

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2019/0773/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> June 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**No:** LA01/2019/0773/O      **Ward:** Dungiven

**App Type:** Outline

**Address:** 175m North West of 77 Corrick Road Dungiven.

**Proposal:** Proposed site of dwelling and detached domestic garage.

**Con Area:** N/A      **Valid Date:** 08.07.2019

**Listed Building Grade:** N/A

**Agent:** Diamond Architecture, 77 Main Street, Maghera, BT46 5AB.

**Applicant:** Mr D O'Kane, 77 Corrick Road, Dungiven, BT47 4SG.

**Objections:** 0      **Petitions of Objection:** 0

**Support:** 0      **Petitions of Support:** 0

## **EXECUTIVE SUMMARY**

- This is an outline application for a proposed new dwelling and detached domestic garage on a farm, at lands 175m North West of 77 Corrick Road Dungiven.
- The site comprises of 2 small agricultural fields, which rise steeply from Corrick Road in a northerly direction. The site is located within the rural countryside outside of any settlement limit and is within the Sperrin AONB.
- The proposal is contrary to PPS 21 CTY 10 (c) and CTY 13 (g) in that it is not visually linked or sited to cluster with an established group of buildings on the farm and there are no demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing group of building to support this alternative sitting.
- Refusal is recommended

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

## **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 subject to the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located on lands approximately 175m North West of 77 Corrick Road, Dungiven.
- 2.2 The site comprises of 2 small agricultural fields, accessed off the Corrick Road. The site rises steeply from the Corrick Road in a northerly direction. The northern boundary is undefined and open to the remainder of the agricultural field. The western boundary is defined by post and wire fencing and a number of mature trees. The eastern boundary is defined by post and wire fencing and a hedgerow. The southern/south eastern boundary is defined by vegetation.
- 2.3 Glenshane Road runs north of the site. The corrick bridge and River Roe is located to the south of the site. The area is agricultural in nature with a few dwellings interspersed locally. There are localised views from Glenshane Road to the north of the site.
- 2.4 The application site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site is within the Sperrin AONB.

## **3 RELEVANT HISTORY**

- 3.1 There is no Planning history on the application site.

## **4 THE APPLICATION**

- 4.1 This is an outline application for a proposed dwelling and detached domestic garage on lands 175m North West of 77 Corrick Road Dungiven.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 31.07.2019 and 02.12.2020.

Neighbours: No neighbours to notify

No letters of objection or letters of support were received on this application.

### **5.2 Internal**

NI Water: no objections.

Environmental Health: no objections.

NIEA WMU: no objections.

DFI Roads: no objections.

DAERA: no objections.

Shared Environmental Services: no consultation required

NED: no objections

## **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)

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual integration/ rural character, Natural Heritage and access/road safety.

## **Planning Policy**

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

## **Principle of Development**

- 8.3 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development, this includes a dwelling on a farm in accordance with Policy CTY 10.
- 8.4 Policy CTY 10 notes that planning 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; (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. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: • demonstrable health and safety reasons; or • verifiable plans to expand the farm business at the existing building group(s).
- 8.5 DAERA (DARD) in a consultation response dated 15.10.19 confirmed that; the farm business Id identified on the Form P1C has been in existence for more than 6 years, it was allocated on 22/11/1992, is a Category 1 farm business Id, the farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years and the application site is on land for which payments are currently being claimed by the farm business. The proposal meets criteria (a) of CTY 10.
- 8.6 Farm maps (Doc 01) were submitted with the application. A planning history search on these lands revealed that there have been no

planning approvals on the farm holding within the last 10 years. The application meets criteria (b) of CTY 10.

- 8.7 The application site is proposed on lands approximately 175m North of 77 Corrick Road. Number 77 Corrick Road and associated outbuildings form the established group of buildings on the farm. The site is some 175m north of these buildings, separated by two fields and the Corrick Bridge/River Roe. The proposed site is displaced from the existing farm grouping and is not visually linked or sited to cluster with the established group of buildings on the farm. The site will not be viewed in conjunction with the existing farm group and will not be visually linked to the farm grouping, due to its location and separation from the farm. Access will be obtained through the creation of a new access onto the Corrick Road.
- 8.8 Consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: • demonstrable health and safety reasons; or • verifiable plans to expand the farm business at the existing building group(s).
- 8.9 The applicant/agent provided the following reasons/information to support the proposed siting;
- The Floodplain of the River Roe and stepped sloping nature of the lands make the site identified, the closest solution available (as detailed in the P1C Form and design and access statement).
  - Letter provided from neighbouring land owner Mr Thomas Brolly of 33 Clumore Road dated 20th February 2020 noting they will not grant the applicant a right of way to access the rear lands (rear of 77 Corrick Road) via the existing laneway at 77 Corrick Road.
  - Letter from the applicant's solicitor dated 19th December 2019, noting that if the applicant was to construct a dwelling to the rear of the sheep pens (rear of 77 Corrick Road) he would not have any legal right of way in order to access the site. He would have no entitlement to access the lands in order to construct a dwelling in the first instance.
- 8.10 There are available lands to the south east (rear) of the dwelling that are not within the floodplain and are not steep sloping than would facilitate a dwelling on this farm. The lands within the floodplain are mainly to the north of the River, with the flood plain extending to the south of the rivers in sections. Reviewing the blue lands, with the



Strategic Flood maps it is apparent that there are available sites to the south east of no. 77 that are not within the flood plain and would cluster with the buildings on the farm. The evidence provided in terms of landownership concerns/failure to obtain access to a proposed site to the rear of the existing cluster of buildings on the farm are not considered demonstrable health and safety reasons to support this alternative sitting. Land ownership does not meet one of the specified exceptions as provided in CTY10. There are no verifiable plans to expand the farm at the existing farm grouping. The application fails to meet criteria (c) of CTY 10.

- 8.11 No overriding reasons as to why this development is essential and could not be located in a settlement have been forthcoming, the proposal is therefore contrary to CTY 1.

### **Visual integration, Rural character**

- 8.12 Planning Policy Statement 21 – Sustainable development in the Countryside notes that the proposal must also meet the requirements of policy CTY 13 and CTY 14.
- 8.13 CTY 13 notes 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 works 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 (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.
- 8.14 Policy CTY 14 notes 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 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 of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

- 8.15 The site comprises of 2 small agricultural fields, accessed off the Corrick Road. The site rises steeply from the Corrick Road in a northerly direction. The northern boundary is undefined and open to the remainder of the agricultural field. The western boundary is defined by post and wire fencing and a number of mature trees. The eastern boundary is defined by post and wire fencing and a hedgerow. The southern/south eastern boundary is defined by vegetation. The Glenshane Road runs beyond the north of the site. The Corrick bridge and River Roe is located to the south of the site. The roadside boundaries along the Corrick Road are maturely vegetated.
- 8.16 Considering the existing mature vegetation to the south western Corrick roadside and the western boundary, this will screen views of the dwelling on approach from the north west along Corrick Road. There will be additional planting required to the northern boundary of the site which is currently undefined. There will be views available of the dwelling when travelling along the Glenshane Road North of the site, although these will be transient and due to the fast pace of this road and the site being some 180m from this road, the dwelling will not appear prominent on this approach. The existing eastern boundary treatment and the sporadic vegetation to the south east will assist in integration, but additional planting would be required along the south eastern boundary to screen the site. Due to the size of the red line a siting and curtilage condition could be added to ensure the curtilage of the dwelling is not out of character with the surrounding area, the dwelling should be sited within the south eastern portion of the site.

- 8.17 Considering the topography of the site, a plan showing existing and proposed ground levels, and proposed finished floor levels would be required.
- 8.18 As this is an outline application the design of the dwelling has not been established. Considering surrounding development and the nature of the elevated site a single storey dwelling would be appropriate, however the principle of development is unacceptable for the reasons highlighted within the report.
- 8.19 As assessed under CTY 10 for a dwelling on a farm the site is not visually linked or clustered with the established group of buildings on the farm and fails criteria (g) of CTY 13.
- 8.20 The proposed dwelling will not create or add to a ribbon of development or create a suburban pattern of development.
- 8.21 The impact of ancillary works will not impact rural character.

### **Natural Heritage**

- 8.22 The site is within the Sperrins Area of Outstanding Natural Beauty and as such Policy NH6 of PPS 2 is a material consideration. The proposal is for a single dwelling on the farm. Considering the scale of the development for one dwelling the proposal would not have a detrimental impact on the character of this AONB.

### **Access/Road Safety**

- 8.23 Planning Policy Statement 3- Access, Movement and Parking, Policy AMP 2- Access to Public Roads notes that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.24 The proposal involves the creation of a new access onto the Corrick Road. DFI Roads were consulted in relation to this application and in a consultation response dated 13.08.19 raised no concerns.

## **Habitats Regulation Assessment**

- 8.25 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). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

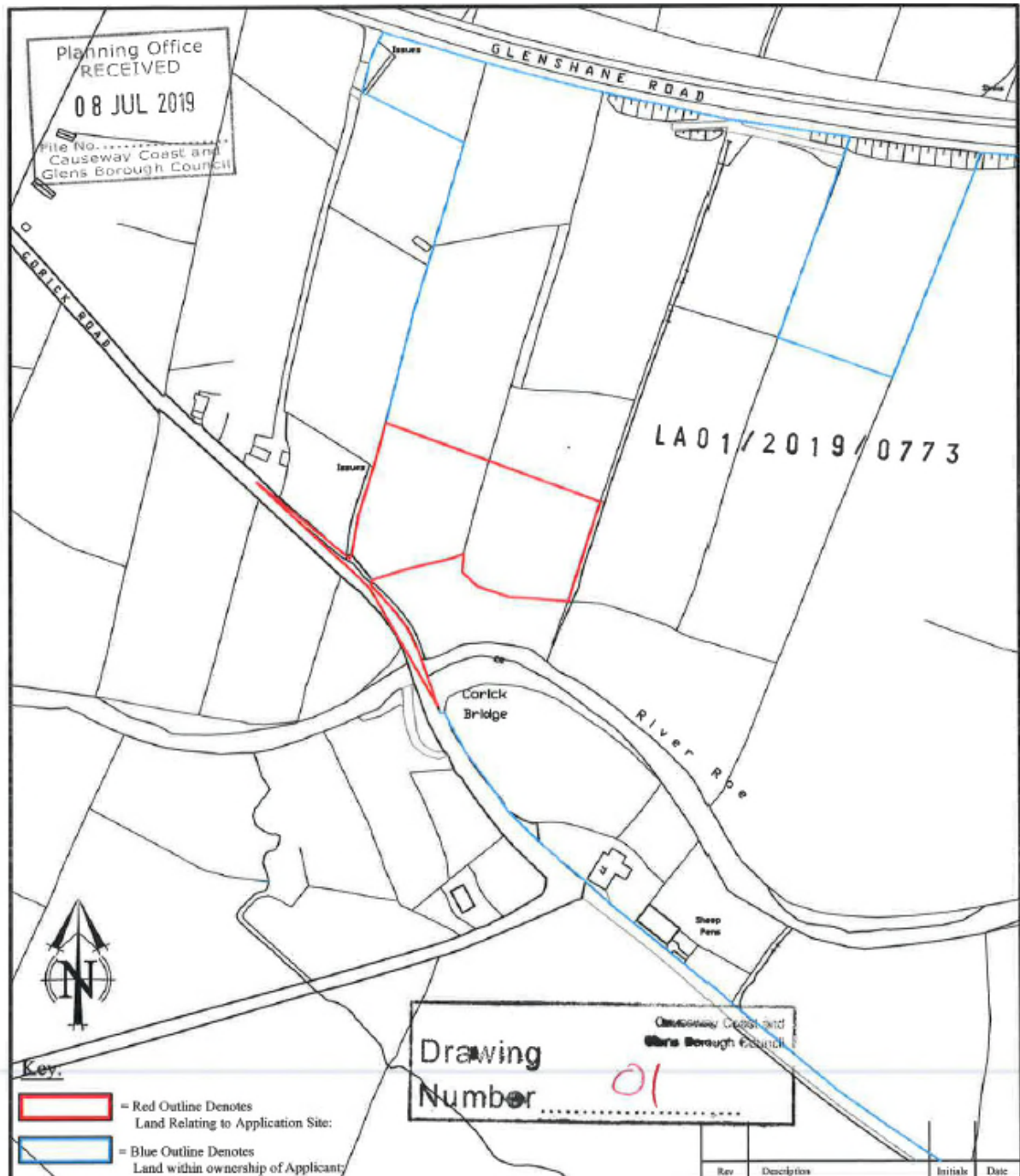
## **9 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY1, CTY 10, criteria (c) and CTY 13, criteria (g). Refusal is recommended.

## **10 Reasons for Refusal**

1. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.73 and Planning Policy Statement 21, Sustainable development in the Countryside, Policy CTY 1, 10, criteria (c) and CTY 13, criteria (g), in that the proposed site is not visually linked or sited to cluster with an established group of buildings on the farm, and there are no demonstrable health and safety reasons or verifiable expansion plans to support this alternative site, and no overriding reasons have been forthcoming as to why the development is essential and could not be located within a settlement.

# Site location Map



**SITE VISIT REPORT: MONDAY 24<sup>th</sup> May 2021**

*Committee Members: Alderman Boyle, Duddy, Finlay, S McKillop (Vice Chair), McKeown; Councillors Anderson, Baird, Dallat O'Driscoll (Chair), Hunter, McGurk, MA McKillop, McLaughlin, McMullan, P McShane, Nicholl, Scott*

**10.30 AM**

LA01/2019/0773/O – 175m NW of 77 Corick Road, Dungiven

**App Type: Outline Application**

**Proposal: Proposed site of dwelling and detached domestic garage.**

**Present:** Councillors Hunter, McGurk and Nicholl, Officials D Dickson and J McMath

**Comments:** Viewed site from roadside and officials presented location map, farm maps, flood plain/strategic flood map and identified exact location of site and boundaries, the extent of farm lands, the established group of buildings on the farm and the location of River Roe and extent of flood plain.

Officials outlined policy context under CTY10, that farm is active and established and there were no dwellings or development opportunities sold off from farm. However the refusal reason centres on the fact that the site failed to visually link or cluster with an established group of buildings on the farm.

Officials outlined that CTY10 provided for 2 exceptions where an alternative site can be considered, firstly where there are verifiable plans to expand the farm business at the existing building group or secondly where there are demonstrable health and safety reasons. Officials explained that no verifiable plans to expand the farm business had been forthcoming therefore this exception was not met. With regards Health and Safety the agent had stated that the sites available at the farm grouping had been limited by the floodplain and that the applicant did not have a Right of Way over the lane for a dwelling and a letter had been supplied from the neighbouring land owner as evidence. Cllr McGurk asked what other farm lands were available. Officials supplied the farm maps and the map of the floodplain as provided by the agent and the corresponding Strategic Flood map. All in attendance viewed land to side of no 77 and land to rear of farm buildings for alternative site and access. Members noted these points accordingly.

Julie McMath 24.05.2021