

Planning Committee Report Item LA01/2016/1391/O	27th September 2017
PLANNING COMMITTEE	

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

ITEM

**Approx. 70m W of 12 Carragh
Road Bushmills**

**LA01/2016/1391/O
Outline Planning**

27th September 2017

<u>App No:</u>	LA01/2016/1391/O	<u>Ward:</u>	Dundooan
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Approx. 70m W of 12A Carragh Road Bushmills		
<u>Proposal:</u>	Dwelling, garage and associated site works		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	16 th November 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Adrian Kane, 12a Carragh Road, Bushmills BT57 8UD		
Agent:	MBA Planning, 4 College House, Citilink Business Park, Belfast, BT12 4HQ		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and 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 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located approximately 70m west of 12a Carragh Road. The proposal comprises agricultural land which is fairly flat. The site is set back from the road by approximately 140 metres and the road frontage has a hedged boundary. The proposed has open boundaries on its north eastern and north western sides. There is a post and wire fence located along the south eastern boundary and there is some vegetation to include hedges located on its south western side. The proposed site is located to the North East of the existing dwelling, garage and stables linked to 12a Carragh Road.

- 2.2 The area is open landscape, essentially rural in character, characterised by two storey dwellings, a bungalow and agricultural farm buildings which are located along the road frontage or off long laneways.

3 RELEVANT HISTORY

C/2010/0664/F New dwelling and garage (Change of house type and garage type), 330m S.W of 9 Carragh Road, Bushmills
Approved 11.03.2011

C/2010/0175/F New dwelling & garage.
330m S.W of 9 Carragh Road, Bushmills
Refused 12.03.2014

C/2010/0353/F, New access to serve previously approved site
330m S.W of 9 Carragh Road, Bushmills
Approved 02.08.2010

C/2005/0382/O, Site of dwelling & garage
330m S.W of 9 Carragh Road, Bushmills
Approved 14.04.2006

4 THE APPLICATION

- 4.1 Planning permission is sought for a dwelling & garage and associated site works.

5 PUBLICITY & CONSULTATIONS

External

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

Internal

- 5.2 **Transport NI:** Has no objection to the proposal

DAERA: Although no farm business ID was provided other details of registration to DAERA and a DAERA application reference number was provided. DAERA was consulted in relation to this and it was confirmed that the farm business has not been established for at least 6 years. It was stated that the

applicant has not claimed Single Farm Payments (SFP), Less Favoured Area Compensatory Allowance (LFACA), or Agri-Environment Schemes (AES) in the last 6 years, and is therefore not actively farming the land.

NIEA: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

Historic Environment Division: Has 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 planning policy; the principle of a dwelling in the countryside; ribbon development; visual integration and rural character; traffic and access matters and archaeology.

Planning Policy

- 8.2 The site is located within the rural area as set out in the Northern Area Plan. It is also located within proximity to four archaeological sites and monuments.
- 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 states that there is a range of 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 a farm dwelling, in accordance with Policy CTY10. It goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

8.5 The applicant has applied for a dwelling on a farm. As such, the proposal must be assessed against Policy CTY10. Policy CTY10 sets out three criteria which proposals for farm dwellings must satisfy. The application is assessed against each of these criteria below (a-c):

- *Criterion (a) requires the farm business to be currently active and established for at least 6 years.*

8.6 The land owned by the applicant equates to 11.56 hectares and it has not been demonstrated that this land is an active and established farm. The policy requires the applicant to provide the farm's DARD business number along with other evidence to prove active farming over the required period. No DARD Business ID has been provided. Furthermore, no relevant evidence has been provided to demonstrate an "active" farm business (as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013) as required by the SPPS. The proposal fails to meet this test.

8.7 Within the "Planning Support Statement" provided with the application, the applicant's agent has argued that the applicant was involved in maintaining the land for over 6 years and this allowed the land to be used for agricultural purposes. However, this does not demonstrate that there is an active and established farm business on these lands which is a requirement of the SPPS. The definition of active farming provided by the SPPS is different from that given in Policy CTY 10 of PPS 21.

8.8 Furthermore, this Statement also makes reference to appeal decisions 2010/A0012 and 2015/A0165. It is argued that within these appeal decisions it was accepted that a DARD Business ID is not necessary to comply with Criterion (a) of Planning Policy statement 21. Consideration of these 2 appeal decisions is set out within paragraphs 8.9 and 8.10.

8.9 Within appeal reference 2010/A0012, a Farm business ID was provided which is not the case with this proposal. While the appeal decision accepts that the policy does not require the applicant to have been in possession of a Farm Business ID number for the full duration of the 6 year period in order to prove active farming over that time, it does not actually state

that a Farm Business ID is not necessary. This appeal decision also precedes the adoption of the SPPS, which is important as Paragraph 1.12 of the SPPS states that “*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*”. The SPPS changes the definition of agricultural activity, which is set out in paragraph 8.6, and therefore this appeal decision is given limited weight as it is not comparable to the application under consideration.

8.10 Turning to appeal reference 2015/A0165, a Farm Business ID was also provided, along with evidence of previous farm activity. This is different to the application currently under consideration where no Farm Business ID has been provided. Although this appeal decision was made after the adoption of the SPPS, the application was submitted and determined before the adoption of the SPPS and again is not directly comparable to the application under consideration. Therefore, this appeal decision is also afforded limited weight.

- *(b) requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application; this provision applying after 25 November 2008.*

8.11 As the applicant has failed to demonstrate that the land is an actual farm holding, the proposal cannot be considered against this test and therefore fails to comply with this part of the policy.

- *(c) requires that the new buildings are visually linked or sited to cluster with an established group of buildings on the farm and, where practicable, access should be obtained from an existing lane*

8.12 The proposed dwelling is located close to the dwelling, garage and stables associated with the property at 12a Carragh Road. The applicant has failed to demonstrate that the land owned constitutes an actual farm. Therefore there is no group of buildings on a farm for a proposed dwelling to cluster or visually link with. The proposal therefore fails this part of the policy.

8.13 Paragraph 6.73 of the SPPS accepts that provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. However, this is on the basis the farm business is currently active and has been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. This proposal is unacceptable when considered against the provisions of the SPPS.

Ribbon Development

8.14 Policy CTY 8 of PPS21 entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 of the justification and amplification text to CTY 8 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Paragraph 5.33 outlines what can constitute a ribbon of development and includes buildings sited back, staggered or at angles if they have a common frontage or they are visually linked. Policy allows for an exception to be permitted for the development of a gap site on a substantial and continuous built up frontage. However, this is not a continuous and built up frontage with a gap site. Approval of a site at this location would lead to the creation of ribbon development along Carragh Road and therefore fails to comply with this policy.

Visual integration and rural character

8.15 Policy CTY1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. In the case of a proposed dwelling on a farm, Policy CTY 13 requires the dwelling to visually link or be sited to cluster with an established group of buildings on a farm. As set out in Paragraph 8.12, the proposal fails to meet this this part of Policy CTY 13.

8.16 CTY 13 also states that a new building will be unacceptable where the site lacks long established natural boundaries or is

unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or it relies primarily on the use of new landscaping for integration site is unacceptable in terms of integration. This site cannot accommodate a dwelling given the open nature of the land which lacks established natural boundaries and only benefits from one defined boundary, and would primarily require the use of new landscaping. As the proposal fails to visually link or cluster with existing farm dwellings or buildings as set out in paragraph 8.14, and will rely primarily on additional planting for integration purposes, the proposal is contrary to policy CTY 13 and will therefore not satisfactorily integrate into the countryside.

- 8.17 CTY 14 states that a new building will be unacceptable where it is unduly prominent in the landscape, it would create or adds to a ribbon of development under CTY 8, or the impact of ancillary works would damage rural character. This proposal would lead to ribbon development along Carragh Road and will have a detrimental impact on rural character, therefore this proposal is contrary to policy CTY 14.

Traffic and Access Matters

- 8.18 DFI Roads has been consulted as the competent authority in relation to traffic matters and raises no objection as the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic.

Archaeology

- 8.19 The proposed site is located within proximity to four Archaeological Sites and Monuments. Historic Environment Division has been consulted as the competent authority on archaeological matters and raises no objection to the proposed development.

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 of PPS 21 for a dwelling in the countryside,

and fails to meet the requirements of Policy CTY 8, 10, 13 and 14. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21: Sustainable Development in the Countryside and does not merit being considered as an exceptional case, in that it has not been demonstrated that the farm business is currently active and has been established for at least six years; the proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm; and access to the dwelling is not obtained from an existing lane.

2. The proposal is contrary to Paragraph 6.77 of the SPPS 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 buildings to integrate into the landscape and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm, and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Paragraph 6.77 of the SPPS Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the buildings would, if permitted, would result in a suburban style build-up of development when viewed with existing buildings, and would therefore result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to Paragraph 6.77 of the SPPS Policy CTY 8 and CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the

buildings would, if permitted, would create a ribbon of development along Carragh Road and result in a detrimental and unacceptable change to the rural character of the countryside.

