

Planning Committee Report LA01/2018/0830/O	26 June 2019
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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>App No:</u> LA01/2018/0830/O	<u>Ward:</u> Dunloy
<u>App Type:</u> Outline Planning	
<u>Address:</u> 50m south west of 57 Ballyweeny Road, Loughguile	
<u>Proposal:</u> Dwelling on the farm and detached garage	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 09.07.2018
<u>Listed Building Grade:</u> N/A	
Applicant: Mr Paul Black, 33 Whitepark Road, Ballycastle	
Agent: Bailey Architecture, 9 Glenview Road, Glenshesk, Ballycastle	
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

1.0 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 site is roadside located off Ballyweeny Road. The site extends to approximately 0.14 ha and comprises a portion cut out of a large agricultural field located to the east of the junction at Ballyweeny and Ballyveely Road. The existing larger field is accessed off Ballyveely Road via an agricultural access and comprises reclaimed grassland currently used for grazing sheep. The site is set at a slightly lower level than the Ballyweeny Road and is fairly level with two defined boundaries. The north-west boundary comprises a 2m wide raised ditch with a 1m hawthorn hedge set at a lower level behind. The north-eastern boundary is defined by a more mature hedgerow which also comprises a number of semi-mature trees. The western field boundary along the Ballyveely Road is similarly defined by a verge / ditch and low hawthorn hedge but does not form part of the current application. The remaining boundaries of the site are undefined.
- 2.2 The application site is located within the rural area as identified within the Northern Area Plan 2016. The site is not located within any specific environmental designations.

3.0 RELEVANT HISTORY

- 3.1 None

4.0 THE APPLICATION

- 4.1 Outline planning permission is sought for a new farm dwelling and detached garage.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There are no objections to the proposal.

5.2 Internal:

DFI Roads: No objections

Environmental Health: No objections

NI Water: No objections.

DAERA Waste Management Unit: No objections.

DAERA Countryside Management Compliance Branch: Farm Business in existence for more than 6 years and claims made.

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 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 DARD were consulted in relation to this application and confirm that the Farm Business number identified on the P1C form has been in existence for more than 6 years and claims have been made.
- 8.5 2018 farm maps have been submitted. A planning history search was carried out on the land identified within the farm maps provided which confirmed that no other permissions have been granted within 10 years of the date of this application.

- 8.6 The applicant's address is identified as No 33 Whitepark Road, Ballycastle as per the submitted forms and farm maps. The farm-holding comprises three main groups, the existing farm grouping and lands at the applicants address, additional lands approximately 440m to the east accessed off Clare Road and the remaining lands at Ballyveely Road / Ballyweeny Road which comprise the majority of lands on the holding. No 33 Whitepark Road comprises the main farm grouping and consists of a large detached farm dwelling (which also functions as a B & B) as well as a number of agricultural buildings. The existing farm grouping is served by two accesses, one off Clare Road and one taken from Whitepark Road. No other buildings exist on the farm with only a covered pen located at Lislaban Road approximately 400m east of the current site.
- 8.7 The lands at Ballyveely Road are located approximately 13 miles from the main farm grouping. The applicant has submitted supporting information which outlines the rationale for the proposed siting. The applicant advises that the existing farm grouping at Whitepark Road only comprises two small paddocks, the access onto Whitepark Road is substandard and the lands at Ballyveely Road form the majority of lands on the holding.
- 8.8 The information states that the necessary standards at the existing access to No 33 could not be achieved due to the road topography and proximity to a nearby junction. It does not however, indicate that an alternative access is not feasible, nor does it reference to the fact that the main farm-grouping comprises an additional existing laneway onto Clare Road which incorporates good visibility in both directions.

8.9 The applicant references a structure and area of hardstanding located 400m east of the proposed site to the south-east of No 140 Lislaban Road. This structure comprises an open-sided, roof-cover over an existing holding pen which would not ordinarily be considered as a “building” and certainly does not represent a group of buildings as required by policy. The agent indicates that this locality is affected by flooding. Flood maps do indicate that the lands to the immediate south-east of this structure are indeed subject to both pluvial ponding and fluvial flooding, however the applicant’s lands to the immediate north-west of the structure do not appear to be similarly affected. The agent does not advance the argument that the proposed site is grouped or visually linked with this structure.

8.10 The proposed site is not sited adjacent any existing buildings and access is not taken from an existing laneway. There are other potential sites located elsewhere on the farm which are more appropriate to the policy context. These have been discussed with the agent. As the proposed site does not visually link or site to cluster with the established group of buildings on the farm the proposal fails criterion (c).

Integration

8.11 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The site comprises a cut-out of a larger agricultural field which incorporates road frontage along two separate roads. The existing boundary definition along the Ballyweeny Road comprises a raised ditch (approx. 2m wide) with a 1m hawthorn hedge set at a lower level on the field side behind. The boundary along Ballyveely Road comprises verge / ditch with low hawthorn hedge set behind. Critical views exist into and across the site from the Ballyveely Road, travelling in either direction with open and sustained views over a considerable distance from the junction with Ballyweeny Road. Critical views also exist from this junction travelling north-east along the Ballyweeny Road until past the site.

8.12 The proposed access also requires removal of additional hedging / verge in order to facilitate the necessary access arrangements / splays. While the north-eastern site boundary comprises more mature vegetation which provides some degree of backdrop from some of the critical viewpoints, the site lacks any sense of enclosure and fails to integrate with open and sustained views from the surrounding road network. The proposal also fails criterion (g) of CTY13 in that it is not visually linked or sited to cluster with an established group of buildings on a farm.

Character

8.13 Policy CTY14 states that planning 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 proposed site is closely visually linked with three other dwellings on the opposite side of Ballyweeny Road as well as with additional dwellings over a wider distance. The proposal will result in a suburban style build-up of development and therefore fails Policy CTY14.

Access

8.14 DFI Roads has offered no objections in relation to the proposed access arrangements.

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 policy in that the proposed development fails to cluster with a group of buildings on the farm, does not provide a suitable degree of enclosure to satisfactorily integrate in to the surrounding landscape and will have a detrimental impact on rural character. As such this proposal is recommended for refusal.

10.0 REFUSAL REASONS

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (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 proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
2. 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 and the proposal is not visually linked or sited to cluster with an established group of buildings on the farm.
3. 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 building would, if permitted be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.

