

Update on Development Management & Enforcement Statistics: <ul style="list-style-type: none"> • Period 01 April 2018 – 31 May 2018 	27 June 2018
Planning Committee	

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

1.0 Background

The "Protocol for the Operation of the Planning Committee" sets out the requirement to provide monthly updates on the number of planning applications received and decided.

2.0 Details

2.1 [Website link 1](#) and [Website Link 2](#) provide a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of April 2018. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.

2.2 Table 1 below details the number of Major planning applications received and decided as well as the average processing times. Please note that these figures are unvalidated statistics. In the month of April, one major planning application was received compared to one application for the same period last year. However, of interest is that 10 pre-application notice applications for major development applications have been received since January 2018, 1 of which the planning application has been received and 5 of which are still within the 12 weeks period that excludes submission of application until this time period has expired.

Table 1

Major applications (target of 30 weeks)				
	Number received	Number decided/ withdrawn¹	Average processing time²	% of cases processed within 30 weeks
April	1	0	-	-
Year to date	1	0	-	-

Source: Unvalidated Statistics.

2.3 Table 2 below details the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of applications received in the month of April has increased by 22% (17 applications). Furthermore, the number of decisions issued also increased by 13% (9 applications) when compared to this period last year. However, the time taken to process local applications increased to double the statutory target. This was due to staff leave over the Easter period from the 'Minors Team' and also the drive within the other teams to determine applications in the system over 6 months in an effort to reduce the over 12month applications in the medium term.

Table 2

Local applications (target of 15 weeks)				
	Number received	Number decided/ withdrawn¹	Average processing time²	% of cases processed within 15 weeks
April	92	77	30.6	22.1%
Year to date	92	77	30.6	22.1%

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Proposal of Application Notices; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

2.4 Table 3 below details the number of Enforcement case opened and concluded as well as the average processing times in April. Please note these figures are unvalidated statistics. Although the number of enforcement cases opened in April was less than the same period last year, the number of cases brought to conclusion increased by 65% (38 concluded in April 2018 compared to 23 in April 2017).

Table 3

Enforcement Cases Concluded (target of 39 weeks)				
	Number opened	Number brought to conclusion	70% conclusion time	% of cases concluded within 39 weeks
April	18	38	31.2	86.8%
Year to date	18	38	31.2	86.8%

Source: Unvalidated Statistics

2.6 Resources continue to be targeted to reduce the over 12 month applications. Table 4 below provides a further breakdown of the over 12 month applications in the system and also the percentage of over 12 months applications in relation to the number of live planning applications. The weekly monitoring of these figures

continues and staff are conscious of the need to prioritise their efforts in this area of work. The breakdown of over 12 month applications shows that while the number of applications over 18 months has remained relatively static, the number between 12 and 18 months has risen to 76. The number of legacy applications (ie those received before April 2015) has decreased to 14.

Table 4 Breakdown of over 12 month applications (April - May 2018)

Applications	End Q4 17/18	April 2018	May 2018
12-18 months	71	69	76
18-24 months	18	19	20
>24 months	28	28	28
Total	117	116	124
Live Applications	806	799	794
% of Live Applications over 12 months	14.52%	14.52%	15.62%

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.7 Table 5 below details the number of appeal decisions issued since 1 April 2018. Please note that these figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports.

Table 5 Appeals to the Planning Appeals Commission (PAC)

Appeal Decisions	April 2018	May 2018
Upheld	0	2
Dismissed	0	0
Total Appeal decisions	0	2
% of Appeals Dismissed to date		0%

Source: Unvalidated Statistics

- 2.8 Table 6 details the number of referral requests received from Elected Members and Head of Planning under Part B of the Scheme of Delegation. From April 2018 until May 2018, 10 referral recommendations were taken to the Planning Committee, 40% of which have been overturned.

Table 6. Referrals Requested in April – May 2018

Referral Request	Requestor	Application Ref	Date of Planning Committee	Planning Officer Recommendation Agreed/Disagree
Q1	Cllr A Callan	LA01/2017/1270/O		
	Cllr A Robinson	LA01/2017/1436/O	23/05/2018	Disagree
	Cllr B Chivers	LA01/2017/1348/F		
	Cllr A McLean	LA01/2017/0345/F		
	Cllr M Fielding	LA01/2017/1534/O	27/06/2018	
	Cllr M Fielding	LA01/2017/1562/F		
	Cllr M Fielding	LA01/2018/0038/F		
	Cllr A McLean	LA01/2017/1183/F	27/06/2018	
	Cllr A Callan	LA01/2017/1033/F		
	Cllr R Loftus	LA01/2017/1518/O	27/06/2018	
	Cllr M Fielding	LA01/2018/0070/F		
	Cllr A McLean	LA01/2017/0016/F	27/06/2018	
	Cllr B Douglas	LA01/2017/1233/F	27/06/2018	
	Cllr N Hillis	LA01/2015/0459F	27/06/2018	
	Cllr B Chivers	LA01/2017/1599/F		
	Cllr A Robinson	LA01/2017/0625/F		
TOTAL	16			

2.9 Table 7 details the number of referral requests outstanding from pre April 2018 that are requested to be presented to the Planning Committee.

Table 7 Outstanding Referrals Requested pre April 2018

Referral Request	Requestor	Application Ref	Date of Planning Committee	Planning Officer Recommendation Agreed/Disagree
	Cllr J Deighan	LA01/2016/0937/F		
	Cllr M Fielding	LA01/2016/1220/F		
	Ald A Robinson	LA01/2017/0591/F		
	Cllr K Mulholland	LA01/2017/0354/F		
	Cllr B Chivers	LA01/2017/0979/F		
	Cllr B Chivers	LA01/2017/1130/O	27/06/2018	
	Cllr B Chivers	LA01/2015/0919/F		
	Cllr B Chivers	LA01/2017/0833/A	23/05/2018	Defer
	Cllr A McLean	LA01/2015/0345/F		
	Cllr B Chivers	LA01/2017/1348/F		
	Cllr M Knight-McQuillan	LA01/2016/1072/F	23/05/2018	Defer
	Cllr O Beattie	LA01/2017/1129/O		

	Cllr B Chivers	LA01/2017/1522/O		
	Cllr O Beattie	LA01/2017/1328/O	27/06/2018	
	Cllr N Hillis	LA01/2017/0641/F	27/06/2018	
TOTAL	15			

Source: Unvalidated Statistics

3.0 Recommendation

3.1 **IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

Appeal Reference:	2017/A0147
Appeal by:	Mr Damian McMullan
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Two No. semi detached dwellings.
Location:	Lands adjacent to 142 Tullaghans Road, Dunloy.
Planning Authority:	Causeway Coast & Glens Borough Council.
Application Reference:	LA01/2016/1445/O
Procedure:	Hearing on 16 th January 2018.
Decision by:	Commissioner Damien Hannon, dated 9 th May 2018.

Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and its impact on rural character.
3. Article 45 of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Northern Area Plan 2016 (NAP) was adopted in September 2015 and operates as the relevant statutory LDP. Designation DL 01 of the NAP specifies a settlement limit for Dunloy and while the appeal site borders the Dunloy settlement limit, it is designated as located in the countryside. The NAP however, contains no provisions specific to this proposal for a pair of semi detached dwellings in the countryside.
4. Furthermore, there is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this appeal. Consequently, the policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).
5. The appellant argued that the proposal would fall within one of the range of types of development, set out in Policy CTY 1 of PPS 21 as acceptable in principle in the countryside, namely the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.
6. Policies CTY 8 and CTY 14 state that planning permission will be refused for a building which creates or adds to a ribbon of development. The appeal site is a

rectangular field measuring some 65m deep with a 28m frontage onto Tullaghans Road. An existing sheep shed lies to the rear of the appeal site abutting its northern boundary. The site is bounded to the west by Nos 140 and 142, a pair of semi-detached properties fronting Tullaghans Road. The proposed pair of dwellings would, in conjunction with this pair, create a ribbon of development fronting Tullaghans Road. Policy CTY 8 also states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other environmental requirements.

7. The appellant did not state that the existing sheep shed had a frontage onto the road but argued the appeal plot to be a gap site within an otherwise substantial and continuously built up frontage comprising Nos 140 and 142 Tullaghans Road and a terrace of dwellings at 22 -34 Carness Drive. This terrace, to the east of the appeal site, forms part of a housing estate within the development limit of Dunloy. Notwithstanding that this terrace is located outwith the countryside, the dwellings do not have a frontage onto Tullaghans Road as their defined rear curtilage boundaries are separated from the road by a communal green area. Consequently, the appeal site is not part of an otherwise continuously built up frontage for the purposes of Policy CTY 8 and the proposal does not constitute a gap site, set out in Policy CTY 8 as acceptable in the countryside.
8. Paragraph 5.32 of the justification and amplification of Policy CTY 8 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable. Policy CTY 14 adds that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings
9. In this case the proposal would not sterilise backland as access from Tullaghans Road, to the farmland to the north would be retained via a laneway running along the eastern boundary of the appeal site. Nonetheless, the appeal site lies within the countryside and the proposal, because of its bulk, massing and siting close to the road would create ribboning and appear as an addition to suburban style development, reinforcing the built up appearance of the road. The proposal would, in conjunction with Nos 140 and 142, create a ribbon of development fronting the road and would run contrary to Policies CTY 8 and CTY 14. I consequently conclude the Council's objection on rural character grounds to be well founded.
10. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No such case was advanced and I conclude that the proposal does not meet any of the exceptions in Policy CTY 21. The Council's objection in principle based on Policy CTY 1 is upheld.

11. It is stated in paragraph 5 of PPS 21 that the provisions of its policies will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision. The appellant stated that a pattern of inconsistency in decision making has been established in respect of similar cases and that the proposal constituted beneficial 'rounding off'. He argued these to constitute two material considerations which, either individually or in combination, were sufficient to outweigh any sustained objection on policy grounds.
12. The appellant referred to a number of approvals in respect of proposals that he regarded as comparable with the appeal scheme and argued that this established a pattern of policy interpretation that should, in the interests of consistency, be applied in this case. However, some of the approvals referred to were granted by a different planning authority namely the former Department of the Environment (DOE) and not the Council. Furthermore, having considered the circumstances pertaining to each, I conclude that none of these proposals are on all fours with the appeal proposal. In these circumstances I do not consider that a pattern of inconsistency in decision making, which should be weighed in favour of the proposal, has been established.
13. The appellant made the point that while designated in the countryside in the NAP, the appeal site was within the settlement limit of the preceding North East Area Plan 2002. However, it would not be appropriate for me to revisit the provisions of a statutory and recently adopted plan through this appeal. The appeal site lies within the countryside and I have concluded that the proposal would run contrary to policies CTY 1, CTY 8 CTY 14 of PPS 21.
14. The appeal site is an open rectangular field with a shed and trimmed hedge boundaries. In its setting, it does not appear as unambiguously agricultural or rural in character. Rather, it presents as a side garden area to adjoining property or as a remnant site just as much as it would an agricultural field within the countryside. It is proposed to site the proposed pair in line with the existing pair of semi detached properties. This arrangement, which could be secured by condition, would respect the existing development pattern along the frontage. Furthermore, on approach along the road in either direction, the proposed development, because of its design, the composition of the appeal site and its juxtaposition with adjacent development, would read as an integral, albeit extended part of the urban fabric of Dunloy. In these circumstances, while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent.
15. Also, given existing vegetation and boundary treatment, the retention and augmentation of which can be secured through condition, the proposal marks an opportunity to deliver an environmental enhancement through provision of a clearer, coherent, logical and unambiguous edge to the settlement limit. The fact that the proposal would deliver a better environmental outcome without visual detriment to rural character leads me to conclude there to be overriding material considerations that outweigh any academic conflict with policy and justifies a contrary decision. Required visibility splays should be provided in the interests of road safety. In these circumstances the appeal succeeds and outline planning permission is granted.

Conditions.

1. Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the Council – the siting, design and external appearance of the dwellings. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
2. The dwellings shall be sited in general accordance with the 1:500 scale Block Plan received by the Council on 14th February 2017 and numbered 02A by them.
3. Visibility splays of 2.4m x 80m shall be laid in both directions along Tullaghans Road in accordance with 1:500 scale Block Plan received by the Council on 14th February 2017 and numbered 02A by them prior to occupation of any dwelling hereby approved and shall be thereafter permanently retained.
4. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing trees and hedgerows to be retained and the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme should incorporate retention of existing hedging along the site's eastern and western boundaries and the planting of native species hedge behind required visibility splays. The scheme of planting as finally approved shall be carried out during the first planting season after any of the dwellings are occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
6. Application for approval of the reserved matters shall be made to the council before the expiration of three years from the date of this decision.

This decision is based on the following drawings:-

1:1250 scale Site Location Map received by Causeway Coast and Glens District council on 27th October 2017 and numbered 01A by them.

1:500 scale Block Plan received by Causeway Coast and Glens District council on 27th October 2017 and numbered 02A by them.

COMMISSIONER DAMIEN HANNON

2017/A0147

List of Appearances

Planning Authority:-

Ms Jennifer Lundy

Appellant:-

Mr Matt Kennedy (MKA Planning)
Mr Damian McMullan
Mrs Claire McMullan

List of Documents

Planning Authority:-

COU 1 Statement of Case

Appellant:-

APP 1 Statement of Case

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
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Appeal Reference: 2017/A0226
Appeal by: Mr J McLaughlin
Appeal against: The refusal of full planning permission
Proposed Development: Erection of a single storey dwelling and detached garage
Location: Land 25m east of 715 Feeny Road, Dungiven, BT47 4TB
Planning Authority: Causeway Coast and Glens Borough Council
Application Reference: LA01/2017/0697/F
Procedure: Informal Hearing on 25 May 2018
Decision by: Commissioner D McShane, dated 29 May 2018

Planning Office
RECEIVED

29 MAY 2018

File No.
Causeway Coast and
Glens Borough Council

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposal's impact on visual amenity and rural character would be acceptable.
3. Section 6 (4) of the Planning Act (Northern Ireland) 2011 states that determination under this Act must be made in accordance with the local development plan (LDP), unless material considerations dictate otherwise. The LDP in this case is the Northern Area Plan 2016 (NAP). The appeal site is located outside any designated settlement in the Plan. The NAP contains no specific policies relating to dwellings in the countryside at this location. Therefore, the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which, as made clear in the Strategic Planning Policy Statement (SPPS), is a retained policy document. Policies CTY 13 and CTY 14 are pertinent. Also relevant to my consideration is Policy NH 6 of Planning Policy Statement 2: Natural Heritage (PPS2), given the appeal site's location in the Sperrin Area of Outstanding Natural Beauty (AONB).
4. Notwithstanding the planning history on the site, the current full application falls to be considered on its own merits. Since the previous approval, Causeway Coast and Glens Borough Council has replaced the Department of Environment as the Local Planning Authority (LPA) and it is its prerogative to reach a different conclusion and decision to that reached by the Department. It was confirmed that there has been no change in relevant policy in the interim.
5. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the

aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. There is no dispute that the appeal proposal constitutes a dwelling on a farm in accordance with Policy CTY 10.

6. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the landscape. The parties dispute Criteria (a), (b) and (f). Policy CTY 14 states that permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The parties dispute Criterion (a), which relates to prominence.
7. The proposed 5.8m high, 180sqm traditional dwelling would be accessed via an existing farm lane off Rallagh Road. It would stand on an elevated site, set back approximately 95m south of Feeny Road. From Viewpoint A on Feeny Road, views of the proposed dwelling would be precluded by the 7-10m high, mature vegetation along the site's eastern roadside boundary with Rallagh Road. Approximately 10m west of the junction between Rallagh Road and Feeny Road and for a short distance thereafter, views of the proposal would be possible but they would be oblique, given the curvature of the road and the extent of the setback. In this context, the proposed dwelling would read with the associated large, 2 storey, stone and brick farmhouse and agricultural buildings; albeit these are located at a lower ground level. It would also read against land which rises gently to the rear of the site that has well established field boundary vegetation.
8. From Viewpoint B and travelling to the east, the proposed dwelling would only come into view on passing the large farm house. Over a distance of approximately 70m, notwithstanding the absence of a northern boundary and the site's elevation above the road, the dwelling would read against dense vegetation and land that rises significantly beyond the site to the south and east. The natural features of topography and vegetation provide a backdrop that would provide a suitable degree of enclosure and facilitate the dwelling's integration into the landscape. Furthermore, the Appellant indicated that a hedge would be planted along the road frontage of No.715, which is within the Appellant's control, and that it would be maintained at a height in excess of 1.5m; this can be conditioned. The proposed dwelling would be visually integrated into the landscape and would not appear prominent. Accordingly, the LPA has failed to sustain its first and second reasons for refusal based upon Policy CTY 13 and Policy CTY 14.
9. The appeal site is located in the Sperrin AONB, which is extensive stretching from the Strule Valley in the west to the perimeter of the Lough Neagh Lowlands in the east. Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and three stated criteria are met. As I have already concluded above that the siting of the proposal is acceptable in terms of its impact on visual amenity and rural character, it therefore follows that it does not offend Criterion (a) of Policy NH 6, which requires siting to be sympathetic to the special character of the AONB in general and of the particular locality. The LPA has failed to sustain its third reason for refusal based upon Policy NH 6 of PPS 2.

10. Visibility splays are required to be provided in the interest of road safety. In the interest of visual and rural amenity landscaping is required to be provided along the northern boundary of the site and along the Feeny Road frontage of No.715.

Conditions

- (1) All planting, landscaping and boundary treatments comprised in Drawing No.03 Rev 1, date stamped 3 July 2017, shall be carried out during the first planting season following the occupation of the dwelling. A broadleaf laurel hedge shall be planted along the Feeny Road frontage of No.715 prior to the commencement of development and shall be permanently retained at a height greater than 1.5m. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species.
- (2) Visibility splays of 2.4m by 70m shall be laid out in both directions along Rallagh Road before any building operations commence and shall be permanently retained thereafter.
- (3) The development shall be begun before the expiration of five years from the date of this permission.

This decision approves the following drawings:-

- Drwg 01: Site Location Map (Scale 1:2500)
- Drwg 02: Site Plan (Scale 1:500)
- Drwg 03 Rev 1: Proposed Site Plan (Scale) 1:500)
- Drwg 04: Floor Plans (Scale 1:100)
- Drwg 05: Elevations (Scale 1:100)
- Drwg 06: Garage (Scale 1:100)

COMMISSIONER DMCSHANE