

# **Item H**

**Site 80m south of 261 Ballyquin  
Road, Limavady**

**B/2014/0121/O  
Outline Application**

**27<sup>th</sup> January 2016**

<b><u>No:</u></b>	B/2014/0121/O	<b><u>Ward:</u></b>	Forest
<b><u>App Type:</u></b>	Outline Application		
<b><u>Address:</u></b>	80m south of 261 Ballyquin Road, Limavady		
<b><u>Proposal:</u></b>	Two storey rural dwelling with garage / store.		
<b><u>Officer:</u></b>	Ruairi McGrath ext: 7178		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	02 <sup>nd</sup> June 2014
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	Mr W J Dickson, 76 Seacoast Road, Limavady, BT49 9DW		
<b><u>Applicant:</u></b>	Mr and Mrs Buchanan		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

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

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 & 8 and resolves to **REFUSE** outline planning permission.

## **2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

- 2.1 This site comprises a small group of single storey farm buildings located on a laneway off Ballyquin Road. There is a belt of trees to the north east and south east boundaries. There are three buildings within the site and the ruins of a fourth which is heavily overgrown.

The site is located in the open countryside as defined by the Northern Area Plan 2016. There is a Rath to the north and the River Roe is located 250m to the west.

### **3 RELEVANT HISTORY**

B/2005/0138/O - 70 metres south west of 261 Ballyquin Road, Limavady - Site for replacement dwelling – Withdrawn  
05.09.2005

B/2005/0769/O - 70 metres south west of 261 Ballyquin Road, Limavady - Site for dwelling – Withdrawn 16.02.2006

### **4 THE APPLICATION**

- 4.1 This proposal is for outline permission for a two storey dwelling on a farm.

### **5 PUBLICITY & CONSULTATIONS**

#### **External:**

- 5.1 **Neighbours:** No objections

#### **Internal:**

- 5.2 **NIEA- Protecting Historic Monuments – No objection**

**DARDNI – Confirm active farm and claims Single Farm Payment.**

**TransportNI – Recommend refusal**

**NIWater – No objection**

**Environmental Health – No objection**

### **6 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**

### PPS 3 - Access, Movement and Parking

### PPS21 – Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this outline application is whether the proposal meets the requirements for a dwelling on a farm, impact on archaeology and the access onto a Protected Route.

8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. This is a proposal for a dwelling on a farm and as such the main policy consideration is PPS 21: Sustainable Development in the Countryside. The main policy considerations within this policy are CTY 1 and CTY 10.

8.3 Policy CTY1 of PPS21 states that there are a range of types of development that may be acceptable in principle in the

countryside. In the case of a dwelling on a farm, Policy CTY1 refers to Policy CTY10.

- 8.4 In terms of CTY 10 there are three policy tests which proposals for a dwelling must pass in order to be acceptable on a farm.
- a) The farm business is currently active and has been established for at least 6 years;
  - b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding since 25th November 2008;
  - c) The new building is visually linked to an established group of buildings on the farm and where practical utilises an existing laneway.
- 8.5 Through consultation, DARD have verified that the applicant's farm business has been registered for longer than the required 6 years and that his farm is currently active. As the farm business has been active and established for the required period the proposal complies with criteria a of CTY10.
- 8.6 No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding since 25th November 2008 therefore the proposal complies with criteria b of CTY10.
- 8.7 The proposed site is situated within an existing complex of farm buildings and as the applicant has demonstrated that the new dwelling can be accommodated while retaining all but one of the farm buildings, the Authority is satisfied that the proposal visually links and is sited to cluster with an established group of buildings on the farm.
- 8.8 CTY 10 also states that dwellings on a farm should also comply with CTY 13 a-f, CTY 14 and CTY 16, these refer mainly to the ability of the proposal to integrate into the surrounding landscape with minimal impact and the effect which the proposal has on rural character. The proposed site benefits from a significant amount of natural screening along the southern, western and eastern boundaries which serve to screen the site from public view on approach northwards and whilst the site is partially visible on approach southwards, these natural features serve to provide a backdrop for the development. The proposal replaces an existing milking parlour

and as such is replacing an existing commitment in the landscape. As such, the site is capable of absorbing the dwelling proposed without detrimental impact upon the visual amenity of the surrounding area or indeed the rural character of the area.

- 8.9 A Rath is evident to the north of the application site. NIEA were consulted and have raised no archaeological concerns regarding this proposal.
- 8.10 The application site accesses onto Ballyquin Road (B68) a Protected Route. Annex 1 of PPS21 is a consequential amendment to Policy AMP3 of PPS3 Access, Movement and Parking. Annex 1 states that planning permission will only be granted for a development proposal involving access onto this category of Protected Route in 4 cases. One of which is in cases of a farm dwelling, permission will be granted providing the farm dwelling would meet the criteria set out in policy CTY10 of PPS21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved the proposal will be required to make use of an existing vehicular access onto the Protected Route. In all cases access arrangements must be in accordance with the Department's published guidance.
- 8.11 As outlined previously the proposal meets the policy test for a dwelling on a farm as provided for under CTY10. Therefore as there is no available, adjacent minor road, Annex 1 of PPS21 and PPS3 allows for a dwelling on a farm in this circumstance providing it accesses from an existing vehicular access onto the Protected Route. However, it clearly states that "access arrangements must be in accordance with the Department's published guidance".
- 8.12 The existing access has substandard geometry with visibility splays of only 2.4 x 115 metres because they are restricted by the vertical profile of the Ballyquin Road. Specifically, visibility towards Dungiven is limited by a dip in the road. Visibility splays of 2.4 x 160metres are required for this access under DCAN 15.
- 8.13 During the processing of the application the agent raised two examples where access had been permitted onto the Protected Route. However, when researched neither example was comparable. One referred to an application which predated the

implementation of PPS 3 B/2003/0568/F Ballyquin Road, Limavady while another did have an existing access onto the Protected Route B/2011/0098/F 25m South of 287 Ballyquin Road, Limavady. In addition the agent supplied maps showing a new access onto the Protected Route for information purposes. The Planning Authority has not pursued such an arrangement as it would be contrary to PPS3 and Annex1 of PPS21 in that these proposals did not involve the closure of the existing access (which can be accepted in some circumstances where a new access is in lieu of an existing access).

- 8.14 During the processing of the application the applicant stated that the approval of the site would result in a reduction of traffic movements currently using the existing access. The applicant's figures show that if a dwelling was constructed on site, averaged over a year, there would be no need for 7.8 vehicle movements per day associated with farming activities. Essentially, this is because it is argued that the farming activities could be managed by living on site. The applicant argues that overall average access to the Ballyquin Road would be once a day, mainly to bring in household supplies.
- 8.15 The Planning Authority consulted Transport NI on the information provided. The total number of vehicle movements per day normally associated with a dwelling is 8- 10 (DCAN 15 Vehicular Access Standards specifies 10). Having regard to this information, the opinion to refuse remains unchanged because: it is not possible to condition the total number of vehicle movements using the access; occupation of the proposed dwelling cannot be limited to any individual by planning condition; agricultural permitted development rights allow further agricultural buildings at this location that could increase vehicle movements and; the specific nature of the agricultural activities carried out within the existing buildings (without the need for planning permission) could change and increase vehicle movements.
- 8.16 Additional agricultural buildings which have received planning permission on this holding have their main access from Drumrane Road approved under B/2010/0338/F. This is not a Protected Route.

- 8.17 TransportNI are of the opinion that the wording of the policy is clear and definitive. The Planning Authority or TransportNI are not aware of any comparable examples of PAC cases.

## **9 CONCLUSION**

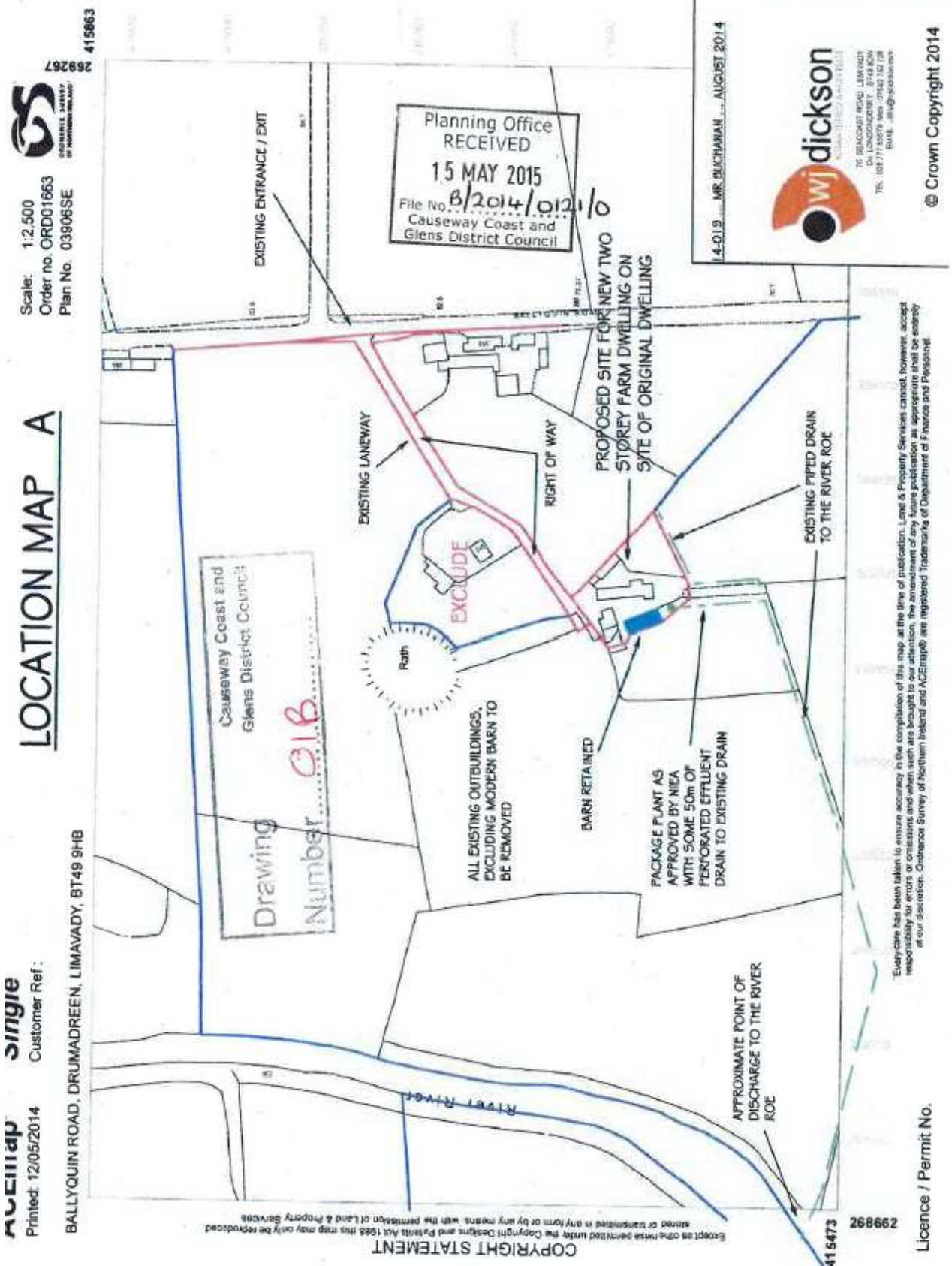
- 9.1 On balance, the proposal meets the policy test for a dwelling on a farm as provided for under CTY10. Annex 1 of PPS21 and PPS3 allows for a dwelling on a farm to access onto a Protected Route providing it uses an existing, safe vehicular access. However, as the access geometry is substandard and cannot be improved to a standard required by DCAN15, the proposal would prejudice the safety and convenience of road users. While regard has been had to the detail of existing and anticipated vehicle movements, these circumstances are not considered sufficiently objective to allow the policy to be set aside.

## **10 REFUSAL REASONS**

- 10.1 The proposal is contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3, in that it would the proposed development would, if permitted, result in the intensification of use of an existing substandard access onto Ballyquin Road a (Main Traffic Route/Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.



# Site Location



## LOCATION MAP A

**singie**  
Printed: 12/05/2014  
Customer Ref:

Scale: 1:2,500  
Order no. ORD01663  
Plan No. 03906SE



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BALLYQUIN ROAD, DRUMADREEN, LIMAVADY, BT49 9HB

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Planning Office  
RECEIVED  
15 MAY 2015  
File No. B/2014/0121/0  
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14-019 MR BUCHANAN AUGUST 2014



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