

<b>Planning Committee Report</b> <b>LA01/2019/0208/F</b>	<b>24<sup>th</sup> February 2021</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> LA01/2019/0208/F	<b><u>Ward:</u></b> Kilrea
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> Approx. 150m south east of 81 Drumsaragh Road, Kilrea, Coleraine, BT51 5XR.	
<b><u>Proposal:</u></b> Retrospective application for agricultural storage shed and portion of yard	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 28/02/2019
<b><u>Listed Building Grade:</u></b> N/A	
<b>Applicant:</b> Mr. & Mrs. Bradley, 81 Drumsaragh Road, Kilrea, Coleraine, BT51 5XR.	
<b>Agent:</b> Bell Architects Ltd., 65-67 Main Street, Ballymoney, BT53 6AN.	
<b>Objections:</b> 1	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **EXECUTIVE SUMMARY**

- Full planning permission is sought for a retrospective agricultural storage shed and portion of yard.
- The site is located within a rural area.
- The application fails to meet the requirements of Policy CTY 1 and Policy CTY 12.
- The application site must also meet the requirements of Policy CTY 13 and Policy CTY 14. The application site integrates into its rural surroundings in but fails to respect the traditional pattern of settlement exhibited in the area.
- DfI Roads has been consulted and raised no objection to the access arrangements.
- One objection was received for this application suggesting that an Environmental Impact Assessment (EIA) was required. It was determined that an EIA was not required.
- The proposal does not comply with planning policy CTY 1, CTY 12 and CTY 14 of PPS 21 and therefore the application should be refused.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

## **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 for the reason set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located approximately 150m South East of 81 Drumsaragh Road, Kilrea. The site is not located at the roadside but rather is located approximately 267m east of Drumsaragh Road. The site shall utilise an existing unaltered access and laneway. The boundary treatment to the west, north and south contains substantial mature vegetation with the remainder of the site opening out to the remaining peat bog lowland.
- 2.2 The site is located within the rural area as identified by the Northern Area Plan 2016. The character of the area is generally defined by single dispersed dwellings and small farm holdings.

## **3.0 RELEVANT HISTORY**

No relevant on site or surrounding planning history.

## **4.0 THE APPLICATION**

- 4.1 Full planning permission is sought for a retrospective agricultural shed and portion of a yard.

### **Habitats Regulations Assessment**

- 4.2 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 of any European site. This is subject to compliance with the following recommendation: No livestock shall be housed within the shed at any time, without prior written consent from the Planning Authority. Reason: To ensure that the development does not result in any significant effect on the features of any European site.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

**Neighbours:** There was one objection to the proposal.

### **5.2 Internal:**

DFI Roads: No objections

Environmental Health: No objections

NI Water: No objections.

DAERA NED: No objections. Subject to a condition relating to reparation works in the form of removal of an area of hard core and the repair of the area with a view to supporting wetland habitat.

DAERA Countryside Management Branch: Confirm farm business ID has been in existence for more than 6 years and has claimed payments in each of the last 6 years.

Shared Environmental Services: No objections. Subject to a condition limiting the use to no livestock.

## **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

## **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, integration, rural character, access and natural heritage.

## 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 retrospective agricultural shed and portion of yard and therefore falls to be assessed against Policy CTY 12: Agricultural and Forestry Development.
- 8.3 Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:
- a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
  - b) in terms of character and scale it is appropriate to its location;
  - c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
  - d) it will not have an adverse impact on the natural or built heritage; and
  - e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are

no other sites available at another group of buildings on the holding, and where:

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons.

8.4 DAERA have been consulted in relation to this application and confirm that the farm business is active and established.

8.5 Regarding the necessity of the retrospective application for the efficient use of the agricultural holding consideration was given to the submitted Doc 01 and email correspondence with the agent. The use of the retrospective agricultural shed is to primarily store historical vehicles from the industrial vehicular history of Northern Ireland and wider UK. To which correspondence with the agent confirmed that these historical vehicles are important to our industrial past and travel throughout the UK and Ireland to shows. It has been determined that the storage of historical vehicles is not necessary for the efficient use of the agricultural holding and is therefore, non-compliant with criterion (a) of Policy CTY 12.

8.6 The retrospective development is located approximately 182m southwest of the nearest existing farm buildings. Criterion (b) of Policy CTY 12 reflects on agricultural development being appropriate to its location in terms of character and scale. To which it is considered that agricultural buildings are typically associated with other buildings to form a group of buildings.

8.7 Criterion (c) reflects on the integration of the proposal into the local landscape. The application site is screened from public views by existing mature vegetation and a separation distance of approximately 267m from Drumsaragh Road it has been considered that the levels of integration available to the site are satisfactory with limited public views of the retrospective building available.

8.8 In regards to any impacts on the natural or built heritage as outlined under criterion (d) of Policy CTY 12, a consultation was issued to NIEA: Natural Heritage following the submission of DOC 01 which refers to a phase 2 survey of a small bog. This document highlighted how the retrospective agricultural building

appears to be off the bog, but the associated hard standing is on cutover bog habitat. In their consultation response NIEA state that they are content with what have been proposed however, go on to state '(NED) would be prepared to consider reparation in the form of removal of the area of hard core indicated and the repair of the area with a view of supporting wetland habitat. NED consider that fen, fen car or other lag habitat would be achievable in the long run if unsuitable material is removed and then hydrology repaired'. Therefore, NIEA would be content to consider reparation works to negate the impacts on the priority habitats.

8.9 Criterion (e) addresses any impacts on the amenity of residential dwellings outside the holding or enterprise, namely regarding noise, smell and pollution. Environmental Health were consulted in regards to this application and offered no objection in regards to impacts on residential amenity. It is also noted that there are no neighbouring residential units to the application site.

8.10 Policy CTY 12 then provides criteria to which a new building should comply with. The criteria outlines that the applicant should highlight that there are no suitable existing buildings on the holding that can be used, that the design and materials to be used are sympathetic to the locality and adjacent buildings and that the proposal is sited beside existing farm buildings. This is relevant to the proposal albeit that the proposal is for a retrospective development as no planning permission has been granted. There has been no evidence submitted to suggest that no suitable existing buildings on the farm holding can be used for this proposal. The design and materials of the proposal are considered to be sympathetic to the rural locality. However, it is considered that the separation distance of approximately 182m between the existing farm buildings and the proposed agricultural buildings is too great to be deemed to be 'beside' each other. Therefore, the proposal is also considered to be contrary to this part of the policy and criterion (b) of Policy CTY 12 as the agricultural building does not form part of an existing group of buildings which is out of character for this rural location.

8.11 Policy CTY 12 then states that 'exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where it is essential for

the efficient functioning of the business or there are demonstrable health and safety reasons'. To which satisfactory evidence was not received in order to consider this part of Policy CTY 12.

### **Visual Impact and Integration**

- 8.12 Policy CTY 12 requires that applications for agricultural and forestry development also meet the requirements of Policy CTY 13 (a-f): Integration and Design of Buildings in the Countryside. 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. A new building will be unacceptable where:
- (a) it is a prominent feature in the landscape; or
  - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
  - (c) it relies primarily on the use of new landscaping for integration; or
  - (d) ancillary work do not integrate with their surroundings; or
  - (e) the design of the building is inappropriate for the site and its locality; or
  - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
  - (g) in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm.
- 8.13 The level of integration available to this site is considered to be high due to the existing boundaries present and the separation distance between the application site and Drumsaragh Road shall provide a sufficient back drop and enclosure to aid its integration. It has been considered that the application site integrates into its rural surroundings as the proposal complies with Paragraph 6.70 of the SPPS and Policy CTY 13.

## **Rural Character**

- 8.14 Policy CTY 12 also requires that applications for agricultural and forestry development also meet the requirements of Policy CTY 14: Rural Character. Policy CTY 14 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. A new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
  - (b) it results in a suburban style of build-up of development when viewed with existing and approved buildings; or
  - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
  - (d) it creates or adds to a ribbon development; or
  - (e) the impact of ancillary works (with the exception of visibility splays) would damage rural character.
- 8.15 As discussed in Paragraph 8.6, the proposed retrospective agricultural shed is isolated and remote from existing farm buildings. Therefore, it is considered that the proposal does not respect the traditional pattern of settlement exhibited in the surrounding area and is non-compliant with part (c) of Policy CTY 14.

## **Access**

- 8.16 DFI Roads has been consulted as the competent authority on road and traffic matters. DFI Roads has no objection in relation to the proposed access arrangements, provided that the proposed retrospective building is used for storage only. Therefore, it is considered that the proposal complies with PPS 3.

## **Natural Heritage**

- 8.17 There was an objection submitted to this application which suggested that the application site was located within a lowland raised bog and that an EIA was required. However, as the application does not fall within any of the descriptions of development and applicable thresholds of Schedule 2 of The Planning (Environmental Impact Assessment) Regulations

(Northern Ireland) 2017 it has been determined that no EIA is required for this application. Environmental considerations have been undertaken by way of consultation with NIEA.

- 8.18 The application site is located on or near a priority habitat. To address this, a consultation was issued to NIEA: Natural Heritage following the submission of a DOC 01 which referred to a phase 2 survey of a small bog. This technical specification highlighted how the retrospective agricultural building appears to be off the bog, but the associated hard standing is on cutover bog habitat. In their consultation response NIEA state that they are content with what have been proposed however, go on to state '(NED) would be prepared to consider reparation in the form of removal of the area of hard core indicated and the repair of the area with a view of supporting wetland habitat. NED consider that fen, fen car or other lag habitat would be achievable in the long run if unsuitable material is removed and then hydrology repaired'. Therefore, NIEA would be content to consider reparation works to negate the impacts on the priority habitats. If reparation works were completed to the satisfaction of NIEA: Natural Heritage this proposal would be compliant with PPS 2 as well as criterion (d) of Policy CTY 12 as previously stated in paragraph 8.8.

## **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 and PPS 21. The application site fails to demonstrate that the proposal is necessary for the efficient use of the agricultural holding, is appropriate in terms of rural character, and that there are exceptional circumstances to site away from existing farm buildings which is unacceptable in regards to PPS 21. Refusal is recommended.

## **10 REFUSAL REASON**

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) 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 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in that it has not been demonstrated that the proposal is necessary for the efficient use of the agricultural holding; is appropriate in terms of rural character; and that there are exceptional circumstances to site away from existing farm buildings.
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 buildings would, if permitted, not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside.

## Site Location Plan

