

Planning Committee Report Item LA01/2017/0093/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

**252m East of 89 Newline Road,
Limavady**

LA01/2017/0093/O

27th September 2017

<u>No:</u>	LA01/2017/0093/O	<u>Ward:</u>	ALTAHULLION
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	252m East of 89 Newline Road, Limavady		
<u>Proposal:</u>	Proposed Replacement Dwelling and Garage		
<u>Con Area:</u>	n/a	<u>Valid Date:</u>	20.01.2017
<u>Listed Building Grade:</u>	n/a		
Agent:	Stephen Faulkner, 333 Drumrane Road, Dungiven, BT47 4RG		
Applicant:	Mark Douglas, 281 Drumrane Road, Ardinarive, Dungiven		
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 sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the Newline Road, and is situated approximately 0.6km to the west from the junction with the

Drumrane Road. The site comprises part of an existing agricultural field with the deteriorating remains of a structure set back slightly from the roadside.

- 2.2 There is no roof to the structure and the eastern end of the structure has been altered to fit a metal field gate which allows the structure to be used for agricultural purposes. The front roadside elevation has one window opening, with an apparent second window opening and doorway bricked up. The rear elevation shows some evidence of a window opening which has also been bricked up.
- 2.3 The north west, south west and south east boundaries are all presently undefined. The north eastern boundary along the roadside is defined by a timber post and wire fence with hedging behind.
- 2.4 The character of the surrounding area is rural and comprises undulating agricultural fields and occasional dwellings.
- 2.5 In the Northern Area Plan the site is located in the countryside, outside of any defined settlement development limits. There are no specific zonings or designations covering the site.

3 RELEVANT HISTORY

B/2009/0197/O Site for replacement rural dwelling with detached garage/ store. 600m west of the Newline and Drumrane Road junction, Leeke, Limavady.
Application Withdrawn

4 THE APPLICATION

- 4.1 Outline planning permission is sought for a replacement dwelling and garage on a site 252m East of No. 89 Newline Road, Limavady.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There are no objections to this proposal.

5.2 Internal

Transport NI: No objection.

NI Water: No objection.

Loughs Agency: No objection.

DAERA – Water Management Unit: No objection.

Environmental Health: No objection.

6.0 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 (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 both 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 21: Sustainable Development in the
Countryside

Supplementary Guidance

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

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; integration; and impact on rural character.

Principle of development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. 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, or it is otherwise allocated for development in a development plan. The application was submitted as a replacement dwelling and therefore falls to be assessed against Policy CTY 3.
- 8.3 Policy CTY 3 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 walls are substantially intact.
- 8.4 The proposal is contrary to Policy CTY 3 as the structure on the site does not exhibit the essential characteristics of a dwelling and all of the external walls are not substantially intact. As outlined in paragraph 2.2, the eastern gable end has been altered and re-built to open up this end of the structure and facilitate its use for agricultural purposes.

- 8.5 There are no existing internal residential features, for example there is no subdivision of the internal space into rooms, or evidence of any fireplaces, chimney or other details to indicate the building was a dwelling. Externally there are no essential characteristics of a dwelling in that there is no roof or chimney feature. One window opening is evident to the front elevation, a second window opening and doorway appear to have been bricked up for a considerable period. A further apparent window opening in the rear elevation has also been bricked up. The alterations carried out to the structure clearly indicate its present use for agricultural purposes.
- 8.6 As a minimum all external walls must be intact. Three of the four walls would be considered substantially complete. However, the eastern end of the structure has been altered to accommodate a large agricultural opening with a metal field gate which allows the structure to be used for agricultural purposes.
- 8.7 The accompanying planning statement states that it has been used to store farm equipment and shelter cattle. The structure does not presently exhibit the essential characteristics of a dwelling and cannot therefore be considered for replacement.
- 8.8 The accompanying planning statement contains extracts from historical ordinance survey maps circa 1937. The agent has circled a building on both map extracts which depicts a building in a roadside position, similar to that of the structure which is subject of this application. Information from the 1911 Census is also included and the agent identifies the details of Charlotte Alcorn and James Alcorn as being associated with a dwelling referenced number 9 on the form. There is no paperwork which conclusively links this to the structure presently on the site. For the reasons outlined above the structure presently on the site does not exhibit the essential characteristics of a dwelling.
- 8.9 Policy CTY 3 also goes on to state that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

- 8.10 As the structure does not exhibit the essential characteristics of a dwelling, consideration is given to the replacement of a redundant non-residential building. The replacement of the structure on the site would not bring significant environmental benefits. A new dwelling on the application site would have a significantly greater visual impact than the existing structure and would fail to integrate into the surrounding landscape.
- 8.11 As referenced in the planning history on the site there was a previous application on the site for a replacement rural dwelling and garage. In the case officer's report the proposal was recommended for refusal as it was considered contrary to Policies CTY 1, CTY 3, CTY 13 and CTY 14 of PPS 21 in that the building did not exhibit the essential characteristics of a dwelling. The application was subsequently withdrawn.
- 8.12 The issue of whether an existing building represents a replacement dwelling opportunity has been presented to the PAC in appeal reference 2013/A0253. The Commissioner concluded that the appeal building did not presently exhibit the essential characteristics of a dwelling and therefore did not represent a replacement opportunity to satisfy the requirements of CTY 3. No evidence was presented to demonstrate that there were overriding reasons why the development was essential in accordance with CTY 1. This has strong similarities to the subject application.

Integration

- 8.13 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate sympathetically with their surroundings.
- 8.14 The proposal would be contrary to the SPPS and Policy CTY 13 of PPS 21 as a new dwelling on the application site would be a prominent feature in the landscape. The site is not acceptable in terms of integration as three of the site boundaries are currently undefined with no existing natural boundaries. The proposal would primarily rely on the use of new landscaping.

Impact on Rural Character

8.15 The application site comprises part of an existing agricultural field with the deteriorating remains of a structure set back slightly from the roadside. Given the lack of existing natural boundaries to the site, a new dwelling in this location would be unduly prominent. The proposal would have a detrimental impact on rural character and is contrary to paragraph 6.70 of the SPPS and Policy CTY 14 of PPS 21.

9.0 CONCLUSION

9.1 The structure on site fails to exhibit the essential characteristics of a dwelling and the external walls are not substantially complete therefore the proposed replacement is contrary to paragraph 6.73 of the SPPS and Policy CTY 3 of PPS 21. The proposal would be prominent, lack integration and would detrimentally impact on rural character and would be contrary to the SPPS and Policies CTY 13 and CTY 14. As no overriding reasons as to why the development is essential in the countryside have been forthcoming the proposal is contrary to Policy CTY 1. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.

2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, be

unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.