending to ten in the wider locality. Cumulatively, the proposal would have a detrimental visual impact which outweighs other considerations in this case. Supporting defence of this refusal of planning permission is recommended.

## **10 REFUSAL REASON**

- 10.1 The proposal is contrary to Policy RE 1 of Planning Policy Statement 18: Renewable Energy, in that the development will be viewed with existing wind turbines, those which have permissions and those that are currently the

subject of valid but undetermined applications, and cumulatively will have a detrimental visual impact.

# **Statement of Case for Causeway Coast and Glens Borough Council**

**Appeal under the Planning (Northern Ireland) Order 1991**

**Application reference: E/2013/0147/F**

**Proposal: Article 28 of 1991 Planning (NI) Order Application for Removal of Condition No 2 requiring use of dwellings at No 102 and 102A Glen Road, Glenariffe as tourist accommodation on planning permission E/98/0090 due to applicant's compliance with policy CTY10 of PPS21 and lack of viability.**

**Location: No's 102 Glen Road and 102A Glen Road  
Adjacent to Callisnagh Bridge  
Glenariffe  
Co Antrim  
BT44 0RG**

**Submission Deadline: 15<sup>th</sup> May 2015**

**Prepared by: Joy McIntyre**

**Agreed by: Shane Mathers (Grade 7)**

**Appeal Reference: 2014/A0221**

**Appellant: Mr & Mrs Kenneth Graham**

**Date of Informal Hearing: 5<sup>th</sup> June 2015**

## **1.0 Background**

- 1.1 The appeal site is located off a laneway south of Glen Road and comprises two buildings in use as tourist accommodation. No. 102 is 1 ½ storey and No. 102a is single storey, both of which are finished in grey render with natural slate roofs. No. 100 Glen Road lies immediately south of the properties.
- 1.2 The appeal site is located in the open countryside and falls within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).

## **2.0 Planning Assessment**

- 2.1 Refusal Reason 1  
The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there are no overriding reasons why Condition No. 2 requiring use of the dwelling at No's. 102 and 102A Glen Road, Glenariffe as tourist accommodation on planning permission E/1998/0090 should be removed and therefore no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2.2 Approval was granted for the erection and use of the two properties for tourist accommodation. A condition of the approval was that both units were not to be used as a permanent place of residence.
- 2.3 The original planning permission for tourist dwellings was granted under Policy TOU 3 of the Planning Strategy for Rural Northern Ireland (PSRNI). This policy allowed for new build tourist accommodation in countryside policy areas provided a special tourist need, or exceptional benefit to the tourist industry was demonstrated. Planning permission was subsequently granted on this basis alone with a condition requiring the accommodation be used for holiday occupation only and not for permanent residential accommodation. These units would not have been granted permission without the implementation of condition 2 because it would not have met the requirements of Policy GB/CPA 1 of PSRNI. Therefore, its removal would compromise the very essence of the original justification for development without which the original permission would not have been granted. Planning permission would also not be granted under CTY 1 of Planning Policy Statement 21.
- 2.4 The extant policy provision for self-catering unit in the countryside is Policy TSM 5 of PPS 16. There are 2 objectives of PPS 16 that are particularly relevant - to facilitate sustainable tourism development in an environmentally sensitive manner and secondly to, sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas. The Policy approach is to focus self-catering development in existing nodes of tourism activity, thereby avoiding random development throughout the countryside and safeguarding the value of tourism assets. It also continues the previous policy of protection of self-catering stock to ensure that tourist accommodation is available to benefit local communities in rural areas.



- 2.5 Current NITB figures for self-catering units in the Moyle Council Area show there has been a decrease in the units available from 192 in 2012 to 172 in 2014. Regionally, the self-catering sector has seen a rise in demand with occupancy in 2013 at 31%, an increase of 4 percentage points when compared with 2012. (Source: NITB Accommodation stock Year End 2014 and Year End 2012). This would suggest that there is a need or demand for tourist accommodation in this area.
- 2.6 Taking into consideration the figures above and coupled with a change in policy direction for this type of tourist accommodation throughout the countryside than before, the Planning Authority is concerned with the loss of such self-catering stock. In addition, removal of this condition on the basis that the unit is not economically viable would set an unacceptable precedent for self-catered tourist accommodation in the wider area. Lack of viability while a material consideration, is not sufficiently compelling to set aside planning policy.
- 2.7 As part of the application process, the Applicant has offered using his entitlement for a farm dwelling under Policy CTY 10 of PPS 21 as a substitute for No 102. Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. One of these types of development is a dwelling on a farm in accordance with Policy CTY 10. This allows for a dwelling house on a farm where the farm business is currently active and established for at least 6 years; no development opportunities have been sold off from the farm holding within 10 years of the application; and the dwelling is visually linked or sited to cluster with an established group of buildings on the farm.
- 2.8 The Planning Authority accepts the use of No. 102 as a farm dwelling as criteria (a) is fulfilled as the applicant has a valid business farm ID number which DARD has confirmed. Criteria (b) is achieved as no development opportunities have been sold off from the farm holding since November 2008. Criteria (c) requires visual linkage with an established group of buildings on the farm. The only buildings which exist on the farm are the two tourist units so No. 102 would group with No. 102a, the relationship of which already exists. Given the existing built form and the proposed conversion of No. 102 to a farm dwelling, there are no concerns in relation to impact on rural character or integration.
- 2.9 In relation to the second building No. 102a, the Agent contends that Policy CTY 4 of PPS 21 is applicable to this proposal as it relates to the conversion and reuse of existing buildings. The Agent states that The Planning Uses Classes Order NI 2004 superseded with The Planning (Use Classes) Order (Northern Ireland) 2015 excludes holiday chalets from the definition of residential uses.
- 2.10 The Planning Authority disagrees with this, the approved use is residential, Class C1, with a condition restricting the use of the properties to holiday accommodation. CTY 1 of PPS 21 states that planning permission will be granted in the countryside for the conversion of a non-residential building to a dwelling under CTY 4. CTY 4 relates solely to the conversion and reuse of existing suitable buildings. The existing buildings are residential and are not suitable buildings for conversion under this policy. The existing building is not considered to

be suitable for conversion given that it was initially approved solely for the approved tourism use. Application of Policy CTY 4 to development in the Countryside approved solely for tourism use would undermine the intent and purpose of such approvals across the Region.

### 3.0 **Conclusion**

- 3.1 The Planning Authority does not support removal of Condition 2 for the properties. In particular, there is no justification for No 102a under the requirements of Policy CTY 1 of PPS 21 in that, there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. Policy CTY 4 of PPS 21 is not applicable to this proposal given there is no material change of use given the existing use is residential. This property was originally granted permission only on the basis to meet a tourist need under TOU 3 of PSRNI and as such Condition 2 was applied. As existing tourist stock it is important and should be protected. Furthermore, removal of this condition could set an undesirable precedent.
- 3.2 However, the Planning Authority accepts removal of condition 2 for No. 102 as this dwelling meets the requirements for a farm dwelling under Policy CTY 10 of PPS 21 as detailed above.

## Appendices

Appendix 1: Planning History (map and schedule)

### Appendix 1: Planning History

<b>Site No.</b>	<b>Planning Reference</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1 Appeal Site	E/2013/0147/ F	No's 102 Glen Road and 102A Glen Road Adjacent to Callisnagh Bridge, Glenariffe, Co Antrim	Article 28 of 1991 Planning (NI) Order Application for Removal of Condition No 2 requiring use of dwellings at No 102 and 102A Glen Road, Glenariffe as tourist accommodation on planning permission E/98/0090 due to applicant's compliance with policy CTY10 of PPS21 and lack of viability.	Current Appeal	
2	E/1995/0223	Adjacent Callisnagh Bridge, Glen Road, Glenariffe	Change of use of vacant dwelling and out-house to tourist accommodation	Approval	05.02.1996
3	E/1998/0090	Adjacent Callisnagh Bridge, Glen Road, Glenariffe	Erection of chalet bungalow and 2-storey dwelling for tourist accommodation	Approval	24.07.1998

Addendum to Planning Appeal E/2013/0147/F  
PAC Ref: 2014/A0221

This application was presented to the Planning Committee of Moyle District Council on 24<sup>th</sup> February 2014 with a recommendation to Refuse. The application was deferred for an office meeting which took place 15<sup>th</sup> March 2014 and the application returned to the Planning Committee of Moyle District Council on 27<sup>th</sup> October 2014. The Council made no comment at this meeting

# **Appeal**

**3 Antrim Gardens**

**Portrush**

**C/2014/0111/F**

**Full Planning**

**27 May 2015**

<b>No:</b>	C/2014/0111/F	<b>Ward:</b>	Royal Portrush
<b>App Type:</b>	Full Planning		
<b>Address:</b>	3 Antrim Gardens, Portrush		
<b>Proposal:</b>	Proposed change of use from private dwelling to 5 No. self contained apartments		
<b>Con Area:</b>	N/A	<b>Valid Date:</b>	28.03.2014
<b>Listed Building Grade:</b>	N/A	<b>Target Date:</b>	
<b>Agent:</b>	Brian Baird Architect,		
<b>Applicant:</b>	10 Fermoyle Drive, Coleraine, BT51 3JW		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 and the policies and guidance in section 7 and resolves to **SUPPORT THE REFUSAL** of planning permission, subject to the reason set out in section 9.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the south eastern side of Antrim Gardens, Portrush. Site levels are relatively flat across the site. The site comprises the curtilage of a three storey, flat roof mid-terrace dwelling, finished in smooth render, with a three storey rear annex. The existing building adjoins adjacent buildings to the north-east, south-west and south-east. The building has a three storey bay window on the front elevation. Boundaries: access road to the north-west; existing buildings adjoin the north-east and south-east boundaries; whilst existing buildings and rear yards adjoin the south-west boundary. There are no significant natural features on site.

- 2.2 The site is abutted by a narrow vehicular access to the north -west, with public open space beyond. The site is bound to the north-east by a three storey flat roof building which mirrors the design and finishes of the subject building; by a three storey pitched roof building finished in dry dash. Bay windows are a feature of the area. Critical views are from the surrounding public road network, the adjacent public open space to north-west and Landsdowne carpark; there are no critical views of the rear element of the property. A right of way links the rear of the site to Bath Street.

### **3 RELEVANT HISTORY**

- 3.1 **C/1996/0355:** Change of use from house of multiple occupancy to bed and breakfast accommodation at 3 Antrim Gardens, Portrush. Approved 18.08.1996.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the change of use from private dwelling to 5 No. self contained apartments.
- 4.2 Revisions to the scheme have been received during processing of the application. The proposal was reduced from 6 No units to 5 No. units, with associated changes to the internal floorspace. A public right of way to the rear was removed from the proposal; rear bathroom windows at first and second floor levels were replaced with doorways and associated external stairwells provided; relocation of the rear oil storage tank; and the rear yard has been enclosed.



## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours:** No comments were received as a result of the neighbour notification process.

### Internal:

- 5.2 **Transport NI:** The proposed access, development layout are considered to be acceptable.

**NI Water:** Public water supply and public foul sewer is available.

**Environmental Health:** Has no concerns with the proposal subject to adequate refuse accommodation being provided for each of the proposed units.

## 6 MATERIAL CONSIDERATIONS

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

- 6.2 The development plan is:

- North East Area Plan 2002
- Draft Northern Area Plan 2016

- 6.3 The Regional Development Strategy (RDS) is a material consideration.

- 6.4 Due weight should be given to the relevant policies in the development plan.

- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

The Strategic Planning Policy Statement for Northern Ireland

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 7 Quality Residential Environments

### Northern Area Plan 2016

Site is located within Portrush settlement limit

Site is located within Area of Townscape Character

Site is located within Area of Opportunity for Apartments

The site is located on the edge of the town centre

The site is located within an Area of Archaeological Potential

Supplementary Planning Guidance

Creating Places

Living Places

DCAN 8 Housing in Existing Urban Areas

DCAN 15 Vehicular Access Standards

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The Department presented a recommendation to Refuse to Coleraine Borough Council's Planning Committee on 22<sup>nd</sup> July 2014. The application was deferred for an office meeting which took place on Friday 19<sup>th</sup> September 2014. The application was returned to Coleraine Borough Council's Planning Committee on 25<sup>th</sup> November 2014, again with a recommendation to Refuse. The Council agreed with this recommendation. A decision notice refusing planning permission issued on 27<sup>th</sup> November 2014. The Department was informed that the application had been appealed on 18<sup>th</sup> March 2015. The Statement of Case must be submitted by the 9<sup>th</sup> July 2015 (revised date) and an Informal Hearing will be heard on 30<sup>th</sup> July 2015 at 10am.
- 8.2 The main considerations in the determination of this application relate to: the principle of the proposed development in this location; the suitability of the scheme in terms of character and context; the standard of residential environment the proposal would provide; the impact on neighbouring amenity; the acceptability of the road infrastructure; landscaping and; design.

### **Planning Policy**

- 8.3 The site is located within the built up area of Portrush, as defined by the draft Northern Area Plan 2016.

### **Principle of Development**

- 8.4 The principle of apartment development on the subject site is acceptable.

### **Character, Context and Design**

- 8.5 There are no changes to the front elevation of the building. There are minimal change to the rear of the building (documented previously in the report). As such, the proposal will have no significant impact on the character of the area.

### **Standard of Residential Environment**

- 8.6 The proposal has failed to take account of the need to present an attractive outlook for residential units. Apartments Nos. 3 and 5 are wholly located to the rear. All windows in apartments Nos. 3 and 5 overlook a small unsightly rear courtyard, which comprises rear access and associated external stairwells, bin storage areas and servicing to at least one restaurant. As such, the outlook from two of the apartments is restricted to overlooking an oppressive, unkempt environment.
- 8.7 The proposal provides a poor environment at basement level. The location of bedrooms 1 and 2 of apartment No. 1 afford little amenity to future occupants, given their location at basement level, looking directly into a wall which is located 0.8m from the windows. Whilst the agent stated that apartment No. 1 is intended for the applicant's use, the Planning Authority must consider not just the applicant's use of the development, but all users over the lifetime of the development.
- 8.8 The rear of the proposal is surrounded by other buildings and provides no private amenity space. The modest rear yard, which accommodates stairwells, bin storage areas and oil storage areas does not provide any meaningful level of amenity for future occupants. Any use of the rear yards as private amenity space will also create conflict, by reason of its location adjacent to the kitchen and bedroom windows of apartment No. 1. Furthermore, apartments 3 and 5 have no internal storage space.
- 8.9 The agent, in his submissions during the processing of the planning application, considers that the subject site is currently in use as an HMO (house in multiple occupancy) and that the rear bedrooms of the property are used as rentable accommodation. However, this was not what was described within the applicant which was for the change of use of private dwelling. Notwithstanding this, proposals for the creation of apartments must be assessed in accordance with Planning Policy 7: Quality residential

environments. As such, the policies within PPS7 are a material consideration.

### **Neighbouring Amenity**

- 8.10 The proposal does not have an adverse effect on existing development by reason of overlooking, overshadowing or dominance.

## **9 CONCLUSION**

- 9.1 On balance, a number of the proposed apartments do not provide for an acceptable level of amenity for the future occupants. The proposal does not provide for a quality residential environment, as envisaged by Planning Policy Statement 7: Quality Residential Environments. Support to defend this refusal is recommended.

# Appeal

**Mr Sean McKinley  
Lands adjacent to Dunluce House  
87 Dunluce Road  
Bushmills  
Co Antrim**

**C/2014/0109/O  
Outline Planning**

**27 May 2015**

<b>No:</b>	C/2014/0109/F	<b>Ward:</b> Dunluce
<b>App Type:</b>	Outline Planning	
<b>Address:</b>	Lands adjacent to Dunluce House, 87 Dunluce Road, Bushmills Co Antrim	
<b>Proposal:</b>	Demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/ retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational, hot food, retail, conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and any ancillary development related to the proposal.	
<b>Con Area:</b>	N/A	<b>Valid Date:</b> 31 <sup>st</sup> March 2014
<b>Listed Building Grade:</b>	N/A	<b>Target Date:</b>

**Drawings and the retail impact assessment report are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **19 RECOMENDATION**

- 19.1 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 section 7 and resolves to **SUPPORT DEFENCE** of this appeal against the non-determination of planning permission subject to the reasons set out in section 10.

## **20 SITE LOCATION & DESCRIPTION**

- 20.1 The site is located in a prominent and environmentally important coastal location on the north western side of Dunluce Road and is immediately adjacent to the Dunluce Castle scheduled monument and tourist facility. The current site comprises of two roadside agricultural fields generally rising from eastern boundary with Dunluce Road up to the interface with Dunluce Castle estate along the western boundary of the site. There are agricultural barns and shed located at this part of the site enclosing a yard area, along with the associated two storey detached Farmhouse of No.87 to the south. To the north of the agricultural sheds is a single storey building which is used as a café and on the western boundary is an area of car parking enclosed by a wall. The boundaries are largely devoid of vegetation cover due to the coastal location with the boundaries of the site mainly defined by post and wire fencing. Access is currently provided from existing access points and roadways to the north and south ends of the site.
- 20.2 The site is located within the rural area on the coast, in a sensitive setting within the Antrim Coast AONB and Dunluce Area of Significant Archaeological Interest.

## **21 RELEVANT HISTORY**

- 21.1 **C/2012/0158/F**

Proposal: Demolition of Existing Agricultural Sheds and Replacement with Single Storey Visitor Centre in Courtyard Form, including Cafe/Offices/Exhibition/Retail/Meeting Room/Conference Room/Storage/Toilets; Associated Access from A2 to car parking area and bus drop-off point/parking and retention of existing private access as pedestrian footway.

Location: Lands Adjacent to Dunluce House, 87 Dunluce Road, Bushmills, Co Antrim.

Decision: Refused

Decision Date: 28<sup>th</sup> January 2015

## **22 THE APPLICATION**

22.1 Planning permission is sought for the demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/ retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational, hot food, retail, conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and any ancillary development related to the proposal.

22.2 As this is an outline application the information submitted with the initial submission provided indicative information in relation to access, layout, siting of the building and a sketch proposal of what the building might look like. The Department formed its position based on this information. In submitting the appellant's Statement of Case, the proposal has been substantially revised. Revisions include changing the access, relocating the car parking, and altering the layout and indicative design of the building.

22.3 Jurisdiction of the application is now with the Planning Appeals Commission (PAC) and it is a matter for it to consider whether any revisions or additional information submitted with the appeal can be considered. Planning officials have sought clarification from the PAC as to whether these changes will be heard at the appeal, and are still awaiting for this matter to be clarified.

## **23 PUBLICITY & CONSULTATIONS**

### **External**

23.1 **Neighbours:** There have been no objectors to this proposal.

### **Internal**

5.2 **Transport NI:** Has no objection to the proposal subject to conditions.

**Environmental Health:** Has no objection to the proposal subject to conditions.

**NIEA Natural Environment Division:** Is objecting to this proposal in relation to bats.

**NIEA Protecting Historic Monuments Unit:** Is objecting to this proposal in relation to the impact on the preservation of archaeological remains of regional importance and its setting.

**Northern Ireland Tourist Board:** Has no objection to this proposal and provided some general commentary in relation to Dunluce Castle and the potential for a visitor centre.

## **24 MATERIAL CONSIDERATIONS**

10.2 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

10.3 The development plan:

- North East Area Plan (2002)
- draft Northern Area Plan 2016

10.4 The Regional Development Strategy (RDS) is a material consideration.

10.5 Due weight should be given to the relevant policies in the development plan.

## **7 RELEVANT POLICIES & GUIDANCE**

Regional Development Strategy (RDS) – Northern Ireland 2035

PPS 1 – General Principles

PPS 2 – Planning and Nature Conservation

PPS 3 – Access, Movement and Parking (Revised)

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 16 – Tourism

PPS21 – Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

8.19 The site is within the Antrim Coast AONB and Dunluce Area of Significant Archaeological Interest.



- 8.20 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above.

### **Consultation with Coleraine Borough Council**

- 8.21 The Department did not have the opportunity to present the application to Coleraine Borough Council as the applicant lodged an Article 33 “Non Determination” appeal. The Department was notified of this appeal on 3<sup>rd</sup> December 2014 and suggested 10 draft refusal reasons to the PAC on 18<sup>th</sup> December 2014. The Department also wrote to Coleraine Borough Council and the appellant on 18<sup>th</sup> December 2014 informing both parties of the suggested reasons for refusal. These refusal reasons were based on the information submitted at that time.

### **Current Status**

- 8.22 A Statement of Case was submitted to the Planning Appeals Commission for the 31<sup>st</sup> March 2015. The application is the subject of an appeal hearing which will be heard on Tuesday 30<sup>th</sup> June 2015.
- 8.23 Although the appellant seeks to amend the proposal, this is significantly different to what was originally proposed and may result in prejudicing third parties so consideration must be given as to whether these amendments are acceptable. However, this is a matter for the PAC.
- 8.24 While an amended scheme may need to be considered in more detail, it does raise new matters in relation to the access arrangements, the siting and location of the car parking, and in particular any potential impact on the applicant’s dwelling and farm. Furthermore, it does not appear to overcome concerns in relation to the impact on archaeology and bats. As the presentation of the archaeology and folklore are of primary importance at this site, any proposal must ensure that it is not adversely impacting on the protection and preservation of the Castle and archaeological remains. Consultation responses from the key consultees is outstanding at this time before a full assessment can be made on the amended proposal. Furthermore, clarification from the PAC as to whether they will accept the amended scheme for consideration at the appeal is also outstanding at this time.

## **9 CONCLUSION**

- 9.1 The Department considered that the proposal failed to meet a number of policy requirements and tests within the draft northern Area Plan 2016 and Planning Policy Statement 21 Sustainable Development in the Countryside; Planning Policy Statement 16: Tourism; Planning Policy Statement 2:

Natural Heritage; and, Planning Policy Statement 6: Planning, Archaeology and Built Heritage. Although an amended scheme is currently under consideration, a final assessment on this amended scheme cannot be made until all key consultees have responded with their comments. Clarification is also awaited from PAC as to whether they consider the amended scheme to be a substantial change from that which was before the Department at the time the Appeal was lodged.

- 9.2 It is recommended that Council support defence of this appeal based on the original scheme, and the amended scheme if the PAC agree to considering these amendments.

## **10 REFUSAL REASONS**

### **10.1 Suggested Draft Reasons for Refusal based on original scheme**

1. The proposal is contrary to the Joint Ministerial Statement of 31 January 2005 on the grounds of prematurity, as the Draft Northern Area Plan 2016 has reached an advanced stage of preparation, and the site is within an area designated as the Dunluce Area of Significant Archaeological Interest (DASAI) with its associated Policy ENV 7: Area of Significant Archaeological Interest in the Draft Plan. The effect of an approval of this proposal would be that it would result in an adverse impact on an environmental asset which the emerging plan is seeking to protect, thus being prejudicial to the outcome of the plan process.
2. The proposal is contrary to Policy CTY1 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.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, unable to provide a suitable degree of enclosure for the development to integrate into the landscape ;the ancillary works do not integrate with their surroundings; the design of the proposed development is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted, be unduly prominent in the landscape and the impact of ancillary works would damage, and have an unacceptable impact on the rural character.
5. The proposal is contrary to Policy TSM 2 of Planning Policy Statement 16 Tourism, in that it has not been demonstrated that the proposal delivers a substantial benefit to regional tourism as well as sustainable benefits to the locality. The applicant has failed to provide a tourism benefit statement and a sustainable benefit statement.

6. The proposal is contrary to Policy TSM 4 of Planning Policy Statement 16 Tourism in that there has been insufficient information to demonstrate that; the proposal will result in exceptional benefit to the tourism industry; that the proposal requires a countryside location by reason of its size or site specific or functional requirements and is of sustainable benefit to the locality.
7. The proposal is contrary to Policy TSM 7 of Planning Policy Statement 16 Tourism in that it is has not been demonstrated that the development is compatible with surrounding land uses and that the built form will integrate within the character and appearance of this distinctive historic landscape.
8. The proposal is contrary to Policy TSM 8 of Planning Policy Statement 16 Tourism in that the site lies along a main tourist route within the Causeway Coast Area of Outstanding Natural Beauty, within an area of regionally important archaeological remains, within the setting of the remains and settlement complex of Dunluce Castle, and it is considered that the proposed development would have an adverse impact on these tourism assets.
9. The proposal is contrary to Policy BH1 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development will have an adverse physical impact upon regionally important archaeological remains within the application site, an adverse visual impact upon the setting of the upstanding masonry remains of Dunluce Castle and the settlement complex that extends around the Castle; no exceptional circumstances have been demonstrated for these adverse impacts and no acceptable mitigation has been proposed to appropriately alleviate the physical and visual damage proposed.
10. The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage, Policy NH2, in that development may, if permitted, harm bats, which are protected under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), and insufficient information has been submitted to demonstrate otherwise.



**STATEMENT OF CASE FOR CAUSEWAY COAST AND GELNS BOROUGH COUNCIL**

**APPEAL UNDER THE PLANNING (NI) ORDER 1991**

**Article 32**

**PAC REFERENCE:** 2014 /A0195

**APPLICATION REFERENCE:** C/2013/0461/F

**PROPOSAL:** RETROSPECTIVE APPLICATION FOR DOMESTIC GARAGE /  
FENCE / AND CONCRETE YARD

**LOCATION:** 261 WINDYHILL ROAD, COLERAINE

**SUBMISSION DEADLINE:** 14 APRIL 2015

**PREPARED BY:** GARY McCLELLAND

**AGREED BY:** SHANE MATHERS

**APPELLANT:** MR GERALD MONTFOLD

**DATE OF SITE VISIT:** 28 MAY 2015

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**SECTION 2:** PLANNING HISTORY (MAPS AND SCHEDULE)

**SECTION 3:** CASE OFFICERS REPORT

**SECTION 4:** SIMILAR APPEAL DECISIONS

**SECTION 5:** PROPOSED CONDITIONS (WITHOUT PREJUDICE)

## **SECTION 1: PLANNING ASSESSMENT**

## **1.0 PLANNING ASSESSMENT**

- 1.1 This is a retrospective application. The application appears to have been submitted on the back of enforcement action against an unauthorised shed (C/2013/0061CA) and car sales (C/2013/0062CA). The car sales element has since ceased.
- 1.2 The issue in this case focuses on the impact of the development on the appearance and character of this rural area.
- 1.3 Policy EXT1 of PPS7 Addendum: Residential Extensions and Alterations states that the guidance set out in Annex A of the Addendum will be taken into account when assessing proposals against the criteria in Policy EXT1. Paragraph A11 of PPS7 Addendum states that buildings within the residential curtilage should be similar in style to the existing property, taking account of materials, the local character and the level of inter-visibility of the building from surrounding views. Paragraph A13 states that in the countryside, ancillary buildings should be designed as part of the overall layout in an integrated rural group of buildings. Paragraph A24 requires proposals to be in keeping with the character of the existing property and its countryside setting. Paragraph A25 advises that in the countryside, great sensitivity is required to ensure the proposal integrates with the existing dwelling and surrounding landscape.

### **Materials and Local Character**

- 1.4 The garage is sited to the western side of the host dwelling and is set approximately 12.5m back from the edge of the Windyhill Road. The garage measures 12.3m x 9.5m, with an eaves height of 3.5m, rising to 4.7m at the ridge. The garage is finished in green metal profile cladding with a shallow pitched roof, angled at 13 degrees. There is a 3.1m x 3.3m high roller shutter in the north-east elevation of the garage.
- 1.5 The metal cladding finish on the garage does not reflect the materials to be found on either the existing dwelling, or within the surrounding area. There are no similar materials in the area. The host dwelling is finished in roughcast render and slate roof. The adjacent dwelling (263 Windyhill Road) is finished in pebble-dash render and slate roof. The pair of semi-detached dwellings on the other side of Windyhill Road (258 & 260 Windyhill Road) are finished in roughcast render, stonework and black flat roof tiles. The detached garage at 258 Windyhill Road is also finished in roughcast render and black flat roof tiles. The shallow pitch on the garage is incongruous when read with the steeper roof pitches of adjacent buildings. The finish, shallow-pitched roof and roller shutter combine to give the garage the appearance of a commercial / industrial style building, the external appearance of which is not sympathetic to the built form and appearance of either the existing host property, or the surrounding area.
- 1.6 The 1.8m high paladin fence is an inappropriate boundary treatment in this rural setting. Whilst the proposal is not refused under PPS21: Sustainable Development in the Countryside, paragraph 5.71 of PPS21 states that gates and fencing are inappropriate boundary treatments in the countryside. The visual impact of the paladin fence is more akin to a commercial / industrial development. The negative visual impact is heightened by the location of the fence, immediately adjacent to the road and its extended length of 29m.
- 1.7 Overall, the appearance of both the garage and roadside fence are visually incongruous and detract from the appearance and character of the surrounding rural area. Furthermore, the

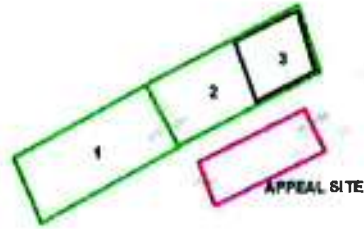
applicant already has the benefit of a domestic garage. The Council does not consider that any requirement for the additional garage outweighs its negative visual impact.

**Level of Inter-visibility**

- 1.8 The site lacks screening when viewed from critical viewpoints. The roadside boundary is defined by a 1.8m high paladin fence. Clear transient views of the building are available over a distance of approximately 385m (from the front of 263 Windyhill Road, 385m distant in a westerly direction along Windyhill Road). From this transient view, views of the appeal building serve only to have a detrimental impact on the appearance and character of the surrounding rural area.
- 1.9 The proposal is assessed on the basis of existing visual impact rather than the promise of proposed planting. Little weight can be attached to proposed planting, as any new planting would take time to mature, in order to ameliorate the negative visual impact.
- 1.10 There are two structures within the side garden of the adjacent dwelling (263 Windyhill Road). The corrugated iron pitched roof building, which has limited views (to the front of 263 Windyhill Road) and is screened by the existing roadside hedge and intervening landscaping, has the appearance of an outbuilding, typical of the countryside. The other structure is a modest wooden gazebo. Both structures appear to have been there for some time and pre-date the PPS7 Addendum.
- 1.11 A number of appeal decisions have been enclosed (at Appendix 04), where the Planning Appeals Commission has dismissed similar proposals on the basis of similar concerns regarding Policy EXT1 of PPS7 Addendum. These decisions support the Councils consideration of the proposal.
- 1.11 The Council has given careful consideration to the application and contends that the current proposal cannot be satisfactorily accommodated within the current planning policy context. The Council therefore respectfully requests that the Planning Appeals Commission dismiss the appeal.



**SECTION 2: PLANNING HISTORY  
(MAPS AND SCHEDULE)**



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Ref. No.                      Development                      Applicant                      Decision                      Date

Column1	Column2	Column3	Column4	Column5	Column6
	C/2013/0461/F	Appeal Site			
1	C/1997/0652	Two storey side and rear extension	Mr D Boyd	Approval	06.02.1998
	C/2011/0059/F	Refurbishment / extension of dwelling	Mr D Boyd	Approval	24.03.2011
	C/2012/0499/F	Double garage / workshop	Mr D Boyd	Approval	12.04.2013
2	C/1998/0477	Two storey side extension and detached garage	W Cummings	Approval	14.08.1998
3	C/1994/0752	Site for dwelling	L Cummings	Refusal	20.03.1995

## **SECTION 3: CASE OFFICERS REPORT**

## **Case Officer Site Visit Report**

**Date of Site Visit:** 14th January 2014

### **SITE VISIT DETAILS/DESCRIPTIONS**

#### **1 - Characteristics of Site**

Roadside site located on the southern side of Windyhill Road. The land is relatively flat. The site comprises a two storey semi-detached dwelling, the subject building sited at the south-west periphery of the site and an area of hard-standing. The subject building has a pitched roof and is finished in green profile cladding. 2m high palisade fence to the roadside and south-west boundaries, whilst the south-east boundary is defined by a semi-mature hedge. The subject building was closed at the time of the site inspection.

#### **2 - Characteristics of Area**

Open landscape, essentially rural in character, characterised by single storey / two storey dwellings in modest plots. Localised views from Windyhill Road.

#### **3 - Description of Proposal**

Retrospective application for domestic garage/fence and concrete yard.

### **ASSESSMENT OF POLICY AND OTHER MATERIAL CONSIDERATIONS**

#### **PPS1: General Principles**

Where an application is made to the Department for planning permission, the Department, in dealing with the application, shall have regard to the development plan, so far as material to the application, and to any other material considerations (paragraph 44). Other material considerations include existing site uses and features, proposed layout and design, impact on the neighbourhood, the availability of infrastructure, the Departments planning policy publications, supplementary planning guidance, economic factors, consultation responses, planning history, objections, plan prematurity etc.

#### **Preliminary Issue**

The application appears to have been submitted on the back of enforcement action against alleged unauthorised shed (C/2013/0061/CA) and alleged car sales (C/2013/0062CA). The enforcement team requested removal of the shed, fence and concrete yard. However, the applicant has not applied for car sales, but rather has applied for a domestic garage (which is distinct from car sales); submitted the application on a PHD form; and submitted a domestic fee.

#### **Development Plans NEAP 2002 and DNAP 2016**

- The site is located outside any defined settlement limit

#### **PPS 21 Sustainable Development in the Countryside.**

#### **Policy CTY 1 Development in the Countryside**

Policy CTY1 states that there is a range of types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted

**DC Group Recommendation**

Refer to p. 2 of the document for

**D.C. Group Signatures:**

**Date:**

10/2/14

**Deferred Application – Consideration**

This retrospective application is for a domestic garage and fence/concrete yard.

The size of the garage is substantial to be considered domestic and the applicant has indicated that the garage is to hold up to 5 cars and a motorbike. The footprint of the garage is 12.5x9.5 and is larger than the footprint of the existing dwelling. As this is a retrospective application the garage is in place and sits just off the road side. The style, character, and materials are not reflective of a domestic garage and the garage is particularly prominent when driving towards Coleraine [in an easterly direction]. The proposal, as built, does not meet the policy requirements of Policy EXT1 of the addendum to PPS7 as the scale, massing, design and external materials are not sympathetic towards the existing property or the surrounding area.

I am mindful of C/2012/0499/F and a large garage was approved in this instance, close to the proposed application. I have looked at this approval and the building which is now built, and find that the materials and design are more characteristic to that of a domestic garage. I do not think these are comparable and C/2013/0461/F must be assessed on its merits.

This application also includes the pallidin style fencing. This fence sits on the road side and no details of this have been submitted. That said, the fence is also constructed and has a significant visual impact from the roadside and the current height and style is unacceptable in the rural countryside.

I agree with the DCO assessment and previous recommendation that this application should be refused as it is contrary to EXT1 of the addendum to PPS7.

- |   |        |
|---|--------|
| 1. Any new material factor(s) raised?                   | YES/NO |
| 2. Any different weight attached to planning judgement? | YES/NO |
| 3. Changed opinion?                                     | YES/NO |

**D.C. Group Signatures:**



**Date:**

\_\_\_\_\_

## **SECTION 4: SIMILAR APPEAL DECISIONS**



# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

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**Appeal Reference:** 2008/A0166  
**Appeal by:** Mr J. F. Taylor against the refusal of full planning permission.  
**Development:** Retention of a domestic garage.  
**Location:** 72 Moneyhaw Road, Drumullan, Moneymore.  
**Application Reference:** I/2008/0328/F.  
**Procedure:** Informal Hearing on 8 May 2009.  
**Decision by:** Commissioner Damien Hannon, dated 18 May 2009.

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## Decision

1. The appeal is dismissed and full planning permission is refused.

## Reasons

2. The issue in this case is the impact of the proposal on the appearance and character of the surrounding area. The appeal building has been constructed at the site although at the time of my visit, was being altered. Nonetheless the proposal relates to a 162 m<sup>2</sup> steel framed shed of 5.175 m in height. The lower sections of the walls are to be constructed of pebble dashed block while both the upper wall sections and the roof are to be built in green profile metal. There is a 3.5m high roller shutter door in each of the building's eastern and western elevations.
3. While filtered in places by roadside vegetation, clear views of the building are available from points along the Moneyhaw Road and, to a greater extent, from Drumullin Road. From these views points, the proposal, because of its design and dimensions would appear prominent within the surrounding cluster of predominately single storey residential buildings. Neither the existing group of buildings nor the backdrop of landform and vegetation provide sufficient enclosure to enable the building to be adequately integrated into the landscape. Similarly, the design of the domestic garage is not sympathetic to the built form and appearance of the existing property and the proposal, because of its scale, massing and external appearance, detracts from the appearance and character of the surrounding area. Both the Department's reasons for refusal based on Policies CTY13 of Draft Planning Policy Statement 21 'Sustainable Development in the Countryside' and Policy EXT1 of the addendum to Planning Policy Statement 7 'Residential Extensions and Alterations' are upheld. I note the Department's stated intention to pursue enforcement action in respect of an alleged unauthorised building on neighbouring land.

# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
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---

**Appeal Reference:** 2010/A0088  
**Appeal by:** Mr Patrick McCaughey against the refusal of full planning permission  
**Development:** Retention of domestic garage/store as constructed  
**Location:** 55 Aghafad Road, Fintona  
**Application Reference:** K/2009/0422/F  
**Procedure:** Written Representations and Commissioner's Site Visit on 11<sup>th</sup> January 2011  
**Decision by:** Commissioner Nicholas Howard, dated 18<sup>th</sup> January 2011

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## Decision

1. The appeal is dismissed and full planning permission is refused.

## Reasons

2. The main issue in this appeal is whether the proposal would adversely affect the amenities of the area and neighbours by reason of its scale, form and its impact on the surrounding area with regard to the Addendum to Planning Policy Statement 7 (PPS7): Residential Extensions and Alterations.
3. Policy EXT1 of the Addendum to PPS7 considers that planning permission will be granted to extend or alter a residential property subject to a number of criteria. The Department contend that the proposal is contrary to criteria (a) which requires that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. The Department further contend that the proposal fails to comply with criteria (b) which requires that it does not unduly affect the privacy or amenity of neighbouring residents. The Department considers that the proposal complies with the remaining criteria set out in Policy EXT1.
4. The proposal is for a garage/store building to the rear of the appellant's dwelling. The building is of a substantial size comprising a width of 10 metres, a depth of 12 metres and a height of 6.5 metres. The lower part of the walls consists of a smooth plaster finish and the upper part of the walls together with the roof comprises metal cladding which does not reflect the materials to be found on the existing dwelling or within the surrounding area. I understand the two other buildings within the site do not benefit from planning permission. Although the proposed building is located to the rear of the appellant's dwelling and is situated

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<b>Appeal Reference:</b>	<b>2012/A0085</b>
<b>Appeal by:</b>	<b>Mr Davey Shields against the refusal of full planning permission.</b>
<b>Development:</b>	<b>Retention of domestic garage/store.</b>
<b>Location:</b>	<b>7 Drumgavlin Road, Ballynahinch.</b>
<b>Application Reference:</b>	<b>R/2010/0618/F</b>
<b>Procedure:</b>	<b>Written Representations and Accompanied Site Visit on 5<sup>th</sup> December 2012.</b>
<b>Decision by:</b>	<b>Commissioner Damien Hannon, dated 10<sup>th</sup> December 2012.</b>

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## Decision

1. The appeal is dismissed and full planning permission is refused.

## Reasons

2. The main issues in this appeal are the acceptability of the development in principle and its impact on the appearance and character of the surrounding area and the residential amenity of neighbours. The relevant policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21).
3. Policy CTY 1 of PPS 21 sets out a range of types of development which are in principle acceptable in the countryside. The appellant maintained that the proposal fell within one of these development types namely, an extension to a dwelling house where this is in accordance with the Addendum to Planning Policy Statement 7 - Quality Residential Environments.
4. Planning permission was granted, in May 2002, for a dwelling and garage on land comprising part of the appeal site. This permission was not implemented. However, the Department's statement that the dwelling that now exists on the appeal site is immune from enforcement action was not disputed by any of the parties. Furthermore, the appellant confirmed that the appeal site, as illustrated in the Site Location Map, extended beyond the established and demarcated curtilage of the existing dwelling. There was however, no dispute that the appeal building is within the established curtilage of No. 7.
5. The proposal does not involve an extension to or alteration of the existing dwelling. However, it is stated in the preamble to the first Addendum to PPS7, entitled

11. Paragraph A 13 of Annex A states "in the countryside, ancillary buildings should be designed as part of the overall lay-out to result in an integrated rural group of buildings". Notwithstanding its scale, the appeal building is located close enough to the other buildings within the plot to read with them as an integrated group. The proposal does not therefore conflict with guidance in paragraph A13 and the Department's objection in this respect is not sustained. Nonetheless, I have already concluded that the proposal conflicts with Criterion (a) of Policy EXT1.
12. Criterion (b) of EXT1 requires that proposals do not unduly affect the privacy or amenity of neighbouring residents. Notwithstanding the patchy vegetation on the north eastern boundary of the appeal site, clear, direct and close range views of the eastern elevation of the appeal building are available from the garden, sunroom, dining room and an upstairs bedroom of No. 1 The Wells. Existing planting, even if enhanced, would take some considerable time to provide an effective screen. I consider that the appeal building, because of its dimensions and design, would present a visually intrusive feature to nearby residential property and thereby unacceptably affect the amenity of its occupants. To this extent, the proposal fails to comply with criterion (b) of EXT1.
13. The proposal does not comply with Policy EXT1 of the Addendum. Policy CTY1 of PPS21 states that types of development other than those listed in the policy will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or where provision for such development is made in the development plan. No case was advanced that provision for the proposal is made in the development plan. The appellant did not argue that the development was essential and in this context I conclude there to be no policy support for the proposal in PPS 21. The proposal is unacceptable in principle.
14. The objections of the Department and a third party, regarding the principle of the proposal, the appearance and character of the surrounding area and residential amenity are well founded. These objections and the Department's two reasons for refusal based on Policies CTY1 of PPS21 and EXT1 of the Addendum are, to the extent that I have found sustained, determining in this case.

This decision relates to the following drawings:-

1:2500 scale Site Location Map numbered 10898-01 received by Planning Service on 26 July 2000.

1:100 scale Planning Drawings number 10889-01 containing elevations received by Planning Service on 26 July 2000.

1:500 Site Layout Plan numbered 10889-01 01 received by Planning Service on 26 July 2000.

**COMMISSIONER DAMIEN HANNON**

**SECTION 5: PROPOSED CONDITIONS  
(WITHOUT PREJUDICE)**

**01** As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

**Reason: Time Limit.**

**02** The approved building shall be used only for a domestic garage and for no other purpose listed in the Planning (Use Classes) Order (NI) 2015.

**Reason: To prohibit a change to an unacceptable use.**

Addendum to Planning Appeal C/2013/0461/F  
PAC Ref: 2014/A0195

This application was presented to the Planning Committee of Coleraine Borough Council on 25<sup>th</sup> February 2014 with a recommendation to Refuse. The application was deferred for an office meeting which took place in March and the application returned to the Planning Committee of Coleraine Borough Council on 23<sup>rd</sup> September 2014. At this meeting the Council asked for the application to be held for 2 weeks to allow the submission of additional information. Amendments were received but did not address the Departments concern and the application issued as a refusal on 17<sup>th</sup> October 2014.

The Department was made aware that this application had been appealed on 15<sup>th</sup> January 2015. The Statement of Case was submitted for the 29<sup>th</sup> April 2015. An accompanied site visit is planned to take place on 28<sup>th</sup> May 2015. It is recommended that you support to defend this appeal at the accompanied site visit.