

ITEM C

**253m south of 26 Gortacloughan
Road Garvagh**

**C/2014/0425/O
Outline Planning**

26th August 2015

<u>No:</u>	C/2014/0425/O	<u>Ward:</u>	Garvagh
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	253m south of 26 Gortacloughan Road Garvagh		
<u>Proposal:</u>	Off-site replacement dwelling of rural character		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	28.10.2014
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	OJQ Architecture, 89 Main Street, Garvagh, BT51 5AB		
Applicant:	Carina Quigg C/o Agent		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

**Drawings are available to view on the Planning Portal-
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 **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This land is elevated from the main road (Carhill Road) and the off-site replacement would site adjacent to the Gortacloughan Road. The land falls from west to east and comprises two fields with an existing building in the north east corner of the northern field. This is the building to be replaced. The proposed site for the replacement dwelling is the southern end of the southern field.

- 2.2 The curtilage of the existing building is a stone wall to the south and east; lane to the north; and rear boundary of the structure to the western boundary. The site for the proposed dwelling is a cut-out of a field; the south boundary is undefined; the east boundary is defined by a post and wire fence; with the western boundary is defined by a mature hedge. The site for the proposed dwelling is on a more elevated position.
- 2.3 This area is open landscape, essentially rural in character. There are critical views from Gortacloughan Road which is a private lane albeit accessing other properties.
- 2.4 The site is located in the rural remainder as identified in as defined in the North East Area Plan 2002 and the draft Northern Area Plan 2016.

3 RELEVANT HISTORY

C/2010/0556/F Single rural style dwelling and garage at 33m NE of 26 Gortacloughan Road, Garvagh
Approved 13/12/2010

4 THE APPLICATION

- 4.1 Planning permission is sought for an off-site replacement dwelling of rural character. An existing unaltered access is to be used.

5 PUBLICITY & CONSULTATIONS

External

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

Internal

- 5.2 **Transport NI:** Has no objection to the proposal subject to the existing building meeting the criteria of a replacement dwelling.

Environmental Health: Has no objection to the proposal.

Northern Ireland Water: Has no objection to 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 plans are:
- North East Area Plan
 - 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 21 Sustainable Development in the Countryside

Supplementary Guidance

Building On Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: characteristics of existing building and whether it is a replacement opportunity; if the off-site replacement is acceptable, integration; and land ownership.

Planning Policy

- 8.2 The statutory plan is the NEAP (2002) while the draft Northern Area Plan is a material consideration. The site is located outside any settlement limit and is in the rural area.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Characteristics of existing building

- 8.4 The building on site comprises a single storey stone structure measuring approximately 4m x 13m. Externally the walls, windows openings, and one chimney are intact. The structure does not have a roof. Internally, the building has no rooms.
- 8.5 Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.
- 8.6 Having regard to this requirement it is considered that as there are window openings and a chimney, this building exhibits the essential characteristics of a dwelling. As the external walls are also substantially intact this is considered a dwelling, and is capable of being replaced under Policy CTY 3 of PPS 21.

Proposal to site replacement off-site and Integration

- 8.7 The proposed dwelling is to be sited in a different field with approximately 130 metres from the existing building to the proposed. It is therefore not sited within the existing and

established curtilage of the building to be replaced as generally required by policy and set out in CTY 3 of PPS21.

- 8.8 However, CTY 3 does allow exceptions and an off-site replacement is allowed if either the existing curtilage is too restrictive, or it can be demonstrated that an alternative position nearby would result in clear landscape, heritage, access or amenity benefits.
- 8.9 The applicant's agent has argued that both exceptions apply in this case, as the existing curtilage is too restricted and relocating the dwelling off-site results in landscape and access benefits.
- 8.10 However, this must be considered in the context of existing policy and against the siting and curtilage of the dwelling to be replaced and the impact of siting away from this. On inspecting the site, it is evident that the curtilage of the existing dwelling can be extended if necessary and this would accommodate a modest size dwelling. Therefore, there is no reason to site elsewhere, given that it would be possible to site within the existing or slightly enlarged curtilage. The proposal fails to meet this exception test.
- 8.11 The proposed site is closer to the Gortacloughan Road and in a more elevated position relative to the site of the existing dwelling. Although Gortacloughan Road is considered private, this is still a public viewpoint in planning terms due to any resident or visitors using the lane. Any impacts must be considered from both this lane and Carhill Road. As the proposed site is now closer to the lane and is roadside, and is sited on a more exposed location, the new site would not result in demonstrable landscape benefits when considered against the existing site.
- 8.12 In terms of the access, the applicant's agent argues that it is relatively simple and easier to access the proposed site as opposed to the existing site. It should be noted that there is some form of access to the existing building and it would not be insurmountable to upgrade or carry out any necessary works to this. It is therefore unclear what, if any, access benefits there would be other than it would be more desirable for the applicant to access the proposed site, rather than upgrading the access

to the existing site. Little weight is given to the access benefits and the proposal does not meet the exceptional test in relation to any landscape or access benefits.

- 8.13 Having regard to paragraphs 8.10-8.12, the proposal fails to meet the policy test of policy CTY 3 which requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Land Ownership

- 8.14 There was some uncertainty after receiving the application about land ownership and who owns the various parcels of land and the existing dwelling.
- 8.15 Through the processing of the application this was addressed and notice served on the relevant owners and the correct planning forms were completed and signed. As a result of this, the field which contains the existing dwelling is owned by Mr and Mrs Farlow. Mr and Mrs Farlow submitted a letter to the Planning Office indicating that although owning the field in which the existing dwelling is located, they were happy, through a prior agreement, for the dwelling to be transferred off their site and into another field in the applicant's ownership. Notwithstanding this arrangement or agreement, there is nothing in planning policy to deliver this. The only exceptions to siting a replacement dwelling off-site have been outlined above (Para 8.8) and there is no facility to allow this to happen due to issues around land ownership. This is not a consideration that has been given determining weight.

9 CONCLUSION

- 9.1 The proposed development is considered unacceptable in this location having regard to the Area Plan and other material considerations. The scheme includes relocating an existing building to another site which fails to meet policy CTY 3. The proposal fails to comply with planning policy, and the principle of

relocating an existing building off site as no exception has been demonstrated. As the proposal fails to meet planning policy, there would be demonstrable harm and refusal is recommended.

10 Reasons for Refusal

10.1 Refusal Reasons:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

ANNEX

Date Valid	28th October 2014
Date First Advertised	15th November 2014
Date Last Advertised	6th May 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Gortacloughan Road, Garvagh The Owner/Occupier, 68 Carhill Road, Garvagh The Owner/Occupier, 71 Carhill Road, Garvagh	
Date of Last Neighbour Notification	22nd April 2015
Date of EIA Determination	8th October 2014
ES Requested	No