

Item F

**Approx. 70m South of the
Junction of Churchfield Road and
Glenshesk Road
Ballycastle**

LA01/2015/0050/O

Outline Application

27th January 2016

<u>No:</u>	LA01/2015/0050/F	<u>Ward:</u> TORR HEAD and RATHLIN
<u>App Type:</u>	Outline Application	
<u>Address:</u>	Approx. 70m South of the Junction of Churchfield Road and Glenshesk Road, Ballycastle	
<u>Proposal:</u>	Site for a Dwelling required under CTY 6	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 17.04.2015
<u>Listed Building Grade:</u>	N/A	
<u>Agent:</u>	Sean McHenry MRTPI Flat 1, 638 Wilmslow Road, Didbury	
<u>Applicant:</u>	Mr Colm and Mrs Nora McHenry, 68 Glenshesk Road, Ballycastle, BT54 6PY	
<u>Objections:</u> 0	<u>Petitions of Objection:</u>	0
<u>Support:</u> 3	<u>Petitions of Support:</u>	0

Drawings and any 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 resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The application site is located approx. 70m South of the Junction of Churchfield Road and Glenshesk Road, Ballycastle.
- 2.2 The site comprises part of an agricultural field with the land rising in a south west direction. Beyond the rear boundary of the site, the land falls towards Glenshesk River, which runs south to north. The southern and western boundaries of the site are undefined. The eastern boundary fronts onto the Glenshesk Road and comprises post and wire fencing and hedging. The northern boundary comprises trees/vegetation.

There is presently no access into the site from Glenshesk Road.

- 2.3 The site is within the countryside outside the settlement limit of Ballycastle town which is located approx. 0.4 miles north west of the site. The character of the area south of the site is rural with the predominant use being agricultural with the occasional scattered dwelling/farm.

3 RELEVANT HISTORY

None

4 THE APPLICATION

- 4.1 Full planning permission is sought for a dwelling for personal and domestic circumstances under Policy CTY 6.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: (0) None** Objections received. **(3) Three** letters of support received.

Internal:

- 5.2 **Transport NI:** No objection subject to conditions.

Environmental Health: No objections.

NIEA WMU: No objection subject to informatives.

NI Water: No objection.

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:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 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 2 Natural Heritage

PPS 3 Access, Movement and Parking

PPS21 Sustainable Development in the Countryside

Guidance

Antrim Coast and Glens AONB Management Plan

Building on Tradition – A Sustainable Design Guide for the NI Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the development in this location; visual integration, impact on neighbouring residential properties and, impact on natural or built heritage.

Principle of development

- 8.2 The principle of this development proposed must be considered having regard to the SPPS and PPS policy documents specified above and any other material considerations.

- 8.3 The SPPS was published 28 September 2015. In the accompanying Ministerial Statement it stated that the provisions of the SPPS are material to all decisions on individual planning applications and appeals.
- 8.4 Paragraphs 6.69 and 6.77 of the SPPS reinforces the policy approach for development in the countryside to be to cluster, consolidate and group new development with existing established buildings. The policy seeks to mitigate the potential adverse impacts upon rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development upon rural amenity and landscape character.
- 8.5 Paragraph 6.73 bullet point 7 of the SPPS in relation to personal and domestic circumstances echoes policy CTY 6 of PPS 21.
- 8.6 Policy CTY 6 of PPS21 is the relevant policy context for such proposals. The policy states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicants personal or domestic circumstances. The applicant must provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission was refused. It must also be shown that there are no alternative solutions to meet the particular circumstances of the case.

Compelling and site specific reasons.

- 8.7 The family presently live at No. 68 Glenshesk Road and propose relocation to a new site (1 mile closer to the town). The main reason for relocation is due to accessibility issues to the town of Ballycastle and to prevent social exclusion (encourage independent living).
- 8.8 The applicant has personal/domestic circumstances which limit her mobility and may deteriorate further with age. The information has been supported by medical providers. Arrangements can be made to view this information by Members at the Planning Office.

- 8.9 The applicant is required to drive into Ballycastle for medical appointments/shopping and to socialise with family and wishes to be 1 mile closer to the town to do so. The applicant has concerns that they will be unable to do so in adverse weather as the Glenshesk Road is only gritted up to the junction with Churchfield Road (confirmed by TransportNI). The Agent also pointed out that the road is used by tractors, buses and young drivers and is dangerous with many accidents occurring. Also that driving on this road on a mobility scooter in the future would not be practical. The Agent stated that accessibility is a long term issue given the applicant's condition will deteriorate.
- 8.10 As part of the reasoning for the site selection the applicant's husband is a farmer and needs to live on the farm to work it. The farm requires numerous equipment and machinery (quads, tractors, jeeps, trailers etc) plus the required storage and space to operate such machinery. The farm also includes working dogs which need space to be housed. Also, space around the farm house is necessary for the potential to build extra sheds should the possibly of expanding the farm becomes feasible. The proposed site will allow for the efficient operation of the main part of the farm without restriction. The main animal handling area on the farm adjoins the site and is adjacent to working fields.
- 8.11 The applicant does not consider it an option to move into the town. Given security concerns the Agent stated that the existing farm buildings (highlighted orange on the farm map) cannot be used for the storage of equipment/machinery. The applicant may need to sell the existing farmhouse to fund the build of the new dwelling. Also, to keep existing machinery/equipment at the existing farm buildings is not practical because there is an increased security risk with no-one residing there. Examples of farm theft were provided. It is accepted there would be a high risk of vehicles/equipment being stolen if not under surveillance.
- 8.12 It is accepted that living on the farm complex is necessary to assist with the main function of the farm which is breeding of animals (sheep/cows/racehorses). The farmer has to get up numerous times through the night to assist with lambing and lambs which need bottle/tube fed often require being taken to the farmhouse itself. Cows and horses have the potential to

calve and foal all year round and there is less margin for error with regards to time in terms of ensuring their survival.

- 8.13 The agent also argued that living in the settlement limit of Ballycastle would have an adverse impact on neighbouring residential amenity because it would be a working farm house. There would be the potential for noise from dogs barking and from farm vehicles coming and going at all times (day/night) due to animal birthing times and in connection with farm activities. The reasons presented in terms of why residing on the farm is critical and operating from Ballycastle is impractical, due to an incongruous use and negative impact on residential amenity, are accepted.
- 8.14 The Planning Authority is not convinced that the immediate response to this problem is a new dwelling at another location on the farm. Adverse weather conditions generally occur during the winter (maximum of 4 months) but the probability of this being continuous is low. Even if bad weather were to occur frequently within this 4 month period, the existing farm house at No. 68 Glenskesk Road is only 1 mile away from gritted roads which is not considered excessive in terms of distances to be travelled. This accessibility difficulty could be met by using a 4x4 vehicle which is designed for adverse weather conditions and therefore could be used on the Glenskesk Road. TransportNI have guidance on their website of the roads that they grit and how to report an issue with ice or snow. It is also unlikely that a mobility scooter would be safe to use in adverse weather conditions along a rural road to travel to the town, even from the proposed site.
- 8.15 Taking the above into consideration there is no compelling site specific reason for a dwelling at this location. Although the disability relating to the applicant is not disputed, there is not sufficient grounds to warrant a new dwelling in the countryside on the public road network (on or within proximity of gritted roads) as this would set an undesirable precedent if permitted for the whole of the Region for any individual with mobility difficulties. The personal mobility scooter argument is not given compelling weight as there would only be a limited number of days in any calendar year where it couldn't be used due to adverse weather conditions. It is not considered unreasonable to expect visitors or the emergency services to drive one mile

on ungritted roads considering this is a reality across the Region as not all country roads are gritted.

- 8.16 The policy also asks for details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.
- 8.17 The option of an extension/annex to No. 68 Glenshesk Road was considered. The agent during a meeting advised an extension is not practical given the noise from farming activities and although it could resolve the stair issue for the applicant, the noise would not allow rest if sleeping at ground floor level. However, if the farm was moved to the application site, the level of noise would possibly be maintained.
- 8.18 In light of this consideration, the proposal is contrary to Policy CTY 6 as a new dwelling is not a necessary response to the particular circumstances of the case and that genuine hardship would be caused if permission is refused. An alternative solution for an extension to the existing farm house is likely feasible which would address the stair access for the applicant and use of a 4x4 vehicle would solve the accessibility concern during adverse weather conditions. Significant weight has been attributed to the fact approval of this application would set an undesirable precedent for new dwellings in the countryside on or within proximity of gritted roads should others have mobility difficulties.

Integration and rural character

- 8.19 In relation to Policy CTY 13 and CTY 14, permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design and where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.
- 8.20 The proposal includes a new dwelling but no indicative elevations or block plan have been provided. The supporting statement indicates that a two storey dwelling is preferred to facilitate a live-in carer should this need arise. A two storey dwelling at this site is inappropriate in terms of scale and massing and would be prominent given the roadside location.

A two storey dwelling is not required for a live-in carer as a single storey dwelling could easily accommodate this requirement should it become necessary.

- 8.21 When travelling southwards along the Glenshesk Road, a new dwelling at this location would be screened by the trees/vegetation along the northern boundary but fleeting views would be apparent immediately adjacent. The site would have open views when travelling northwards along the Glenskesk Road given the lack of boundaries and the low roadside hedge.
- 8.22 The proposed dwelling is considered to have a detrimental impact upon the character and appearance of this designated AONB because it will be unduly prominent given its roadside location with open public views. There are visual integration issues in the surrounding landscape due to lack of existing boundary treatments and the reliance on new landscaping, Contrary to Policy NH 6 – Areas of Outstanding Natural Beauty.
- 8.23 The proposal is also regarded to impact upon rural character given a new building at this site would be unduly prominent in the landscape. The proposal also does not cluster, consolidate or group with existing established buildings and is also contrary to para 6.69 and 6.70 of the SPPS and to both policies CTY 13 and 14 of PPS 21.

Access

- 8.24 This planning policy relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It is an important consideration in terms of the integration of transport and land use planning. TransportNi was consulted in relation to this application and offer no objections subject to a condition. A scale plan is requested to be submitted showing the access to be constructed for the reserved matters application.

9 CONCLUSION

9.1 The proposed development is considered unacceptable in this location having regard to the area plan and other material considerations. There are no compelling and site specific reasons to permit a dwelling at this location or has it been proved that a genuine hardship would be caused if planning were refused. Other alternatives exist to meet the applicant's needs. The proposed development would be prominent and not integrate into the countryside and AONB.

10 Reasons for Refusal

10.1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY 1 and CTY 6 of Planning Policy Statement 21 "Sustainable Development in the Countryside" in that it has not been demonstrated that a dwelling is a necessary response to the personal circumstances of the case; that genuine hardship would be caused if permission was refused; and an alternative solution exists to meet the personal circumstances of the case.

10.2 The proposal is contrary to Paragraphs 6.69 and 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY 13 and CTY 14 of Planning Policy Statement 21 "Sustainable Development in the Countryside" in that the proposal would, if permitted, be unduly prominent in the landscape; fail to integrate sympathetically into the landscape; and cause a detrimental change to the rural character of the countryside.

10.3 The proposal is contrary to Paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH 6 of Planning Policy Statement 2 "Natural Heritage" in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.

Site Location

ACEmap® Single

Printed: 16/01/2015 Customer Ref:

Centre Point (Easting, Northing): 312976, 440143

68 GLENSHESK ROAD, BRACKNEY, BALLYCASTLE, BT54 6PY, 186004804

Scale: 1:1,250

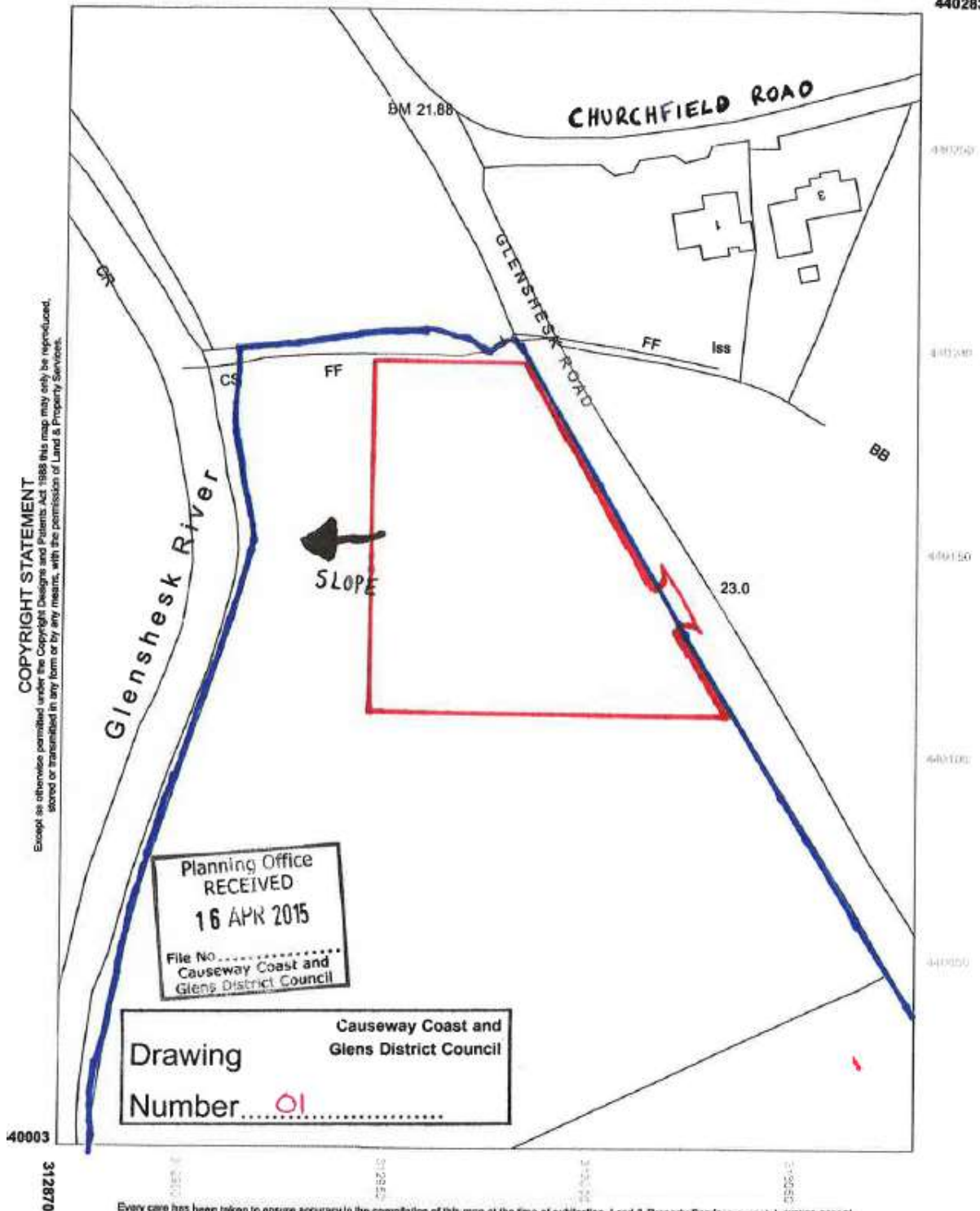
Order no. ORD08956

Plan No. 00909NW



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