

Update on Development Management Statistics:	23 August 2017
<ul style="list-style-type: none"> Planning Applications Received and Decided in the period 01 May 2016 – 31 May 2017 	
Planning Committee	

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

1.0 Background

The “Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided.

2.0 Details

- 2.1 [Website link 1](#) and [Website Link 2](#) provide a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of June and July 2017. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.
- 2.2 Table 1 below details the number of planning applications received and decided as well as the number of live planning applications in the system and those in the system over 12 months. Please note that these figures are unvalidated statistics extracted from internal management reports.

Table 1 Applications Received, Decided and Live

Applications Received	April 2017	May 2017	June 2017	July 2017
Received	95	124	125	123
Decided	66	103	89	109
Live >12months	74	75	80	82
Total Live	665	676	720	730

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Proposal of Application Notices; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.3** The number of applications received in June & July has sustained the high level received in May with well over 100 received. Staff issued 109 planning application decisions, plus 14 Discharge of Conditions, 1 Proposal of Application Notice and 6 Non-Material Change applications. The number of live applications in the system has risen to 730 due to the increase in the number of applications received in the past 3 months.
- 2.4** Sustained progress continues to be made in relation to the number of over 12 months applications. Work continues to reduce these older applications. Table 2 below provides a further breakdown of the over 12 month applications in the system. The weekly monitoring of these figures continues and staff are conscious of the need to prioritise their efforts in this area of work. A new Action Plan for 2017/18 is being prepared.

Table 2 Breakdown of over 12 month applications (April 2017 – July 2017)

Applications	April 2017	May 2017	June 2017	July 2017
12-18 months	32	30	38	36
18-24 months	14	16	15	15
>24 months	28	29	27	31
Total	74	75	80	82

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.5** Table 3 below details the number of appeal decisions issued since 1 April 2016 showing the continued high quality of decision making taken by both Planning Officers and supported by the Planning Committee. Please note that these figures are unvalidated statistics extracted from internal management reports. A copy of the reports relating to the decisions issued by the PAC in June and July 2017 are also attached for your information.

Table 3 Appeals to the Planning Appeals Commission (PAC)

Appeals lodged with PAC	April 2016/ March 2017	April 2017	May 2017	June 2017	July 2017
Upheld	5	0	2	2	2
Dismissed	21	1	5		1
Total Appeal decisions	26	1	7	2	3
% of Appeals Dismissed	80.77%	100%	71.42%	0%	33.33%

Source: Unvalidated Statistics

2.6 Table 4 details the number of referral requests received from elected members under Part B of the Scheme of Delegation. From April 2017, 4 out of 19 recommendations have been overturned by the Planning Committee.

Table 4 Referrals Requested in Q1 2017/18

Referral Request	Requestor	Application Ref	Date of Planning Committee	Planning Officer Recommendation Agreed/Disagree	
Q1	Cllr Fielding	LA01/2016/1157/F			
	Cllr Clarke	LA01/2016/1070/F			
	Cllr Douglas	LA01/2017/0093/O			
	Cllr McShane	LA01/2016/1145/O	23/08/2017		
	Cllr McLean	LA01/2016/0107/F			
	Cllr McLean	LA01/2017/0097/F	23/08/2017		
	Ald. Robinson	LA01/2016/0473/O			
	Ald. Robinson	LA01/2016/0482/O			
	Cllr McShane	LA01/2016/0356/F			
	Cllr McShane	LA01/2017/0311/F			
	Ald. Robinson	LA01/2016/1137/F			
	Cllr Loftus	LA01/2017/0468/LDP			
	Ald. Finlay	LA01/2016/1131/F			
	Q2	Cllr McShane	LA01/2016/1374/F	23/08/2017	
		Cllr Baird	LA01/2017/0250/LBC	23/08/2017	
Cllr Baird		LA01/2017/0251/F	23/08/2017		
Cllr Fielding		LA01/2016/1220/F			
Ald. Robinson		LA01/2016/1303/F			
TOTAL	18				

Source: Unvalidated Statistics

3 Recommendation

3.1 **IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.



Planning Appeals
Commission

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

Appeal Reference: 2017/A0005
Appeal by: Mr G McCambridge
Appeal against: The refusal of outline planning permission
Proposed Development: Dwelling on a farm
Location: Land approximately 70m north of 91 Blackpark Road,
Ballyvoy, Ballycastle BT54 6Q2
Planning Authority: Causeway Coast and Glens Borough Council
Application Reference: LA01/2016/0913/O
Procedure: Written representations and Commissioner's site visit on 21
July 2017
Decision by: Commissioner McShane, dated 31 July 2017.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal
 - is acceptable in principle in the countryside;
 - is acceptable in terms of its impact upon visual amenity and the character of the rural area; and
 - is acceptable in an Area of Outstanding Natural Beauty (AONB).
3. Section 6 (4) of the Planning Act (Northern Ireland) 2011 states that determination under this Act must be made in accordance with the local development plan (LDP), unless material considerations dictate otherwise. The LDP in this case is the Northern Area Plan 2016 (NAP). The appeal site is located outside any designated settlement in the Plan. The NAP contains no specific policies relating to dwellings in the countryside at this location. Therefore, the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which, as made clear in the Strategic Planning Policy Statement (SPPS), is a retained policy document. Policies CTY 1, 8, 10, 13 and 14 are pertinent. Also relevant to my consideration, given the appeal site's location in an AONB is Policy NH 6 of Planning Policy Statement 2: Natural Heritage (PPS2).
4. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal constitutes a dwelling on a farm in



accordance with Policy CTY 10. It follows that if a proposal meets Policy CTY 10 it also meets Policy CTY 1. Policy CTY 10 is expressed permissively stating that planning permission will be granted where three criteria are met. The parties dispute Criterion (c).

5. Criterion (c) requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The appeal site (0.3 ha) comprises the roadside corner of a large, agricultural field. From Blackpark Road, a dwelling on the site would read as being visually linked with No.91 and its associated outbuilding. There is no dispute that these buildings are on the farm. There would be little appreciation of the physical separation that would exist between the proposed dwelling and these buildings. There is an existing lane from which the proposal could be accessed. However, given the site specific circumstances the proposed access would be practicable. In this context, the failure to use an existing lane is not fatal to the proposal. The first reason for refusal based upon Policies CTY 1 and 10 is not sustained.
6. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the landscape. The parties dispute Criteria (a), (b), (c), (f) and (g). I have already concluded above that the proposed dwelling would be visually linked with an established group of buildings on the farm. Therefore the proposed development complies with Criterion (g) of Policy CTY 13. However, from Blackpark Road, the existing vegetation on the north western and roadside boundaries of the appeal site would be insufficient to provide a suitable degree of enclosure for the building to integrate into the landscape; the remaining boundaries are undefined. In addition, the land rising to towards the principal farm group is too far distant to provide a backdrop. Topography falls steeply from the site northwards to the coast and any dwelling would appear prominent. Notwithstanding that views are limited to those on approach from the south, the Planning Authority has sustained its third reason for refusal based upon Criteria (a), (b), (c) and (f) of Policy CTY 13.
7. 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. While it is not defined in policy, Paragraph 5.33 sets out what ribbon development can consist of, namely it does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back staggered or at angles with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Notwithstanding vegetation and topography, a dwelling on the appeal site would have common frontage with or visually link with No.91 and its outbuilding, No.77 and its outbuilding, No.71 and its outbuildings and No.69 and its outbuilding. This would result in a build up of development and extend a ribbon of development to the north that would cause a detrimental change to the character, appearance and amenity of this rural area. Regardless of whether or not a gap site would be created by the proposal it is contrary to Policy CTY 8 and Policy CTY 14. Accordingly, the Planning Authority has sustained its second and fourth reasons for refusal.
8. The appeal site is located in the Antrim Coast and Glens AONB. Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will

only be granted where it is of an appropriate design, size and scale for the locality and three stated criteria are met. The parties dispute Criteria (a) and (c). Criterion (c) requires the proposal to respect local architectural styles; traditional boundary details and local materials, design and colours. The appeal proposal relates to an application for outline planning permission, the matters listed in Criterion (c) could be addressed via the imposition of conditions or at the reserved matters stage. As such, I do not support the objection of the Planning Authority in this respect. However, I have already concluded above that the siting of the proposal is unacceptable in terms of its impact on visual amenity and rural character, it therefore follows that it is also contrary to Criterion (a) of Policy NH 6, which requires siting to be sympathetic to the special character of the AONB in general and of the particular locality. Accordingly, the Planning Authority has sustained the fifth reason for refusal.

9. The proposal complies with the requirements of Policies CTY 1 and 10, however this finding does not outweigh its failure to meet Policies CTY 8, CTY 13 and CTY 14 of PPS 21 and Policy NH 6 of PPS 2. Therefore, this appeal must fail. Whether or not there may be an alternative site on the farm is not a matter before me.

This decision is based on the following drawings date stamped refused 12/12/16:-

- Drawing Number 01A: Site Location Plan (Scale 1:2500)
- Drawing Number 02A: Site Plan (Scale 1:500)

COMMISSIONER D MCSHANE

List of Documents

Planning Authority:-

"A" Statement of Case

"B" Rebuttal Statement

Appellants:-

"C" Statement of Case

"D" Rebuttal Statement

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
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Appeal Reference:	2016/A0223	<table border="1"><tr><td>Planning Office RECEIVED 27 JUN 2017</td></tr><tr><td>File No. Causeway Coast and Glens Borough Council</td></tr></table>	Planning Office RECEIVED 27 JUN 2017	File No. Causeway Coast and Glens Borough Council
Planning Office RECEIVED 27 JUN 2017				
File No. Causeway Coast and Glens Borough Council				
Appeal by:	Ms Elizabeth Woolsey			
Appeal against:	The refusal of full planning permission			
Development:	First floor balcony to rear of dwelling			
Location:	75 Causeway Street, Portrush			
Planning Authority:	Causeway Coast and Glens Borough Council			
Application Reference:	LA01/2016/1013/F			
Procedure:	Written representations and accompanied site visit on 16 th June 2017			
Decision by:	Commissioner Diane O'Neill, dated 26 th June 2017			

Decision

1. The appeal is allowed and full planning permission is granted unconditionally.

Reasons

2. The main issues in this appeal are the impacts of the development on the character of the area and on the residential amenity of the neighbouring property at No.73 Causeway Street.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Northern Area Plan 2015 is the local development plan for the area where the appeal site is located. In the plan the appeal site is located within the development limit of Portrush. The plan identifies the site, for information purposes, as being within an Area of Archaeological Potential however given the nature of the development no objection was raised in relation to this matter. As the Northern Area Plan does not contain any material policies for dealing with the appeal development it therefore must satisfy prevailing policy requirements.
4. The relevant policy context for determining this appeal is provided by the Strategic Planning Policy Statement (SPPS) and Policy EXT 1 within the Addendum to Planning Policy Statement 7: Residential Extension and Alterations. The SPPS seeks to promote good design and positive place-making whilst ensuring the protection of residential amenity. Paragraph 4.27 of the SPPS states that poor design which is inappropriate to its context or incompatible with its surroundings will be unacceptable. In terms of amenity considerations, paragraph 4.12 within the SPPS acknowledges that issues, such as visual intrusion, may arise from development and that these have the potential to have implications for people's well-being. Policy EXT 1 of the Addendum to PPS 7 is permissive in nature and

states that planning permission will be granted to extend or alter a residential property where all four stated criteria are met. The planning authority however contend that criterion (a), which requires that the scale, massing, height and design of the development does not detract from the appearance and character of the surrounding area, and criterion (b), which requires that the development does not unduly affect the privacy or amenity of neighbouring properties, have not been met.

5. The appeal relates to the retention of a first floor balcony which is located to the rear of a three storey dwelling (No.75 Causeway Street). The dwelling has a grey rendered finish with a black slated roof; it has a two-storey extension and walled yard to the rear. The balcony consists of a galvanised metal vertical balustrade with a timber handrail. No.77, which is a similar residential dwelling, is attached to the appeal property and has an approved rear first floor balcony constructed of the same materials. A minor road (Strand Road) separates the appeal site from No.73 Causeway Street. Whilst Causeway Street is predominantly a residential area, it also contains commercial and community facilities such as shops, a church and a school. A new residential apartment development (The Vue) is under construction in close proximity and to the north-east of the appeal site.
6. The planning authority identified views of the balcony from the narrow 5m wide entrance to Strand Road and from the opposite side of Causeway Street looking towards Strand Road. Even for pedestrians, these views are short lived and minor in nature. Whilst the materials used for the balcony are not evident in the finishes of the dwelling, their colouring respects the host building. It is also noted that the planning authority have approved the same materials for the first floor balcony erected on the rear of the adjoining property at No.77 Causeway Street. Whilst the rear balcony of No.77 would not be visible from Causeway Street, it would be visible from the Strand Road and Water Sports Centre area located to the north of the appeal site. Although the planning authority stated that not all development in this area is authorised and is subsequently being investigated by their enforcement team, the use of rear balconies and terraces, of varying designs and finishes, are a common feature in the area in order to take advantage of the attractive sea views. The scale and design of the balcony at No.75 is also appropriate considering the substantial nature of the host three storey building. It is therefore not accepted that the balcony is out of keeping with the character of the dwelling or the area.
7. In order to demonstrate their consistent approach to protecting the character of this area, the planning authority cited two instances where they have refused planning permission for rear balconies in the locality. However, in one of these examples the concern in relation to the adverse impact that the development would have on the character of the dwelling and the area was not supported by the Commission; the other case is pending an appeal. At any rate, as the balcony at No.75 has been found to be acceptable it cannot set an undesirable precedent. The first reason for refusal in relation to paragraph 4.27 of the SPPS and criterion (a) of Policy EXT 1 of the Addendum to PPS 7 is therefore not sustained.
8. Despite the separation by Strand Road and the presence of the intervening wall, views are possible of the majority of the rear amenity space of No.73 Causeway Street from the balcony at No.75 Causeway Street. Whilst an oblique view would

also be possible from the balcony of No.75 into the rear windows of No.73, such views of the rooms and the amenity space would already have been possible from the angled first floor living room windows located to the rear of No.75 and from which the balcony is accessed. The rear amenity space of No.73 is also not of a private nature due to its proximity to Strand Road, East Strand, the Water Sports Centre, a small car parking area to the north and the presence of existing and new apartments under construction in the vicinity of the appeal site. When standing on the balcony of No.75, a viewers' attention is also drawn to looking north-easterly at the sea views as opposed to north-westerly into the rear of No.73. Whilst similar proposals along Causeway Street may have been refused on amenity grounds, each development has to be individually assessed within its own particular context. Therefore in the context of this appeal, it is not considered that there would be a detrimental impact on the residential amenity of the inhabitants of No.73. The second reason for refusal in relation to paragraph 4.12 of the SPPS and criterion (b) of Policy EXT 1 in the Addendum to PPS 7 is therefore not sustained.

9. As the reasons for refusal have not been sustained, the appeal therefore succeeds.

This decision approves the following drawings:-

Drawings 01 1:1250 site plan dated received by the planning authority on 26th August 2016

Drawing 02 1:100 existing and proposed first floor plans dated received by the planning authority on 26th August 2016

Drawing 04 1:100 existing and proposed rear elevations dated received by the planning authority on 26th August 2016

Drawing 05 1:100 existing and proposed gable elevations dated received by the planning authority on 26th August 2016

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority
Causeway Coast and Glens Borough Council:- Mr Robert Kerr

Appellant:-
Ms Woolsey
Mr Peter Fleming (Fleming
Mountstephen Planning)

List of Documents

Planning Authority
Causeway Coast and Glens Borough Council:-Statement of Case
Rebuttal PA 1
PA 2

Appellant (Fleming Mountstephen Planning) Statement of Case
Rebuttal A 1
A2

Appeal Decision

Appeal Reference: 2016/A0210.
Appeal by: James Hugh & Ruth Elizabeth Allister.
Appeal against: The conditional grant of full planning permission.
Proposed Development: Variation of condition No. 1 of planning approval C/1996/0485 (holiday units) to exempt 3 Ballygelagh Village, Portstewart from being used for holiday accommodation only.
Location: 3 Ballygelagh Village, Portstewart.
Planning Authority: Causeway Coast & Glens Borough Council.
Application Reference: LA01/2016/1158/F.
Procedure: Written representations and accompanied site visit on 7 June 2017.
Decision by: Commissioner Mark Watson, dated 31 July 2017.

Decision

1. The appeal is allowed and condition 1 of planning permission C/1996/0485 is amended as set out below.

Reasons

2. The main issues in this appeal are whether:
 - the condition was necessary in the first instance;
 - the condition remains necessary; and
 - the appeal property would have adequate private amenity space if used as a permanent residential dwelling in the event of the condition being removed.
3. Full planning permission was granted on the site on 3 October 1996 for conversion of a bungalow to 2 holiday dwellings and erection of 5 no. holiday dwellings (1 ½ and 2 storey) (amended scheme) under reference C/1996/0485. Condition 1 of the permission, the subject of this appeal, read:
'the unit(s) hereby approved shall be used only for holiday accommodation and shall not be used as a permanent place of residence'.
The reason given for the condition was:
'the provision of groups of dwellings within a Green Belt for permanent occupation is contrary to the Department's Rural Strategy'.
4. The Northern Area Plan 2016 (NAP) operates as the local development plan for the area the site lies in. In it the site lies in the countryside. There are no particular policies or proposals within the NAP that are material to the appeal before me. The Strategic Planning Policy Statement for Northern Ireland *'Planning for Sustainable Development'* (SPPS) states at paragraph 4.9 that the need for adequate private, semi-private and public amenity space is a prime consideration

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File No.
Causeway Coast and
Glens Borough Council

in all residential development. Whilst private amenity space is not emphasised or identified as a standalone provision, it nonetheless remains a material consideration.

5. No. 3 Ballygelagh Village comprises a one and a half storey, semi-detached building in use as a holiday home. Planning permission was granted in October 2010 for an extension to provide total accommodation comprising four bedrooms, a kitchen, utility room, dining area and snug, living room and bathroom. The property lies above and east of the roadway that serves Ballygelagh Village. There is a rockery / planted embankment to the front of No. 3, with a paved area around the building, with in curtilage car parking provision at the southern gable end of the building. The rear yard is a broadly triangular area bounded by a low rendered wall. Several other properties within Ballygelagh Village sit nearby and at a higher level to the south-east and south. Opposite and to the west at a lower level lies No. 108 Ballyreagh Road, an older two storey property.
6. No. 3 was previously a dwelling that was subdivided and converted with alterations into two holiday homes, as part of the larger tourist accommodation development approved under permission C/1996/0485. The Appellants seek the removal of the tourist occupancy condition in respect of No. 3 in order to utilise the property as a full time residential unit. The Council's objection is that there would be insufficient private amenity space for No. 3 in the event it was to be used as a full time residence.
7. The original permission was granted under the policy context of the Planning Strategy for Rural Northern Ireland (PSRNI). The permission was granted for tourist accommodation within a rural area, which at that time was a designated Green Belt. New development within such areas was restricted, with exceptions made for certain types of new buildings and uses. In granting permission for the tourist accommodation within the Green Belt, the imposition of a condition to prevent use as a normal domestic residence would have been normal and the correct application of policy at that time. Additionally, the development proposal itself, sought the subdivision and conversion of the original cottage for tourist accommodation. The 1996 planning application itself therefore sought the change of use for the existing building from a dwelling to tourist accommodation. I am not persuaded that the original decision to attach the condition restricting occupation of what is now No. 3 to holiday accommodation was incorrect, or that the removal of the use as a residential dwelling for the original cottage was incorrect.
8. The Council stated that whilst the principle of permanent residence was acceptable on the basis only that there had been an original dwelling with permanent residence rights, the lack of private amenity space was unacceptable for variation of the condition in respect of No. 3. No arguments were advanced as to why the condition remained necessary beyond the objection relating to private amenity space. Nor were any objections raised that it was necessary to retain the existing building for use as tourist accommodation in the countryside. Surprisingly perhaps, the matter of the potential precedent arising from a successful variation of the condition was not raised as an issue. However, in any event, any future applications would have to be assessed on their own merits and the evidential context at that time. Condition 1 of the 1996 permission was imposed to prevent the creation of a group of new dwellings in the countryside. The buildings are now there and I have been given no evidence as to what harm to rural policy would

arise from the conversion of No. 3 from tourist use to permanent residential use. The objection now raised in relation to retention of the condition in relation to No. 3 is only in respect of private open space provision, a matter that did not form the basis of or reason for imposition of condition 1 in the first instance. The submitted evidence does not persuade me that the condition remains necessary for No. 3 Ballygelagh Village.

9. The guidance within Planning Policy Statement 7 – Quality Residential Environments (PPS7) applies to all residential development proposals with the exception of proposals for single dwellings in the countryside. Creating Places is a guide for use by all those involved in the design of new residential developments and the guidance therein is framed for urban contexts or new greenfield development, which ordinarily would occupy land within designated settlement limits. The preamble to PPS7 states that single dwelling proposals will continue to be assessed under the policies contained in the PSRNI. Planning Policy Statement 21 – Sustainable Development in the Countryside has since superseded many of the provisions of the PSRNI, but contains no specific policy or guidance in respect of private open space for single rural dwellings. The Council's reason for refusal referred to paragraph 4.9 of the SPPS. This paragraph lies within the Core Planning Principles section of the document. It is not an operational policy and I am not persuaded that it can in itself be used to justify refusing a development proposal on private open space terms. The appeal property occupies a rural context, for which no private amenity space standards or recommendations exist in policy or guidance. The appeal should therefore be considered entirely on its own merits in this regard.
10. The Appellants considered that No. 3 possesses approximately 160 sq m, all of which was private to that property. Whilst this area falls within private control of the Appellants, provision of private amenity space relates more to the ability of an area to afford a reasonable degree of privacy for users of the space, as opposed to legal ownership. The area to the front of No. 3, despite its higher level to the roadside and planted embankment, is open to views from multiple areas within the Ballygelagh Village as well as the estate road serving it. This area cannot be considered to be private amenity space. Likewise the area to the south and gable end of No. 3, despite accommodating a garden swing chair and car parking area, is open to readily available views from several positions within the Village on the estate road, as well as and from other properties. This area does not function as private amenity space.
11. The existing rear yard for No. 3 is a triangular area covered in hardstanding which measures approximately 35 sq m. It is occupied by a shed, boiler and oil tank, as well as providing space for bin storage and a clothes line. Whilst storage for such facilities falls within what can be considered as part of the amenity for a dwelling, it does not readily allow for children to play in it, even if there is room for a sandbox for the Appellants' grandchildren, or for leisure use. The Council pointed to the proximity of No. 4 Ballygelagh Village, which has its living area at first floor level. Given the higher level of that property in relation to the appeal property, I accept that limited opportunities exist for angled views overlooking into the rear of No. 3 from that other property, but that these would not be fatal in terms of assessing provision of private open space given the overall built context of the surrounding development. The laneway which runs along the rear of No. 3 that provides access for Nos. 1 and 2 reduces the sense that the rear of No. 3 is private, with

vehicles and pedestrians able to pass by and look into the rear area, even with the low wall.

12. Tourist accommodation, by its nature, does not require the same provision of private amenity space as a normal full time residence. It is not permanently occupied in the same manner as a dwelling house, even if heavily utilised as a holiday home. The general acceptability of the property for full domestic residential use must be considered in the context of not just the present occupants but potential future occupants also. I am mindful of paragraph 2.3 of the SPPS which states that the basic question is whether the proposal would unacceptably affect the amenities and existing use of land and buildings that ought to be protected in the public interest. No. 3 is a sizeable building with 4 bedrooms, possessing many of the attributes of a normal dwelling. It could conceivably accommodate a large family in terms of its schedule of accommodation. Ordinarily the very limited level of existing private amenity space would not be acceptable for what would be a family sized dwelling, particularly in a rural context. However, this must be weighed against the lack of objection in principle to the appeal development and consideration of the rationale for the imposition of the condition in the first instance. Additionally, the fact the building is constructed and in place would allow for any prospective purchaser to be aware of the property's constraints in regard of private amenity space. In the evidential context of the appeal before me, I am not persuaded that the retention of the occupancy condition against No. 3 would be justified by the limited private open space belonging to that property.
13. The Council has not sustained its sole reason for refusal. The appeal shall succeed and condition 1 of C/1996/0485 will be varied to exclude No. 3 Ballygelagh Village, Portstewart from use only as holiday accommodation.
14. The Appellants pointed to two existing properties within the Ballygelagh Village as well as a recent approval for a replacement dwelling at 43 Ballyreagh Road, Portrush. However, given my conclusions in respect of the appeal I need not address these.

Condition

Condition 1 of permission C/1996/0485 is varied to read:

'the unit(s) hereby approved, except for No. 3 Ballygelagh Village, Portstewart, shall be used only for holiday accommodation and shall not be used as a permanent place of residence'

This decision relates to the 1:2500 scale Site Location Plan stamped refused by the Council on 24 January 2017.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mr G McClelland (Causeway Coast & Glens BC)

Appellants:- Mr J Allister (Appellant)

List of Documents

Planning Authority:- 'A' – Statement of Case 7 Appendices (Causeway Coast & Glens BC)
'B' – Rebuttal Letter (Causeway Coast & Glens BC)
'E' – Post site visit submission of copy of planning permission C/2015/0109/F and comments on same

Appellants:- 'C' – Statement of Case & Appendix (J Allister)
'D' – Rebuttal Statement (J Allister)

Appeal Decision

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

Appeal Reference: 2016/A0209
Appeal by: Mr David Hamilton
Appeal against: The refusal of outline planning permission
Proposed Development: One dwelling house
Location: Land within the site at 70 Macfin Road, Ballymoney
Planning Authority: Causeway Coast and Glens Borough Council
Application Reference: LA01/2016/1198/O
Procedure: Written representations and Commissioner's site visit on 31 May 2017
Decision by: Commissioner Rosemary Daly, dated 6 June 2017

Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions set out below.



Reasons

2. The main issue in this appeal is the principle of a new dwelling in the countryside and its effect on the rural character of the area.
3. The appeal site is located in the countryside and not within any designated policy area as defined by the Northern Area Plan 2016. The plan offers no specific policy considerations for dwellings in the countryside.
4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.
5. Paragraph 6.73 of the SPPS provides strategic policy for residential and non residential development in the countryside. It makes provision for a new dwelling in existing clusters which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

6. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One type of development is a new dwelling in existing clusters in accordance with Policy CTY2a. Additionally the head note of policy CTY1 also requires that proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

7. Policy CTY2a of Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS21) also relates to new dwellings in existing clusters. This policy does not conflict with the provisions set out by the SPPS, therefore the requirements of PPS21 still apply and are relevant to the assessment of this appeal proposal.

8. Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided six listed criteria are met. A cluster of development is not defined in the policy, but the first three criteria provide an indication of the intended meaning. The first criterion requires the cluster of development to lie outside of a farm and consist of four or more buildings (excluding ancillary building such as garages, outbuildings and open sided structures) of which at least three are dwellings. The second criterion requires that the cluster appears as a visual entity in the local landscape. The third criterion is that the cluster is associated with a focal point such as social/community buildings/facility or is located at a crossroads.

9. The appeal site is a garden plot relating to the two storey dwelling at 70 Macfin Road and is not part of a farm. The site fronts onto the Macfin Road and is located partially opposite the T junction of Macfin Road with the Ballywindeland Road. At this road junction exists a rural housing development known as Railway View. The development consists of some 40 dwellings, concentrated along the road frontage of Macfin Road and around the junction of this road with Ballywindeland Road. Development, including other dwellings, is also sited behind the road frontage development at Railway View. A large play park facility and area of open space is located on land opposite the appeal site and to the east side of Ballywindeland Road. The appeal site at present is covered with mature vegetation. The dwelling at 70 Macfin Road to the south of the appeal site is the only development to this side of the Macfin Road at this location.

10. The cluster of development at this location is not part of a farm and consists of more than four buildings of which at least three are dwellings. The existing development in this area is notable by the high concentration of residential development around the road T junction with Ballywindeland Road. The scale and function of the rural housing development in this area is a visual entity in the local landscape and is associated with a community play park and area of open space. The appeal site is located at an existing cluster of development in the countryside and accordingly meets the first, second and third criteria of Policy CTY2a.

11. The fourth criterion of Policy CTY2a requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The appellant's site plan (drawing 02) at scale 1:500 shows the retention of existing mature vegetation along the boundaries and to the

front part of the site. The mature vegetation around the boundaries of the site can be retained with the use of a planning condition. This combined with the backdrop of the dwelling at 70 Macfin Road and its associated outbuilding means the appeal site has a suitable degree of enclosure. A dwelling on the site would therefore be bounded to the south by the existing buildings at 70 Macfin Road and to the north by the community play park and development at Railway View at the T junction with Ballywindeland Road. The proposal meets the requirements of criterion 4 of Policy CTY2a.

12. Development on the appeal site would be readily absorbed into the existing cluster, especially given its position opposite the community play park and opposite the T Junction where development is already concentrated. A dwelling on the appeal site would not significantly alter the existing character, or visually intrude into the open countryside given the site's position between existing development to the north and south sides of the site. A new dwelling on the appeal site would satisfactorily meet criterion 5 of Policy CTY2a.
13. The appeal site is large enough to accommodate a single dwelling and has sufficient separation from the adjacent property at 70 Macfin Road. The development of a dwelling on the appeal site would not impact adversely on the surrounding residential amenity. The appeal proposal therefore meets the sixth criterion of Policy CTY2a of PPS21.
14. The appeal proposal meets the six criteria set out by Policy CTY2a. The appeal proposal is therefore one of the types of development which in principle is considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The proposal therefore complies with Policy CTY1 and the Council's first reason for refusal is not sustained.
15. Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside that does not cause a detrimental change to, or further erode the rural character of the area. A dwelling on the appeal site would not be unduly prominent on the landscape. It would not give rise to a suburban style of build up that does not respect the traditional settlement pattern in this area. The appeal proposal would be clustered with existing development and would not create or add to a ribbon of development in this location. Any ancillary works relating to the development can be controlled with the approval of the reserved matter details relating to the development on the site. A dwelling on the appeal site would not cause a detrimental change to, or further erode the rural character of this area. Accordingly the Council's second reason for refusal is not sustained.
16. As both reasons for refusal relating to the development have not been sustained the appeal is allowed subject to conditions. In order to maintain the level of enclosure around the appeal site a detailed landscaping plan should be submitted and approved by the Council prior to any development on the site. In order to ensure the provision of a safe access visibility splays of 2.4 metres by 80 metres and a forward sight distance of 80 metres should be provided prior to the commencement of development and thereafter retained. The Council suggested that the ridge height of the dwelling should not exceed 7 metres above the existing ground level. I do not consider that it is necessary to restrict the ridge height of the dwelling as the site is satisfactorily enclosed by existing vegetation and surrounding buildings.

Conditions

- (1) Except as expressed provided for by Condition 2 and 3 the following reserved matters shall be as approved by the Council – the siting, design and external appearance of the dwelling.
- (2) No development shall take place until there has been submitted to and approved by the Council a landscaping scheme showing:
 - a. trees and hedgerows to be retained along the north, east and west boundaries of the site (except that required for the provision of the necessary visibility splays) as indicated by the 1:500 site plan (drawing 02) dated Planning Office received 5 Oct 2016; and
 - b. the numbers, species and sizes of trees and shrubs to be planted within the site.

The scheme of planting as finally approved shall be carried out during the first planting season after commencement of development on the site. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

- (3) Visibility splays of 2.4 metres by 80 metres and a forward sight distance of 80 metres shall be laid out at the existing access from the site onto the Macfin Road prior to development commencing on the site and should thereafter be permanently retained.
- (4) Application for approval of the reserved matters shall be made to the Council before the expiration of three years from the date of the decision.
- (5) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever the later.

This decision relates to the following drawings:-

- Site location plan - Drawing 01 Scale 1:1250 dated Planning Office Received 5 Oct 2016
- Site plan – Drawing 02 Scale 1:500 dated Planning Office Received 5 Oct 2016

COMMISSIONER ROSEMARY DALY

Appeal Decision

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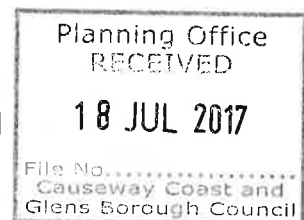
Appeal Reference: 2016/A0241
Appeal by: Mr and Mrs Riley
Appeal against: The refusal of outline planning permission
Proposed Development: Infill dwelling and detached garage/store
Location: Land between No.10 and No.16 Gortgarn Road, Gortgarn, Limavady, BT49 OQW
Planning Authority: Causeway Coast & Glens Borough Council
Application Reference: LA01/2016/0890/O
Procedure: Written representations and accompanied site visit on 6 July 2017
Decision by: Commissioner D McShane, dated 18 July 2017.

Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposal would
 - be acceptable in principle in the countryside; and
 - prejudice road safety.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Northern Area Plan 2016 (NAP) operates as a LDP; however it contains no specific policies relevant to the appeal site, which is located outside any designated settlement development limit. The relevant policy context is therefore provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
4. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal represents an infill opportunity in accordance with Policy CTY 8. It automatically follows that if the proposal is in accordance with Policy CTY 8 it will comply with Policy CTY 1.
5. 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.



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 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.

6. It is not disputed that the appeal proposal meets the first element that is required in order to qualify as an infill site. There is a substantial and continuously built up frontage present.
7. The second step in determining whether an infill opportunity exists is whether there is a small gap site that is sufficient only to accommodate up to a maximum of two houses. The frontage of the appeal site measures approximately 20m; however in policy terms the critical issue is the size of the gap between the buildings. The proposed dwelling and garage/store would not stand between No.12 and the road; rather it would stand on a gap between No.12 and No.16. The gap measures approximately 45m and is sufficient to accommodate only one dwelling. As such, I conclude that the second element of Policy CTY 8 is met.
8. The third step in determining if an infill opportunity exists is whether in terms of size, scale, siting and plot size the appeal proposal would respect the existing development pattern. A dwelling measuring 185sqm and 6.5m high with detached garage/store would reflect the development pattern in the immediate vicinity of Nos. 12 and 16. The plot widths and plot sizes of the properties to the north-west (Nos. 10, 8a, 8 and 6) are larger than the appeal site; however I conclude that this is offset by the number of large outbuildings to the rear of No.12. Such development increases the sense of built enclosure, making infill development more acceptable rather than less. Furthermore, notwithstanding the provision of a paired access, No.12 would continue to have a frontage to the road as the plot on which it stands abuts Gortgarn Road. The objection that the proposed development would not respect the existing pattern of development is not sustained and I conclude that the third element of Policy CTY 8 is met.
9. The appeal proposal would comply with the fourth element required; namely it complies with other planning and environmental requirements. As the appeal dwelling meets the four elements within Policy CTY 8 it qualifies as an exception and the Planning Authority has failed to sustain the first and second reasons for refusal based upon Paragraph 6.73 of the SPPS and Policies CTY 1 and 8 of PPS 21.
10. Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking (PPS 3) states that planning permission will only be granted for a development involving direct access, or the intensification of the use of an existing access where such access will not prejudice road safety or significantly inconvenience the flow of traffic. In their statement of case, the Appellants proposed a paired access with No.12, at the south western boundary of the appeal site. I am not persuaded that my consideration of the amended access as shown on revised Location Map E would cause any prejudice to the public. It does not constitute a substantive change to the application but rather is a means of addressing an objection. As the

required visibility splays of 2.4m by 80m are now achievable, there would be no prejudice to road safety. Accordingly, the Planning Authority has failed to sustain its third reason for refusal based upon Policy AMP 2 of PPS 3.

11. To ensure that the proposal respects the development pattern in the area and in the interest of visual amenity it is necessary to restrict its size and ridge height. Levels are required to be submitted, given rising topography on the site. Visibility splays are required to be provided in the interest of road safety. To control the impact of the access and in the interest of rural character it is necessary to remove permitted development rights for entrance features. In the interest of visual and rural amenity a landscaping scheme is required to be provided.

Conditions

- (1) Except as expressly provided for by Conditions 2, 3, 4, and 5, the following reserved matters shall be as approved by the Planning Authority – the siting, design and external appearance of the dwelling and garage/store and the means of access thereto.
- (2) The floor area of the single dwelling shall not exceed 185sqm, measured externally.
- (3) The ridge height of the dwelling and garage shall not exceed 6.8m above existing ground level at the lowest point within their footprints. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, which shall not exceed 0.3m above existing ground level at the lowest point within the dwelling's footprint, all in relation to a known datum point.
- (4) The access shall be sited tight to the south west boundary of the site on Gortgarn Road and paired with the existing access to No.12. Visibility splays of 2.4m by 80m shall be laid out in both directions before any building operations commence and shall be permanently retained thereafter. A scale plan and accurate site survey at 1:500 must be submitted as part of the reserved matters application showing the access to be constructed.
- (5) Notwithstanding the provisions of Article 3 Part 3 Class A of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions), no gates, fences, walls or other means of enclosure shall be erected along Gortgarn Road without prior agreement from the Planning Authority.
- (6) No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing trees and hedgerows to be provided along the boundaries of the site, the location, numbers species and sizes of trees to be planted within the site during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged shall be replaced during the next planting season with others of a similar size unless the Planning Authority gives written consent to any variation.

- (7) Application for approval of reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
- (8) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision approves revised Location Map E (scale 1:2500), submitted in the Appellant's statement of case.

COMMISSIONER D MCSHANE

List of Appearances

Planning Authority:-

Mr M McErlain
Mr W Reid (DFI Roads)

Appellants:-

Mrs C Gourley (C McILvar Ltd)
Mr William Dickson (wjdickson chartered architect)
Mrs J Riley

List of Documents

Planning Authority:-

"A" Statement of Case and Appendices

"B" Rebuttal Statement

Appellants:-

"C" Statement of Case and Appendices

"D" Rebuttal Statement

