



Title of Report:	Planning Committee Report – LA01/2021/0023/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th November 2021
For Decision or For Information	For Decision

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

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

Screening Requirements	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: LA01/2021/0023/O **Ward:** Greysteel

App Type: Outline

Address: Adjoining No 37 Dunlade Road Greysteel.

Proposal: Proposed site for dwelling & garage.

Con Area: N/A **Valid Date:** 29.12.2020

Listed Building Grade: N/A

Agent: 5050 Architecture, 3A Keldon Court ,17 Linenhall Street, Limavady.

Applicant: A McGurk, 5 Dunlade Mews, Greysteel, BT47 3FF.

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

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

EXECUTIVE SUMMARY

- This is an outline application for a proposed dwelling & garage Adjoining No 37 Dunlade Road Greysteel.
- The site is a portion of a field to the immediate west/south west of no. 37 Dunlade Road. The site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016.
- There is no cluster of 4 buildings at this site, the site is not associated with a focal point or located at a cross-roads, the site/cluster does not appear as a visual entity in the local landscape and cannot be absorbed into an existing cluster through rounding off and consolidation. The application fails CTY 2a.
- The site is not considered a gap site, as it is not located within a substantial and built up frontage. No. 37, its detached garage and the new build do not have a frontage to the laneway. The site does not have a frontage to the laneway. The application fails to meet CTY 8.
- There are no overriding reasons why this development is essential and could not be located in a settlement and is contrary to CTY 1.
- Refusal is recommended

Drawings and additional information are available to view on the Planning Portal- <https://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 land adjoining No 37 Dunlade Road Greysteel.
- 2.2 The site is a portion of a field to the immediate west/south west of no. 37 Dunlade Road. The land is flat and overgrown with rushes. There is a two storey dwelling currently under construction to the immediate west. This dwelling was not complete at the time of site inspection. No. 37 is a large detached two storey dwelling with detached garage. The site is accessed via a private laneway off Dunlade Road currently serving no. 37 and no. 43. The site is set back some 210m from the Dunlade Road. The northern, western and southern boundaries of the site are undefined. The eastern boundary is defined by post and wire fencing.
- 2.3 The site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016.

3 RELEVANT HISTORY

- 3.1 Planning history on the application site includes;
- LA01/2016/0154/O - Site for a detached 2-storey dwelling adjoining parents dwelling for applicants use adjoining No 37 Dunlade Road, Greysteel, Application withdrawn

Planning history in the immediate vicinity of the site includes the following;

- B/2009/0370/O - Application withdrawn for Site for a detached two storey dwelling to the rear of 37 Dunlade Road, Greysteel.
- B/2011/0076/O – Permission Granted for Site for a 2 storey detached dwelling on a farm to the rear of no.37 Dunlade Road Greysteel.
- B/2012/0021/RM – Permission Granted for Erection of a 2 Storey detached dwelling to the Rear Of No.37 Dunlade Road Greysteel

4 THE APPLICATION

- 4.1 This is an outline application for a new dwelling and garage on lands adjoining No 37 Dunlade Road, Greysteel.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 20.01.2021.

Neighbours: 14 neighbours were notified on the 14.01.2021.

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.

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

considerations in the determination of this application relate to the principle of development; visual integration/ rural character; access/road safety and Habitat Regulations Assessment.

Principle of Development

- 8.2 As the description of the proposal did not indicate which policy the application was submitted under, the proposal is considered firstly under CTY1 of PPS21. 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. CTY 1 notes 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 The application does not relate to a replacement dwelling and CTY 3 is not met. There has been no evidence/information provided in relation to special personal or domestic circumstances or in relation to a non-agricultural business therefore Policies CTY6 and CTY 7 are not met. There have been no farm maps or P1c forms provided therefore Policy CTY 10 is not met. The application therefore will be assessed under Policies CTY 2a and CTY 8.
- 8.4 Policy CTY 2a notes that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met: • the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings; • the cluster appears as a visual entity in the local landscape; • the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads, • the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster; • development of the site can be absorbed into the existing cluster through rounding off and consolidation and will

not significantly alter its existing character, or visually intrude into the open countryside; and • development would not adversely impact on residential amenity.

- 8.5 Appeal reference 2017/A0035 outlines that the first 3 criteria of CTY 2a give an indication of what constitutes a cluster, noting; “Policy CTY2a does not define what a cluster of development is but the first three criteria give an indication of its intended meaning”.
- 8.6 The site lies outside of a farm. To the immediate east of the site is no. 37 Dunlade Road and detached garage. To the immediate west of the site is a new build currently under construction. There is no cluster of 4 or more buildings of which at least 3 are dwellings at this site, the application does not meet the first criteria. There is a grouping of dwellings further east of the site along Dunlade Road. These dwellings are however separated and detached from the application site. There is a break in development between the site and these dwellings by an agricultural field. This site does not form part of this grouping of development. The site is not located at a cluster of development, the site does not appear as a visual entity, the second criteria is not met.
- 8.7 Appeal reference 2014/A0148 is relevant. It notes, “Whilst the appellant argued that a cluster is not defined in policy and that there is no requirement to be physically close, only to be intervisible, I disagree with his assessment. I consider that this criterion is dependent upon physical proximity as well as visual linkages. However due to the spaces and distance between them, undulating topography, intervening boundary treatment and curvature of Carr Road, these buildings do not read as one discrete cluster but rather as a dispersed collection of individual buildings in the countryside”. In this case, the application site is not visually linked to the group of buildings to the east along the Dunlade Road. The site is physically separated from these buildings by the gap/field between them and visually separated from these buildings. When travelling along the Dunlade Road, the site is set back some 210m and accessed via a private laneway, with limited views of the site along the Dunlade Road, with no visual linkage to the buildings along the Dunlade Road.
- 8.8 PAC reference 2017/A0035 provides clarification that a focal point is an identifiable entity used by the community for gatherings or activities with social interactions. The site is not associated with any such focal point. There is no crossroads at this location, the proposal therefore fails to meet criteria 3.

- 8.9 The site is bound by development to the east by No. 37. The site is bound by development to the west by the 2 storey new build currently under construction. The site is bound by development on two sides. Considering surrounding development to the east and west, the vegetation beyond the far southern and western boundaries of the site, and the set-back distance from the road, the site is able to provide a suitable degree of enclosure.
- 8.10 A dwelling at this location would not be considered detrimental to surrounding residential amenity. Any potential concerns regarding overlooking could be overcome in the design process of the dwelling. However as concluded above the site is not located at a cluster of development and therefore cannot be absorbed into an existing cluster through rounding off and consolidation and is contrary to CTY2a.
- 8.11 Policy CTY 8 notes that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.12 Para 5.33 notes for the purposes of this policy a road frontage includes a footpath or private lane. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.
- 8.13 No. 37 and the detached garage are located to the east of the site. The garage does not contribute to the assessment of a substantial and continuously built up frontage as it is subordinate to no 37 and does not have a frontage to the lane. Officials would refer to PAC reference 2019/A0019 in which the Commissioner found a garage to be "subordinate to and part of the host dwelling given its scale and position relative to the host dwelling." and in doing so concluded the

garage does not form part of a line of three buildings with a frontage onto the road and thus did not contribute to the substantial and continuously built up frontage.

- 8.14 There is therefore only one dwelling (no 37) and one dwelling which at the time of the site inspection was under construction on either side of the proposed site. The proposal therefore fails to comply with the exception as there is no substantial and built up frontage at this location as per the definition in CTY8.
- 8.15 No. 37 is located to the east of the site. The laneway used to access no. 37 comes to a dead end when it reaches no. 37. The only frontage of no. 37 to the laneway is at its access point to the laneway. No. 37 does not have a frontage to the lane and cannot be included in the built up frontage.
- 8.16 A new build dwelling currently under construction is located to the west of the site. This new build was approved under B/2011/0076/O and B/2012/0021/RM. The dwelling is a two storey dwelling and at the time of site inspection it was constructed to below eaves height. This new-build/dwelling does not have a frontage to the same laneway that accesses no 37. There has been a spur/separate laneway created off the existing laneway to access the new build. The new build does not have a frontage to the existing laneway, the only frontage is at its access point. The new build does not have a frontage to the lane and cannot be included in the built up frontage.
- 8.17 The proposed site does not have a frontage to a shared laneway. The southern boundary of the site will be bound by the new lane used to access the new build only. The eastern boundary will be bound by a parcel of grassed land and bound by the garage of no.37. There will be a new driveway/laneway created off the existing laneway to access the site. The proposed site will not have a frontage to the existing laneway, the only frontage will be at its access point.
- 8.18 The site is not considered a gap site, as it is not located in a substantial and built up frontage which includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. No. 37 and the new build do not have a frontage to the same laneway. The application site does not have a frontage to the laneway. The application fails to meet policy CTY 8.

8.19 No overriding reasons have been forthcoming as to why the development is essential and could not be located within a settlement, therefore the proposal is contrary to CTY1.

Visual Integration and Rural Character

8.20 The SPPS, paragraph 6.70 requires that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. 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.

8.21 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.

8.22 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.

- 8.23 As this is an outline application the design of the dwelling at this stage has not been submitted.
- 8.24 The application site is a portion of a field to the immediate west of no. 37 Dunlade Road. The land is flat and overgrown with rushes. There is a two storey dwelling currently under construction to the immediate west of the site. The northern, western and southern boundaries of the site are undefined and additional planting would be required to these boundaries. The eastern boundary is defined by post and wire fencing. Further beyond the southern and western boundary of the site there is mature vegetation. The site is accessed via a long private laneway off Dunlade Road. The site is set back some 210m from Dunlade Road. Considering the flat nature of the site, the existing development to the immediate west and east, the set-back distance from the road, a dwelling at this location would be integrated and there would be minimal long ranging views of the site. The existing cluster of dwellings further east of the site along the Dunlade Road will screen any potential views along the Dunlade Road.
- 8.25 As assessed under CTY 8 the site is not considered a small gap site within an otherwise substantial and continuously built up frontage and would therefore create a ribbon of development and would be contrary to CTY14.

Access/Road Safety

- 8.26 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.
- 8.27 This proposal involves the use of an existing access and private laneway onto the Dunlade Road. DFI Roads were consulted in relation to this application and in their consultation response dated 02.02.21, 16.03.21, and 13.5.21 requested amendments. In the most recent response, dated 05/09/2021 DFI Roads cleared the consultation with no objection. The proposal complies with PPS3.

Habitats Regulation Assessment

8.28 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 CTY 1, CTY 2a, CTY 8 and CTY14. 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, in that there are no overriding reasons why this development is essential and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.73 and Planning Policy Statement 21, Sustainable Development in the Countryside, CTY 2A in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and / or is not located at a cross-roads; and the dwelling would if permitted significantly alter the existing character of the cluster.
3. 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 8 and CTY14 in that the site is not considered a small gap site sufficient only to accommodate a maximum of 2 dwellings within an otherwise substantial and built up frontage and will add to a ribbon of development which would further erode the rural character of the area.

Site Location Map

