

Planning Committee Report Item LA01/2016/1391/O – approx. 70m W of 12 Carragh Road, Bushmills	20th December 2017
PLANNING COMMITTEE	

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

**Approx. 70m W of 12 Carragh
Road Bushmills**

**LA01/2016/1391/O
Outline Planning**

20th December 2017

<u>App No:</u>	LA01/2016/1391/O	<u>Ward:</u>	Dundooan
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Approx. 70m W of 12A Carragh Road Bushmills		
<u>Proposal:</u>	Dwelling, garage and associated site works		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	16 th November 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Adrian Kane, 12a Carragh Road, Bushmills BT57 8UD		
Agent:	MBA Planning, 4 College House, Citilink Business Park, Belfast, BT12 4HQ		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- 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 9 and the policies and guidance in section 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located approximately 70m west of 12a Carragh Road. The proposal comprises agricultural land which is fairly flat. The site is set back from the road by approximately 140 metres and the road frontage has a hedged boundary. The proposed site has open boundaries on its north, eastern and north western sides. There is a post and wire fence located along the south eastern boundary and there is some vegetation to include hedges located on its south western side. The proposed site is located to the North East of the existing dwelling, garage and stables linked to 12a Carragh Road.

- 2.2 The area is open landscape, essentially rural in character, characterised by two storey dwellings, a bungalow and agricultural farm buildings which are located along the road frontage or off long laneways.

3 RELEVANT HISTORY

C/2010/0664/F New dwelling and garage (Change of house type and garage type), 330m S.W of 9 Carragh Road, Bushmills
Approved 11.03.2011

C/2010/0175/F New dwelling & garage.
330m S.W of 9 Carragh Road, Bushmills
Refused 12.03.2014

C/2010/0353/F, New access to serve previously approved site
330m S.W of 9 Carragh Road, Bushmills
Approved 02.08.2010

C/2005/0382/O, Site of dwelling & garage
330m S.W of 9 Carragh Road, Bushmills
Approved 14.04.2006

4 THE APPLICATION

- 4.1 Planning permission is sought for a dwelling & garage and associated site works.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are no objections to the proposal.

Internal

- 5.2 **Transport NI:** Has no objection to the proposal

DAERA: Although no farm business ID was provided, other details of registration to DAERA and a DAERA application reference number was provided. DAERA was consulted in relation to this and it was confirmed that the farm business has not been established for at least 6 years. It was stated that the

applicant has not claimed Single Farm Payments (SFP), Less Favoured Area Compensatory Allowance (LFACA), or Agri-Environment Schemes (AES) in the last 6 years.

NIEA: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

Historic Environment Division: Has no objection to the proposal.

MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
 - Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the planning policy; the principle of a dwelling in the countryside; visual integration and rural character; traffic and access matters and archaeology.

Planning Policy

- 8.2 The site is located within the rural area as set out in the Northern Area Plan. It is also located within proximity to four archaeological sites and monuments.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Principle of a dwelling in the countryside

- 8.4 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 for an individual dwelling house in the countryside in six cases. One of these is a farm dwelling, in accordance with Policy CTY10. It goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

8.5 The applicant has applied for a dwelling on a farm. As such, the proposal must be assessed against Policy CTY10. Policy CTY10 sets out three criteria which proposals for farm dwellings must satisfy. The application is assessed against each of these criteria below (a-c):

- *Criterion (a) requires the farm business to be currently active and established for at least 6 years.*

8.6 The land owned by the applicant equates to 11.56 hectares. Within the justification and amplification section of Policy CTY 10 it states that the applicant will be required to provide the farm's DARD business number along with other evidence to prove active farming over the required period. No DARD Business ID has been provided. However, other evidence has been provided in an attempt to demonstrate agricultural activity. This evidence has been provided in an attempt to demonstrate that an "active" farm business (as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013) as required by the SPSS is in place.

8.7 Within the "Planning Support Statement" provided with the application, the applicant's agent has argued that the applicant was involved in maintaining the land for over 6 years and this allowed the land to be used for agricultural purposes. A Statement of Fact document has been prepared by the applicant in which an attempt has been made to demonstrate that the applicant has undertaken agricultural activity for at least 6 years and that the business is currently active. This document consists of a schedule of works from 2010 to 2017 and includes receipts, invoices, contracts, conacre agreement and photographs. A detailed assessment of the evidence provided has been completed below.

8.8 In October 2010 new sheep gates and posts were provided at the farm and a dated invoice and dated receipts have been provided to verify this.

8.9 In 2011 new trees were provided and a dated receipt has verified this. It was also identified that a sheugh had been cleared, new waterways were put in place, new fencing, new sheep gates and posts and stones for drainage was laid.

Although a receipt has been provided this is not dated and therefore cannot be considered verifiable evidence.

- 8.10 In 2012 trees and hedges were cut along the roadside, the water source around the fields was changed from borehole to house feed, large stones were cleared and troughs put in place. However, no verifiable evidence has been provided to demonstrate this. It was stated that £500 was discounted from the 2012 rent payment to cover these works but this has not been demonstrated.
- 8.11 In 2013 the digging out of drains, stoning and levelling was carried out on the lands and although a receipt has been provided it is not dated and is therefore not considered verifiable evidence.
- 8.12 In 2014 hedging was cut along the roadside by Sam Nutt who leased the lands at the time. Given this work was carried out by the person leasing the lands, it cannot be considered that the work was carried out by the applicant's farm business. New hedging was provided and a dated contract with the Conservation Volunteers has verified this. Also barbed wire fencing and new sheep gates were provided, rear sheughs were cleared and new fencing was provided. This work was carried out by a contractor and a dated receipt has been provided to verify this.
- 8.13 In 2015 trees and hedging were cut along the roadside and front field reeds were sprayed again by Sam Nutt. No evidence of this has been provided and it appears that Sam Nutt leased the lands at this time and therefore the applicant's farm business was not responsible for this maintenance work.
- 8.14 In 2016 field reeds were sprayed and ploughed but no documented evidence was provided in the form of receipts. Again this was completed by the person leasing the lands and not the applicant. There was also flailing of hedges and sheep gates provided. A conacre agreement with Mr Brian Moorhead and dated receipts have been provided. The total cost of these is to be discounted from the 2018 conacre payment. Again the person leasing these lands completed these works and the applicant was not responsible.

- 8.15 Work carried out in 2017 is relevant to an assessment of the current activity of the farm business. In 2017 works to include cutting trees, sawing and gathering bushes, spraying weeds, providing stones for drainage, stone carting and laying, providing drainage hardcore and reseeding fields was completed. This work was completed by Brian Moorhead who leases the land and the total costs of the works are to be discounted from the 2018 conacre payment. An agreement of works and a number of receipts have been provided to verify these works. However, the applicants farm business did not carry out these works and it cannot therefore be considered that the applicant maintains these lands. Therefore the farm business is not currently active.
- 8.16 Having assessed the evidence provided, it has been found that due to a lack of verifiable evidence to include dated receipts and invoices over several years, it has not been demonstrated that the lands in question make up an active and established farm which has been in existence for at least 6 years. In any case, much of the work appears to have been carried out by third party farm businesses. The proposed development therefore fails to comply with this part of policy.
- 8.17 A Planning Appeal (2015/A0117) at Killen, Co Down was dismissed on a similar basis. Within this appeal the appellant attempted to demonstrate that they were involved in agricultural activity to keep the land in good agricultural and environmental condition. However no supporting documentary evidence of this was provided.
- 8.18 A further appeal (2016/A0186) at Mayobridge, Co Down was dismissed on the basis that while there was evidence of the land having been let for 20 years in conacre, this does not in itself demonstrate active farming.
- *(b) requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application; this provision applying after 25 November 2008.*

8.19 There have been no dwellings or development opportunities sold off from the lands identified on Map 1 in the Planning Support Statement.

- *(c) requires that the new buildings are visually linked or sited to cluster with an established group of buildings on the farm and, where practicable, access should be obtained from an existing lane*

8.20 The proposed dwelling is located close to the dwelling, garage and stables associated with the property at 12a Carragh Road. If it was demonstrated that the lands owned made up an active and established farm business the buildings associated with the property at 12a Carragh Road to include house, garage and stables would be considered an established group of buildings on the farm. The proposed dwelling would also make use of an existing access.

Visual integration and rural character

8.21 Policy CTY1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. In the case of a proposed dwelling on a farm, Policy CTY 13 requires the dwelling to visually link or be sited to cluster with an established group of buildings on a farm. If it was demonstrated that the lands owned made up an active farm, the buildings associated with the property at 12a Carragh Road to include house, garage and stables would be considered an established group of buildings on the farm.

8.22 CTY 13 also states that a new building will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or it relies primarily on the use of new landscaping for integration site is unacceptable in terms of integration. The proposed development is set back from the main road and existing roadside vegetation will limit critical views of the site and reduce the overall visual impact of the development. It is therefore considered that the proposed development meets this policy criteria.

8.23 CTY 14 states that a new building will be unacceptable where it is unduly prominent in the landscape, it would create or adds to a ribbon of development under CTY 8, or the impact of ancillary works would damage rural character. The site is set back from the main road and existing roadside vegetation limits the views of the proposed development. It is considered that the proposal will not have a detrimental impact on rural character, therefore this proposal meets policy CTY 14.

Traffic and Access Matters

8.24 DFI Roads has been consulted as the competent authority in relation to traffic matters and raises no objection as the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic.

Archaeology

8.25 The proposed site is located within proximity to four Archaeological Sites and Monuments. Historic Environment Division has been consulted as the competent authority on archaeological matters and raises no objection to the proposed development.

9 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. It fails to meet the principle policy requirement of the SPPS and PPS 21 for a dwelling in the countryside, and fails to meet the requirements of Policy CTY 10 in that, it has not been demonstrated that the farm business has been established for at least 6 years and is currently active. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21: Sustainable Development in the Countryside and does not

merit being considered as an exceptional case, in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

Site Location

