

Planning Committee Report LA01/2018/1400/F	28th August 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>No:</u>	LA01/2018/1400/F	<u>Ward:</u>	Coleraine
<u>App Type:</u>	Full		
<u>Address:</u>	13 Lisnamuck Road, Blackhill, Garvagh.		
<u>Proposal:</u>	Retention of ISO containers for domestic storage at existing premises with new timber cladding finish to the walls.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	12.11.2018
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	OJQ Architecture, The Gadda Building, 87 Main Street, Garvagh		
<u>Applicant:</u>	Gavin Davis, 13 Lisnamuck Road, Blackhill, Coleraine, BT51 4HN		
<u>Objections:</u>	1	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	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** full planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 13 Lisnamuck Road, Blackhill, Garvagh. No. 13 is a detached single storey dwelling set on a large plot. The dwelling is accessed via a private laneway off the Lisnamuck Road. This laneway serves approximately 3 other dwellings and a farm yard. There is natural vegetation and trees along the laneway when entering from the Lisnamuck Road and views of the site are not available from the public road.
- 2.2 The ISO containers are located to the south west of the dwelling (no.13) along the boundary to the laneway. Existing mature trees are located along this boundary.
- 2.3 The site is located within the rural countryside outside of any development limit as per The Northern Area Plan 2016. Surrounding land use is mainly agricultural, with some single dwellings within the wider area.

3 RELEVANT HISTORY

There is no relevant planning history on the site.

4 THE APPLICATION

- 4.1 This is a full application for the retention of 5 ISO containers for domestic storage at 13 Lisnamuck Road, Blackhill, Garvagh. There are currently 9 ISO containers on site, this application proposes to retain 5 of these and permanently remove the other 4. A New timber cladding finish is proposed to the walls of the containers.

Habitat Regulations Assessment

- 4.2 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas 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). Having considered the nature, scale, timing, duration and location of the project, the proposal will not have an adverse effect on the site integrity of any European Protected site.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There was one objection letter of objection received raising the following concerns:

- This is a commercial business not for domestic storage.
- The description should be amended to reflect this.
- Queries concerning planning status of shed/containers which are used for commercial use.

5.2 Internal

There were no consultations required on the application.

6 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:

- The 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to fall-back, the scale, massing, design and impact on character of the area; residential amenity; and general criteria for householder development.

Planning Policy

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

Fall-Back

- 8.3 In an email dated 5th March 2019, the applicant’s agent indicated that the client could move the containers to the north-west corner of the site and utilising their Permitted Development rights, the development would therefore not require planning permission.

8.4 However, this is incorrect. As stated in the Schedule, Development Permitted under Article 3, Part 1 Class D of The Planning (General Permitted Development) Order (Northern Ireland) 2015, this right only applies to buildings, enclosures or any pool including a swimming pool. The wording states that development is permitted in the following circumstance:

“The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration to such a building or enclosure.”

8.5 As a container is not a building, enclosure, or pool, the applicant would not benefit from permitted development in this instance. Containers constitute a change of use rather than operational development and planning permission is required.

Scale, massing and design and impact on character of the area

8.6 The Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations notes that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property will also be considered under the provisions of this Addendum. Policy EXT 1 states that planning permission will be granted where a list of criteria are met. The proposal is assessed against the relevant criteria in Paragraphs 8.7 – 8.17.

8.7 Criterion (a) requires that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

8.8 Annex A paragraph A11 – A13 deals specifically with garages and associated outbuildings and states that they should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. Paragraph A12 states that as buildings wholly located in front gardens can over-dominate the front of the property and detract from the street scene, they will generally be resisted. In the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings.

- 8.9 The existing 9 ISO containers are located within the curtilage of no. 13 Lisnamuck Road and sit approximately 17m to the south west of the property. The 9 containers are positioned in a row next to one another beside an existing stable building on site. The 5 containers to the immediate east of the existing stable building are to be retained with the other 4 containers permanently removed. The 5 ISO containers will read as one structure and total 12.5m in length. The containers are currently approximately 2.5m in height and located along the boundary to the private laneway.
- 8.10 The material of the existing containers on site is metal, while ranging in colour from dark blue to orange. The use of shipping containers as a means for domestic storage is, by their nature, an undesirable option.
- 8.11 The application proposes to insert a close boarded vertical timber cladding finish to the walls of the containers. This timber cladding will be approximately 2.7m high.
- 8.12 The use of shipping containers as ancillary domestic storage is considered unsympathetic development in the countryside. This is due to the incongruous appearance and nature of containers in the countryside which is an appearance more akin to that of a commercial/shipping yard. In addition, the existing 1.8m high close boarded fence separating the dwelling from the shipping containers, results in a visual separation of the domestic curtilage of the dwelling creating the appearance of a separate commercial yard. The proposed use of the shipping containers as domestic storage is not considered sympathetic to the existing dwelling or to the character of the countryside.
- 8.13 There are no long range views of the proposed development. It is located up a private laneway, located approximately 110m from the public road, and benefits from being screened by natural vegetation. Critical views of the containers are limited to when travelling immediately past the site along the laneway. Due to the set-back distance from the road and the existing screening the proposed development will have limited visual impact on the character of the wider area. However the use of shipping containers for domestic storage, is considered to be unsympathetic development in the countryside and the proposal fails to meet criterion (a) of this planning policy.

8.14 Planning Appeal reference 2018/A0144 sought permission for “Temporary change of use of land including siting of four steel containers to facilitate storage of equipment and domestic items during construction of new dwelling approved under LA04/2017/1440/F”. The Commission’s decision on that appeal supports the recommendation in assessment of this planning application as the Commissioner stated in the report that:

“Whilst I acknowledge that these containers are located within the appellant’s agricultural holding and are set back from the roadside, screened from public view by the existing vegetation enclosing No. 11 and the roadside, this does not justify the retention of even a single container in the open countryside where development is restricted to those types of development listed in Policy CTY1. I am not persuaded that any of these factors outweigh the policy objections to the retention of these 4 containers.”

8.15 Therefore the Commissioner adopted the position that there is no policy within PPS 21 for allowing temporary permission for even one container, and that containers are not considered to be an “exception” within Policy CTY 1.

Residential amenity

8.16 Criterion (b) of Policy EXT 1 states that permission will be granted where the proposal does not unduly affect the privacy or amenity of neighbouring residents.

8.17 Given the distance and intervening vegetation, the proposed containers will have limited detrimental impact on the privacy or amenity of neighbouring residents. The containers are not in proximity to any neighbouring dwelling and are only visible when travelling past the site along the private laneway. The containers will have no significant impact on the privacy or amenity of neighbouring residents and therefore meets criteria (b) of this policy.

General criteria for householder development

8.18 In addition to the above, Policy EXT 1 states a further 2 criteria; (c) & (d), which any householder extension should be compliant with.

- 8.19 Criterion (c) requires that the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. The proposal will not result in the loss of any landscape features and complies with criteria (c) of this policy.
- 8.20 Criterion (d) requires sufficient space to remain within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. Sufficient amenity space will remain at the dwelling. The proposal will have no impact on the existing car parking or manoeuvring, and sufficient space for recreational and domestic purposes. The proposal complies with criteria (d) of this policy.
- 8.21 The proposal has been assessed against the 4 criteria set out in Policy EXT1 in the Addendum to PPS 7. While the proposal is considered to be compliant with criteria (b) – (d), the proposal fails to meet the requirements of criterion (a). The proposed use of shipping containers for domestic purposes is unsympathetic and should be resisted given their incongruous nature within a domestic environment and their intended purpose for the intermodal transport of freight.

9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the Addendum to Planning Policy Statement 7, Policy EXT 1, Criteria (a). It is considered that shipping containers are not an acceptable solution for domestic storage purposes due to the incongruous form. There is an appeal decision to support this (Ref. 2018/A0144). Refusal is recommended.

10 Reason for Refusal

The proposal is contrary to the Addendum to Planning Policy Statement 7, Policy EXT 1, Criteria (a) in that the use of shipping containers for domestic purposes is unsympathetic with the built form and appearance of the existing property and should be resisted given their incongruous nature within a domestic environment

Site location Map



