

<b>Planning Committee Report</b> <b>LA01/2018/0426/F</b>	<b>28<sup>th</sup> November 2018</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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>App No:</u></b> LA01/2018/0426/F	<b><u>Ward:</u></b> Loughguile
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> 46m North of 104 Corkey Road, Loughguile	
<b><u>Proposal:</u></b> Dwelling on a farm	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 16.4.18
<b><u>Listed Building Grade:</u></b> N/A	
<b>Applicant:</b> Mr Sean McCloskey, 104 Corkey Road, Loughguile	
<b>Agent:</b> N/A	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<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)

## **1.0 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.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises an irregular portion of land located on an existing shared laneway serving dwellings at Nos: 96, 98, 100, 102 and 104. The site is part of an agricultural field, which slopes up towards the north-east. There are mature trees and hedges to the eastern boundary and a post and wire fence to the south-west boundary. The remainder of the site is undefined on the ground.
- 2.2 The application site is located within the rural area outside any settlement as defined in the Northern Area Plan 2016.

## **3.0 RELEVANT HISTORY**

- 3.1 No relevant planning history.

## **4.0 THE APPLICATION**

- 4.1 Full Planning Permission is sought for a dwelling on a farm. The application site is located on a shared laneway serving a number of other residential properties, including the applicant's dwelling. The proposed dwelling is sited approximately 48m from two poultry units.

## **5.0 PUBLICITY & CONSULTATIONS**

- 5.1 **External:**

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

## 5.2 Internal:

**DFI Roads:** No objections

**Environmental Health:** Concerns with proximity to poultry sheds

**NI Water:** No objections.

**DAERA:** No objections.

**DAERA WMU:** No objections.

## 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 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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, visual impact and rural character, access, and health and safety.

### **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 dwelling on a farm and therefore falls to be assessed against Policy CTY 10.

8.3 Policy CTY 10 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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 within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

8.4 The submitted P1c form outlines that the farm business was established in 1985 and that the Business ID number was allocated in 1985. The Applicant has submitted up to date farm maps. DAERA have been consulted in relation to this application and have confirmed that the Business ID has been in existence for more than six years and that the business has claimed single farm payment or other subsidies in the last six years. Given the evidence presented officials are content that the farm business has been active and established for the required period and therefore Criteria A has been met.

8.5 Having carried out a planning history search against the farm Business ID Number and farm maps no other planning histories have been identified. As such no dwellings or development opportunities have been disposed Criteria B has been met.

8.6 The proposal site is located approximately 48m west of two existing poultry units and a yard which is situated on the opposite side of the laneway. The site is in an elevated position and rises towards the north-eastern boundary. The topography of the site and existing boundary treatments along the lane limit views with the poultry sheds. However due to the position of the site, it can be viewed with the buildings to a degree when travelling south-east on Corkey Road.

- 8.7 Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.
- 8.8 For the purposes of this policy, a road frontage includes a footpath or private lane. There are three dwellings (No. 96, 98 and 102) which share a common frontage onto the shared laneway. Although the building line is not uniform and there is a small gap between No. 98 and 102, paragraph 5.33 states that a “ribbon” does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked”. There is a gap between No. 102 and the proposal site which would be sufficient to accommodate a maximum of two dwellings. Approval of the proposed dwelling would create a ribbon of development along this part of the lane by creating an infill opportunity.
- 8.9 Appeal Ref: **2017/A0005** - 70m North of 91 Blackpark Road Ballyvoy. This appeal was dismissed on a similar basis in that it would result in build-up and extend a ribbon of development. Appeal Ref: **2014/A0034** – SE of 50 Cloveneden Road, Loughgall. This appeal for a farm dwelling was dismissed, the Commissioner stated that “Whilst Policy CTY 10 provides for dwellings on farms which are visually linked or sited to cluster with an established group of buildings on a farm, it does not sanction the creation of a ribbon of development, especially where other opportunities exist elsewhere within the holding”

### **Integration and Rural Character**

- 8.10 Planning permission will be granted in the countryside where it can be visually integrated into the surrounding landscape and is of appropriate design.
- 8.11 The proposed dwelling is a modest, single storey dwelling with a ridge height of approximately 4.8m. Given the size, scale, massing and the simple design of the dwelling, it would not be

unduly prominent. There is a band of mature trees and hedging to the western boundary which screens the site and limits views from Corkey Road. The site can be viewed with the existing poultry units from the Corkey Road. Therefore, this dwelling could potentially integrate.

- 8.12 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode, the character of an area. The proposed dwelling, when viewed with existing dwellings on the lane, has the potential to create an infill site for up to 2 dwellings which would result in ribbon development along the lane. This would lead to the creation of ribbon development and contribute to a localised sense of build-up which would fail to respect the traditional pattern of settlement in the area and would be detrimental to rural character.

### **Access**

- 8.13 The proposed access will be via the existing shared lane. DfI Roads were consulted in relation to this application and offered no objections to the proposal.

### **Amenity Considerations**

- 8.14 Paragraph 4.11 of the SPPS states that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. The Environmental Health department raised concerns with the siting of the proposed dwelling in relation to its proximity to the existing poultry units. Environmental Health guidance recommends that a dwelling is sited at least 150m away. As the proposal is in very close proximity to the poultry units, the significance of such impacts will be greatly increased due to limited separation distance. Therefore development on this site would be unsustainable and the potential adverse effects would be detrimental to amenity of residents.

### **Habitats Regulations Assessment**

- 8.15 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The

proposal would not be likely to have a significant effect on the features or conservation objectives of any European site.

## **9.0 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. The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policy CTY8 and CTY 14 of PPS 21 in that the proposal would result in the creation of ribbon development which would be detrimental to rural character. The proposal is contrary to Paragraphs 4.11 and 4.12 of the SPPS in that approval of this dwelling in close proximity to the existing poultry unit would be unsustainable and the potential adverse effects would be detrimental to the amenity of residents. Refusal is recommended.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.70 and 6.73 of the SPPS and CTY 14 and CTY 8 of PPS 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in the creation of ribbon development which would contribute to a localised sense of build-up and fail to respect the traditional settlement pattern of the area, therefore would be detrimental to the rural character of the area.
2. The proposal is contrary to paragraphs 4.11 and 4.12 of the SPPS in that approval of this dwelling in close proximity to the existing poultry units would be unsustainable and the potential adverse effects would be detrimental to the amenity of residents.



