



**Causeway  
Coast & Glens  
Borough Council**

<b>Planning Committee Report Item I</b>	<b>27<sup>th</sup> April 2016</b>
<b>PLANNING COMMITTEE</b>	

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

# **ITEM I**

## **Rear of 38 Drumadoon Road Cloughmills**

**LA01/2015/0887/O**

**Outline Planning**

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

<b><u>App No:</u></b>	LA01/2015/0887/O	<b><u>Ward:</u></b>	Clogh Mills
<b><u>App Type:</u></b>	Outline		
<b><u>Address:</u></b>	Rear of 38 Drumadoon Road Cloughmills		
<b><u>Proposal:</u></b>	Construction of two replacement dwellings		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	10 <sup>th</sup> November 2015
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	Mr Eamon Smyth, 31 Culcrum Road, Cloughmills BT44 9NJ		
<b>Agent:</b>	None		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	2	<b>Petitions of Support:</b>	0

Drawings and additional information are 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 sections 7 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site accessed off Drumadoon Road outside the development limits of Cloughmills.
- 2.2 The application site is adjacent an existing petrol filling station and commercial unit which define part of the south eastern site boundary. The remaining boundaries are defined by a low wall to the public footpath, a wall with hedgerow set at a higher level than the site along the western boundary and a line of trees along the rear boundary. The site is set at a slightly

higher level than the public road becoming gradually steeper towards the rear boundary. The site includes a further portion of land to the rear of the existing petrol filling station.

- 2.3 The buildings to be considered under this application are to the rear of a derelict dwelling (No 38), which has extant permission for an off-site replacement.
- 2.4 The candidate replacement buildings are within close proximity to each other and No 38, one parallel to the dwelling (Building 1) and the other perpendicular (Building 2). Both structures are two storey. Building 1 incorporates ground floor storage with the first floor accessed through a set of external steps and a gable doorway. The first floor incorporates electrical wiring, the remnants of a small chimney and a roof-light. Building 2 is in a more derelict state with much of it consisting of metal sheeting (including the roof and most of the eastern wall). See paragraph 8.11 below for detailed description.
- 2.5 The site is set within the rural remainder as designated by the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

D/2014/0035/O

To the Rear of 38 Drumadoon Road, Cloughmills, Ballymena, Co. Antrim, BT44 9LJ.

Proposed Two Replacement Dwellings.

PERMISSION REFUSED19.05.2015

D/2013/0053/O

38 Drumadoon Road, Cloughmills.

Proposed replacement dwelling and infill site for dwelling and garage

PERMISSION GRANTED11.09.2013

### **4 THE APPLICATION**

- 4.1 Construction of two replacement dwellings.

### **5 PUBLICITY & CONSULTATIONS**

## **External**

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

## **Internal**

5.2 **Transport NI:** No objection to the proposal.

**NI Water:** No objection to the proposal.

**Environmental Health:** No objection to the proposal.

## **MATERIAL CONSIDERATIONS**

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

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

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of replacement; visual integration and rural character and; traffic and access matters.

### **Planning Policy**

- 8.2 The site is located within the rural area of the Northern Area Plan 2016.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

### **Principle of a dwelling in the countryside**

- 8.4 Policy CTY1 details the types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is for a replacement in accordance with Policy CTY 3.
- 8.5 The primary test of policy CTY 3 is that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings designed and used for agricultural purposes, such as sheds, or stores, and buildings of a temporary construction will not however be eligible for replacement.
- 8.6 The current application relates to the two buildings to the rear of No 38 Drumadoon Road. The site incorporates lands to the rear of the existing commercial buildings / garage which

appear to be beyond what would have been original curtilage of No 38.

- 8.7 The primary test is the acceptability of these buildings as 'dwellings' as required by Policy CTY 3. While the policy does not define what constitutes a dwelling The Planning (General Permitted Development) Order (NI) 2015 stipulates that a "dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building.
- 8.8 The Planning (Use Classes) Order (NI) 2015 Class C1 defines the use as a dwellinghouse as being used by a single person or people living together as a family or by not more than 6 residents living together as a single household where care is provided for residents.
- 8.9 The applicant has submitted substantial supporting information that the upper floors of the structures were used as servants' quarters and for farm labourers. He also confirms that both structures had one reception room and one bedroom served by outdoor toilets with a separate washroom.
- 8.10 A signed letter from Mr Harry Connelly (former Ballymoney Councillor) stating that he has personal knowledge of a labour force / servants residing within the two identified structures was submitted with the application.
- 8.11 The original structures were not constructed as dwellings evident by the form, use of materials, internal arrangement and close relationship both with each other and No 38. Building 1 consists of a low two storey structure with ground floor storage, external steps servicing the first floor with a separate gable first floor door accessed by the rising land which wraps around the gable and rear of the structure. Building 2 appears of a less permanent nature with ground floor storage and a large single first floor area with much of the structure comprising metal sheeting. Building 1 does include a roof light, the remnants of a small chimney as well as electrical wiring. Access to Building 2 is more difficult due to the state of repair but appears to incorporate a single small chimney flue to the rear gable.
- 8.12 The two existing buildings were constructed as outbuildings as part of the existing property. No 38 was clearly the dwelling-

house at this address, is the subject of a postal address (which the two remaining buildings are not). No 38 was rated as a dwelling with the Land and Property Service as recently as 2007 at which time the structure appears to have been in good order and reasonably structurally sound. Since then the roof has been removed and rates are no longer paid on this address. If the two existing structures to its rear, had been considered separate dwellings, they too would have been the subject of rating.

- 8.13 Two access points exist, one serving the dwelling and a separate point serving the buildings to the rear. However, it would not be unusual for a more formal access to serve the dwelling and a separate access to serve the business and buildings to the rear.
- 8.14 The ground floor of Building 1 does not have any physical evidence which would suggest that it was used for residential use while the only physical evidence for such a use within Building 2 is a small chimney flue to the rear with no evidence of an internal opening.
- 8.15 The evidence submitted by the Applicant clearly confirms the assertion that both buildings were occupied by staff employed by the owners of No 38. This in itself is not disputed.
- 8.16 No 38 has been already granted a replacement opportunity and an infill site. To gain a further two dwellings on the site the application proposes to extend the curtilage.
- 8.17 The existing structures were neither constructed as, nor used as dwellings in their own right but rather were partially converted to provide accommodation ancillary to No 38. Such ancillary accommodation would not be considered as a dwelling and do not exhibit the essential characteristics of a dwelling. Policy CTY 3 relates to buildings to be replaced for residential purposes not individual ancillary outbuildings. Therefore, the existing structures are not eligible for replacement under Policy CTY3. This recommendation is supported by the PAC in the following decisions 2012/A0083, 2012/A0086 and 2012/A0106.



- 8.18 PAC 2012/A1016 is for a replacement dwelling near Lisburn. The Commissioner discusses whether the building to be replaced presently exhibits the essential characteristics of a dwelling and was previously used as a dwelling. The building to be replaced is within a row of buildings. The agent stated that it was converted from a barn to a dwelling to accommodate two servants. The Commissioner stated that the building exhibits features characteristic of a dwelling. However, whilst the subject building may have sash windows similar to the main farm house or exhibit other features normally associated with dwellings, it is apparent that the building has not structurally changed since it was built as a farm outbuilding. Appeal dismissed.
- 8.19 PAC 2012/A0083 for the replacement of a two storey building adjacent to No 58 Cocreaghan Road, Killkeel. The building was approved for ancillary use and the upper floor converted at a later stage to a granny flat. The Commissioner states that as the policy refers to the physical state of the building it suggests that the “essential characteristics” are both functional and physical. The Commissioner accepted in this case that the internal layout of the upper floor is characteristic of the interior of a dwelling. However, the accommodation is contained within and is only part of the larger structure which was designed to accommodate other uses, physically separate from the upper floor. The Commissioner states that the policy refers to the building to be replaced, it does not refer to the individual elements within the building. In visual terms the building does not have the appearance of a dwelling.
- 8.20 PAC 2012/A0086 the subject building in Newry is a two storey building to the rear of a dwelling. It has an external staircase to the upper floor. The upper floor has internal division and the agent states that they were used for servants’ quarters. The Commissioner states that the form and design point to an agricultural use. The position of the windows and external staircase would be atypical of dwellings. However, would be a common feature of agricultural barns. Even if occasionally used by servants’ the building was still designed and used for agricultural purposes and does not comply with Policy CTY 3.

### **Visual Integration and Rural Character**

8.21 A concept plan submitted with this outline application show the proposed siting arrangement. In terms of integration the proposed dwellings are set to the rear of the two dwellings approved under D/2013/0053/O and located to the rear of the commercial garage adjacent. The curtilage of the site has been extended to accommodate the proposed replacement dwellings to the rear of the commercial garage. The proposed dwelling to the rear of the commercial garage would appear elevated and prominent due to the lack of backdrop which exists to the northern half of the proposed site.

8.22 The proposal would have a significant effect on local character creating a suburban style build up of development and would partially appear prominent within the landscape.

## **9 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. It fails to meet the principle policy requirement for a replacement dwelling under Policy CTY 3 of PPS 21, as the candidate buildings for replacement are ancillary accommodation to a dwelling already granted permission to be replaced. The proposal would if approved lack integration, be prominent within the landscape and create a suburban style build-up of development. Refusal is recommended.

## **10 REASONS FOR REFUSAL**

### **10.1 Reasons:**

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY3 of

Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling with all external structural walls substantially intact.

3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/ 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.
  
4. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.