

<b>Planning Committee Report LA01/2019/0147/F</b>	<b>27<sup>th</sup> November 2019</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>No:</u></b> LA01/2019/0147/F	<b><u>Ward:</u></b> Castlerock
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> 220metres South-West of 54 Burrenmore Road, Castlerock	
<b><u>Proposal:</u></b> Proposed dwelling and garage	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 14/02/2019
<b><u>Listed Building Grade:</u></b> N/A	
<b>Applicant:</b> Mr Patrick Cunning, 18 Mussenden View, Articlave, Coleraine	
<b>Agent:</b> Mr Raymond Doherty, 28 Glenloch Park, Coleraine	
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>
<b>Support: 0</b>	<b>Petitions of Support: 0</b>

## **EXECUTIVE SUMMARY**

- Full planning permission is sought for single storey detached dwelling and garage.
- The site is located within the AONB as defined in the Northern Area Plan 2016.
- The principle of development is considered to be unacceptable as there are no overriding reasons why the development is considered essential in this location. The proposal is contrary to Policy CTY 1 of PPS 21.
- During processing of the application personal/domestic circumstances were advanced for the need for a dwelling at this location. Having considered the information submitted no compelling, and site specific reasons have been advanced or satisfactory evidence submitted to indicate that genuine hardship would be caused if planning permission were to be refused and alternative solutions have not been adequately explored. The proposal is considered contrary to Policy CTY 6.
- The proposal does not meet any of the other exceptions outlined in Policy CTY 1.
- The proposal fails to provide a suitable degree of enclosure to enable the proposed buildings to integrate into the landscape. The proposal would rely on new planting, to aid integration which is contrary to Policies CTY 1 and 13 of PPS 21.
- There are no objections to the proposal.

- The proposal would be unsympathetic to the characteristics of the AONB in terms of siting and is contrary to the SPPS and Policy NH 6 of PPS 2.
- DAERA NED requested that a Biodiversity Checklist be completed to determine if there would be any adverse impacts on protected species or habitats. This was not been undertaken and therefore it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on habitats, species or features of Natural Heritage.
- The application is recommended for Refusal.

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located along the Burrenmore Road Castlerock. The site is part of a larger roadside agricultural field located 220 SW of No 54 Burrenmore Road. The site is located in the south western corner of this field. The site and surrounding area is on ground rising above Castlerock and overlooking the coast. There are sparse natural species hedging along the southern and western boundaries behind post and wire fencing. There is a line of evergreen trees to the south west of the site. The northern and eastern boundaries of the site are undefined. The proposal includes a new access and laneway off the Burrenmore Road.
- 2.2 The site is within the Binevenagh Area of Outstanding Natural Beauty as designated in the Northern Area Plan.

## **3 RELEVANT HISTORY**

C/2004/0014/O

Proposed site for family dwelling.

Site SW of 54 Burrenmore Road Castlerock

Permission Refused: 17.10.2005

Appeal Dismissed: 01.11.2006

C/2003/0593/O

Site for Dwelling and Garage.

Site South of 54 Burrenmore Road, Castlerock,

Application Withdrawn: 08/08/2003

C/2009/0743/O

Proposed Site for dwelling and garage

Site 220m South West of 54 Burrenmore Road, Castlerock

Application Withdrawn: 27.08.2010

- 3.1 The planning history shows three previous planning applications on the site. Two of these applications were withdrawn and one was refused and subsequently dismissed at appeal.

## **4 THE APPLICATION**

- 4.1 The application seeks permission for a single storey dwelling and garage. The dwelling has a ridge height of 6 metres.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: There are no neighbours adjoining the red line of the site.

### **5.2 Internal**

DAERA Drainage and Water: No objection.

DAERA NED: Require a Biodiversity Checklist to be completed to establish if any ecological surveys are required.

DFI Roads: No objection.

DFI Rivers: No objection.

NI Water: No objection.

Environmental Health: No objection

Shared Environmental Services: No objection

Foyle Carlingford & Irish Lights Commission: No objection.

## **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:

- 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 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21 Sustainable Development in the Countryside

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 15: Planning and Flood Risk

### **Supplementary Planning Guidance**

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; personal circumstances; and visual integration and rural character.

### **Principle of Development**

- 8.2 The SPPS and Policy CTY1 of PPS 21 identify a number of instances when an individual dwelling house will be granted permission. 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.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

- 8.3 During the processing of the planning application the agent submitted an email to the Planning Department outlining a case of need for a dwelling at this location. The case advanced was that the applicants parents (who reside at No. 54 Burrenmore Road) suffer from ill health and a dwelling on this site would be of benefit as the applicant would be close by. It also stated that the applicant's father has retired from farming, however the farm is still active and is run by the applicant on a part-time basis.

- 8.4 Policy CTY 6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:
- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
  - (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.
- 8.5 Having considered the information submitted no compelling, and site specific reasons have been advanced or satisfactory evidence submitted to indicate that genuine hardship would be caused if planning permission were to be refused and alternative solutions have not been adequately explored. The proposal is considered contrary to Policy CTY 6.
- 8.6 It was also stated in supporting information that the applicants father has an active farmer and that the applicant runs this on a part-time basis. The application was not submitted as a dwelling on a farm. No farm maps, farm ID number or P1C form were submitted and therefore the application could not fall to be assessed under Policy CTY 10, a dwelling on a farm.
- 8.7 The site was gifted to the applicant and is not located near any farm buildings or dwellings. There is no replacement opportunity or conversion and reuse opportunity at this site; the site is not located within a cluster of buildings or within a continuously built up road frontage. Therefore, the proposal falls to meet any of the policies outlined in Policy CTY 1 of PPS21 or the SPPS.

## **Visual Integration and Rural Character**

- 8.8 The application site is located in the south western corner of a larger, roadside field. Access to the site runs along the western boundary of this larger field and is defined on one side by post and wire fencing and sparse vegetation. The south eastern boundary is defined by post and wire fencing and a mix of hedgerow and trees. The other two boundaries are undefined.
- 8.9 On approach from the east, the site comes into view on passing No. 50 Burrenmore Road. Although the ground slopes gently in a southerly direction from the roadside towards the rear of the site it is not of such a significance which would afford it an appropriate degree of enclosure. The rear boundary of the site is clearly visible from the road and the two undefined boundaries would be apparent and would rely on new landscaping to provide a suitable degree of enclosure and integration. There is no intervening vegetation or natural features which would assist in integrating the site. Views of the site on approach from the west are less critical and less long ranging due to the screening provided by the copse of trees immediately to the west of the site. The proposal would not erode the rural character of the area as outlined in Policy CTY 14 but it would be contrary to Paragraph 6.70 of the SPPS and Policy CTY 13 (Parts b, c and d) of PPS 21.

## **Impact on AONB**

- 8.10 In terms of siting and scale proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. It is considered that the siting of this dwelling would have a detrimental impact upon the character and appearance of this designated AONB and is not sympathetic or appropriate in this context. The proposal is therefore contrary to paragraph 6.171 of the SPPS and Policy NH 6 of PPS 2.

## **Natural Heritage**

- 8.11 DAERA NED have advised that there may be natural heritage issues associated with the proposal and that a Biodiversity Checklist should be used to establish if any ecological surveys

are required. A Biodiversity Checklist has not been completed therefore it is unknown whether the proposed development will have an adverse impact on protected species or habitats. The proposal is contrary to paragraph 6.180 of the SPPS and policies NH2 and NH 5 of PPS 2.

### **Access**

- 8.12 Access to the proposed site is via a new laneway off Burrenmore Road. DFI Roads have been consulted and have no objections subject to conditions. The proposal is therefore acceptable when assessed against the road safety policy requirements of the SPPS and PPS3.

### **Habitats Regulation Assessment**

- 8.13 The potential impact 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 it is concluded that, provided the conditions provided are implemented the proposal would not be likely to have an adverse effect on the site integrity of any European site.

## **9 CONCLUSION**

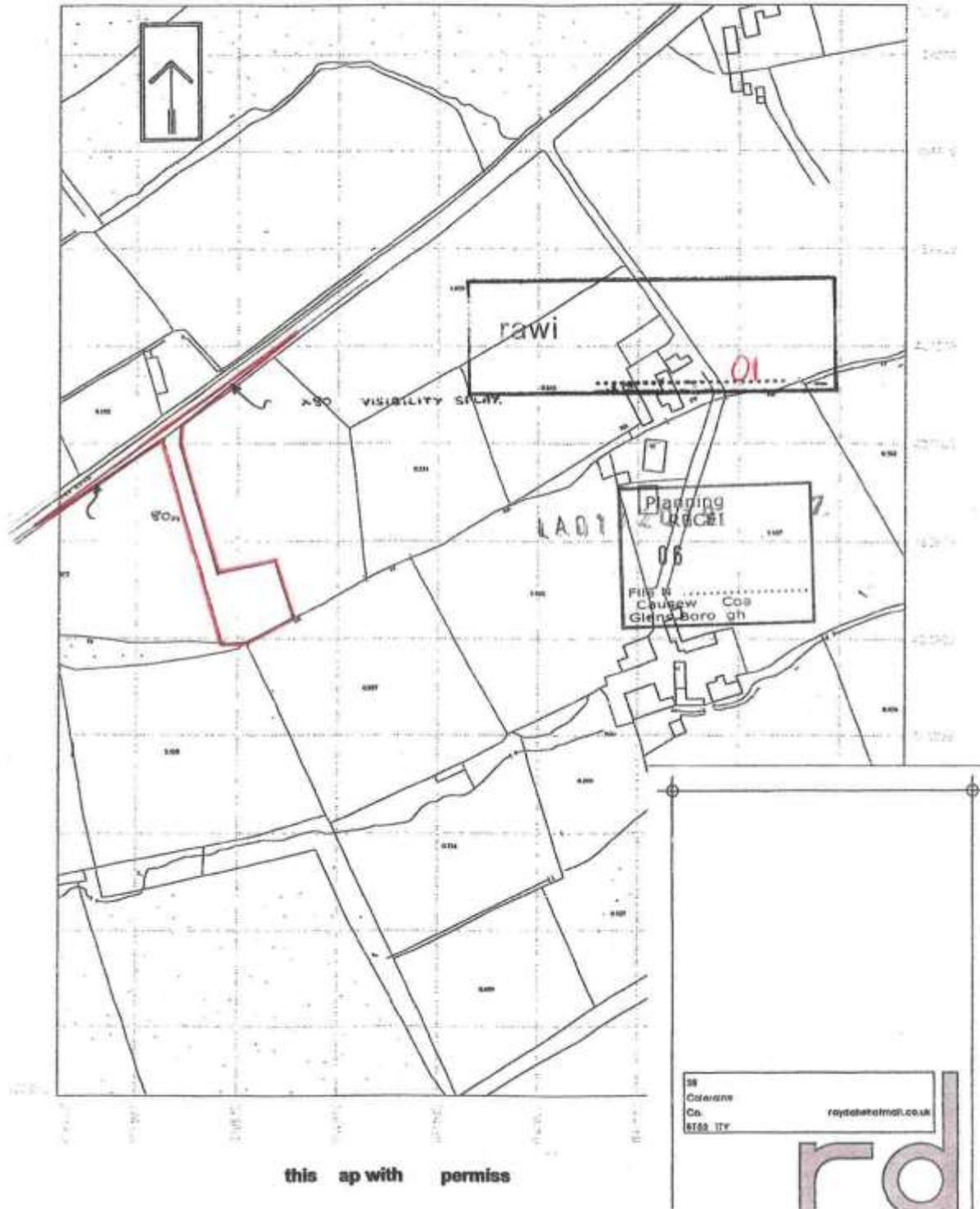
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to personal and domestic circumstances. In addition, the proposal would have an adverse effect on the AONB and the site lacks a suitable degree of enclosure to satisfactorily integrate the dwelling into the surrounding landscape. Refusal is recommended.

## 10 Refusal Reasons:

1. The proposal is contrary to SPPS Para 6.70 and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
3. The proposal is contrary to Paragraph 6.70 of the SPPS, CTY 1 and criteria (b), (c) and (d) of Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure; the site would rely on the use of new landscaping for integration; and ancillary works fails to integrate into their surroundings.
4. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Policy Statement and Policy NH6 of Planning Policy Statement 2, in that the development would, if permitted, be unsympathetic to the characteristics of the Area of Outstanding Natural Beauty in terms of siting.
5. The applicant has failed to demonstrate that the proposal would not result in an unacceptable adverse impact on habitats, species or features of Natural Heritage Importance in accordance with the SPPS and Planning Policy Statement 2 – Natural Heritage.

# Site Location

**ACEmap Online**



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# Block Plan

