

Title of Report:	Planning Committee Report – LA01/2022/0323/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd February 2023
For Decision or For Information	For Decision – Referred Application by Cllr John Mc Auley

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	Development Management and Enforcement Manager

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: LA01/2022/0323/O **Ward:** Giant's Causeway

App Type: Outline

Address: Lands north of 99 Carnbore Road, Liscolman, Ballymoney

Proposal: Dwelling and garage

Con Area: N/A **Valid Date:** 18.03.2022

Listed Building Grade: N/A

Agent: Lam Architects 94 University Street Belfast BT7 1HE

Applicant: John White 116 Carnbore Road, Liscolman, Ballymoney, BT53 8QT

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

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

EXECUTIVE SUMMARY

- Outline planning permission is sought for a Dwelling and garage at Lands north of 99 Carnbore Road, Liscolman, Ballymoney.
- The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 10, criteria (c) and CTY 13 criteria (g) in that the new building will not be visually linked or sited to cluster with an established group of buildings on the farm.
- Given the openness of the site and minimal natural screening the proposal also fails criteria (b), (c) and (f) of Policy CTY 13.
- 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 north of 99 Carnbore Road, Liscolman, Ballymoney.
- 2.2 The application site is a portion of an agricultural field fronting the Carnbore Road. The northern boundary is defined by mature trees/vegetation. The eastern roadside boundary is defined by a hedgerow. The southern boundary is undefined and open to the remainder of the agricultural field. The western/rear boundary is defined by a hedgerow. The site has as a gradual fall in ground level from south to north and is set at a lower level than the roadside.
- 2.3 The site is located within the rural area outside any settlement development limit as defined in the Northern Area Plan 2016

3 RELEVANT HISTORY

- 3.1 Planning history on the application site includes;
- LA01/2019/0479/F- Permission Granted for Retrospective remedial action application for approval of unauthorised access to previous approval E/2006/0131/F
- Planning History in the vicinity of the site includes:
- E/2002/0173/O - Permission Granted for Site for new dwelling Carnbore Road, Liscolman, Ballymoney

- E/2006/0131/F - Permission Granted for Proposed new dwelling and garage Adjacent to 97 Carnbore Road, Liscolman
- LA01/2021/1211/LDP – Permitted Development for Proposed completion of dwelling and domestic garage as approved under application ref E/2006/0131/F Adj to 97 Carnbore Road, Ballymoney.

4 THE APPLICATION

- 4.1 This is an outline application for a Dwelling and garage on Lands north of 99 Carnbore Road, Liscolman, Ballymoney.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 06.04.2022.

Neighbours: No neighbours to notify.

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

5.2 Internal

NI Water: no objections.

Environmental Health: no objections.

DAERA (DARD): no objections

DFI Roads: no objections.

Rivers Agency: objections.

NIEA: 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 15 – Planning and Flood Risk

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual integration/impact on rural character, access and flood risk.

Principle of development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 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, one of which is a dwelling on a farm in accordance with Policy CTY 10.
- 8.4 CTY 10 notes that planning permission will be granted for a dwelling house on a farm where certain criteria can be met. Criteria (a) notes “the farm business is currently active and has been established for at least 6 years.”
- 8.5 DAERA (DARD) was consulted on the application and in a consultation response dated 26.04.22 confirmed that; the farm business Id identified on the Form P1C has been in existence for more than 6 years, it was allocated on 19/11/1991, it’s 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 farm business is active and established and the application meets CTY 10 criteria (a).
- 8.6 CTY 10 Criteria (b) notes “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”

- 8.7 The applicant has provided farm maps Doc 04. A planning history search of all farm lands were carried out. The application meets criteria (b).
- 8.8 CTY 10 Criteria (c) notes “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).
- 8.9 The farm business as per the P1c form is registered at 116 Carnbore Road. The application site is proposed at lands north of 99 Carnbore Road. The P1C form and Design and Access Statement explain that the farm at 99 Carnbore Road was purchased in 1983 and has been use for poultry rearing since. With herd numbers being provided. It is accepted that 99 Carnbore Road and outbuildings are buildings on the farm. The site is some 210m north of the poultry shed at 99 Carnbore Road. This separation distance means the site is not visually linked or sited to cluster with an established group of buildings on the farm.
- 8.10 CTY 10 does note 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).
- 8.11 Information submitted by the agent at q.6 of the P1C notes;
- sites closer to the farm buildings would be unsuitable due to the proximity to the poultry house;
 - smell and noise pollution. Alarms may sound anytime of the day or night.
 - in spite of pest control measures, vermin could be a problem.
 - a second poultry house may be necessary in the future to keep poultry enterprise viable. This would be constructed parallel to the present poultry house in the field on the north side.

- 8.12 A noise impact assessment was submitted (Doc 03) with the application as well as a supporting letter from the agent (Doc 01). This notes the predominant noise source across the site is that of transportation noise and occasional agricultural activity. A buffer zone has been recommended around the turkey shed to minimise the impact of noise and odour from the building on the proposed residential property. The proposed site is within the recommended green zone.
- 8.13 Whilst the information submitted is acceptable in its conclusion that siting a dwelling away from the existing poultry sheds would be beneficial in terms of health reasons regarding noise and odour, it is noted that the farm business is registered to 116 Carnbore Road and it has not been demonstrated that there are no alternative sites at this group of farm buildings to site a new dwelling. The comments in regards to potential future poultry houses are not determining, as there are no verifiable plans for this expansion in terms of valid planning applications.
- 8.14 The agent submitted via email on the 12.09.22 a written response to why the site could not be sited at 116 Carnbore Road. This submission notes the following;
- The existing lane at 116 Carnbore Road would have to be used for access, which would present a health and safety risk for the following reasons; the lane is used by large vehicles to access farmland; the lane is narrow and no space to pass oncoming vehicles; there is a kink and incline in the lane making it harder to see oncoming vehicles.
 - The only viable field to visually link is ref: 031 5, other fields would require passing through working farm.
 - Only the western portion of the field could be accessed directly from the existing laneway. A new laneway providing access elsewhere in the field would be a prominent feature in the landscape due to the topography of the field.
 - A dwelling in the western portion of this field would be prominent due to the topography; require cut and fill; require new landscaping for integration; overlook the amenity of 118; not respect the settlement pattern; and represent a health and safety risk located adjacent working farm dispensing noise, odour and air pollution.
- 8.15 In response to this submission I would note;

- Roads would have to be consulted to determine a safe access. We would accept the most viable field for visual linkage without accessing via the farm yard is field 031 5. We would not accept that only the western portion of field 031 5 is viable for siting a dwelling. A new dwelling could be positioned in line or set further back from 116, with the laneway running along the existing curtilage of no 116. This would visually link with the existing farm buildings and considering the position and location of 116 would not appear significantly prominent.

8.16 The application fails CTY 10 criteria (c) in that it does not visually link with the farm buildings at both 99 Carnbore road and it has not been adequately demonstrated as to why a dwelling could not be sited to visually link with the established group of farm buildings at 116 Carnbore road.

Visual integration/impact on rural character

8.17 Planning Policy Statement 21 – Sustainable development in the Countryside 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.

8.18 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.

- 8.19 The application site is a portion of an agricultural field fronting the Carnbore Road. The northern boundary is defined by existing trees/vegetation. The eastern roadside boundary is defined by a hedgerow which provides minimal screening. The southern boundary is undefined and open to the remainder of the agricultural field. The western/rear boundary is defined by a post and wire fence. The site has as a gradual fall in ground level from south to north and is set at a lower level than the roadside.
- 8.20 Some of the roadside hedgerow would have to be removed and replanted to achieve splays. Although the existing trees and vegetation located along the northern boundary of the site does provide some screening, it is considered that the eastern and western boundaries of the site would provide minimal screening. The boundary on the southern side is also open. It is therefore considered that the site lacks long established natural boundaries and is unable to provide a degree of enclosure for the building to integrate into the landscape. It is also considered that the proposal would rely primarily on the use of new landscaping for integration.
- 8.21 As this is an outline application the design of the dwelling has not been established. No. 99 to the south and no. 97 to the north are single storey/storey and a half type dwellings. The scale of any dwelling on this site should be reflective of this and a ridge height condition would be appropriate.
- 8.22 The proposed dwelling will not create or add to a ribbon of development.
- 8.23 As assessed under CTY 10 for a dwelling on a farm the site is not visually linked/clustered with the established group of buildings on a farm and fails CTY 13 (g).

Access

- 8.24 PPS 3, Policy AMP 2, Access to Public Roads notes 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: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.25 The application proposes the creation of a new access onto the Carnbore Road. DFI Roads have been consulted on the application and in a response dated 21.07.22 raised no objections. The application meets PPS 3 AMP 2.

Flood Risk

- 8.26 PPS 15, Policy FLD 2 – Protection of flood defence and drainage infrastructure notes, “The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.”
- 8.27 An undesignated watercourse flows along the northern boundary of the site. DFI Rivers have been consulted and recommend that a working strip of 5m is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. The application is in accordance with PPS 15 FLD 2.

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.

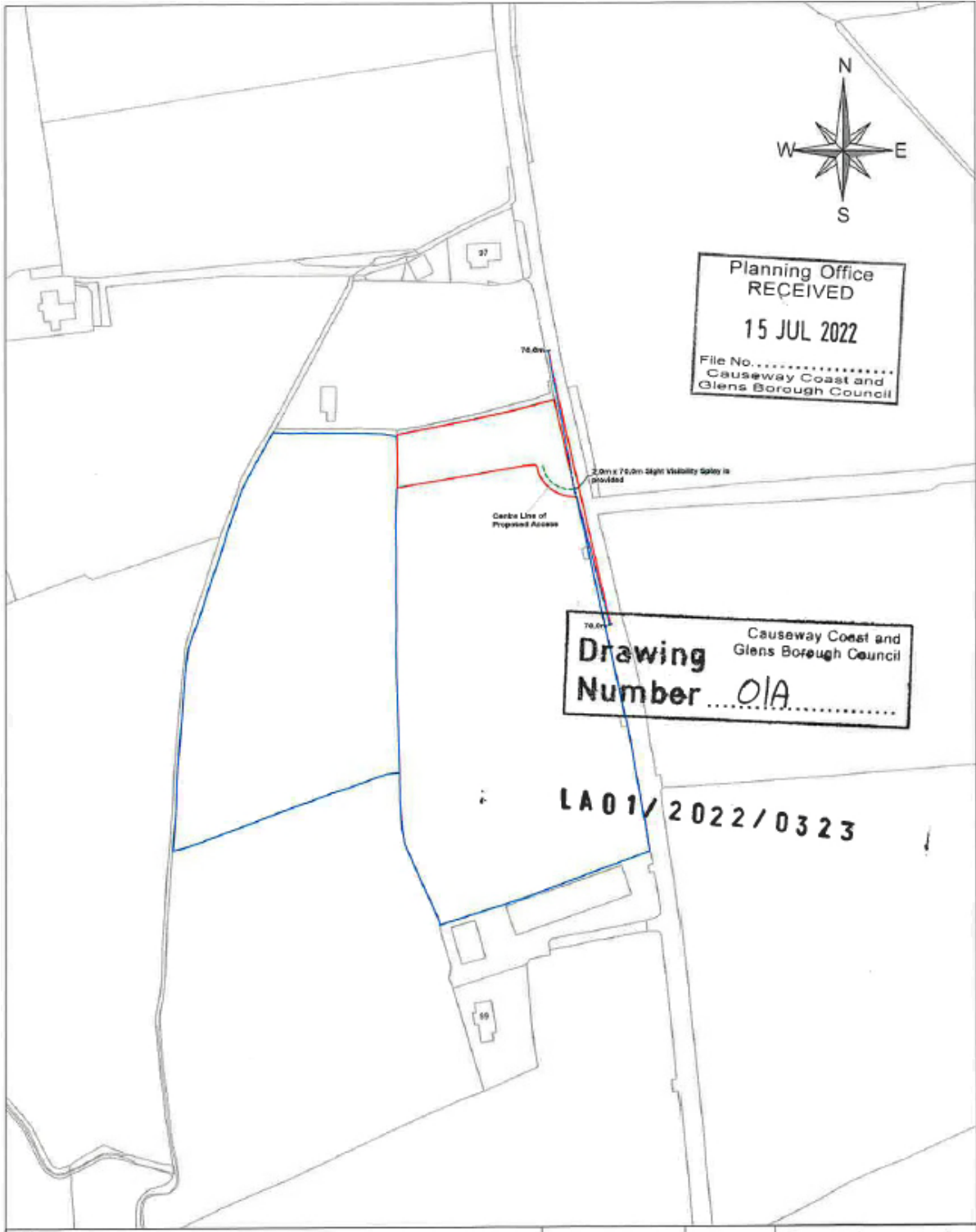
9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 10 criteria (c) and CTY 13 criteria (g) in that the new building will not be visually linked or sited to cluster with an established group of buildings on the farm. The proposal is also contrary to criteria (b), (c) and (f) of Policy CTY 13.

10 Reasons for Refusal

1. The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 10, criteria (c) and Policy CTY 13, criteria (g) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building will not be visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to paragraph 6.70 and 6.73 of the SPPS and criteria (b), (c) and (f) of Policy CTY13 of PPS21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries, is unable to provide a degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.

Site location Map



Referral Request

From: john.mcauley.dun@gmail.com <john.mcauley.dun@gmail.com>
Sent: 23 September 2022 17:19
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: Ref: LA01/2022/0523, Land Adjacent to 99 Carnborne Road, Lincoln

Good Evening

In reference to Planning Application Ref: LA01/2022/0523, Land Adjacent to 99 Carnborne Road, Lincoln, I wish to request that this be deferred to Planning Committee for the following reasons:

1. The applicant is entitled to a dwelling on the farm and only the location is in dispute.
2. The Statutory Consultees have responded and are all satisfied with the application.
3. There are no objections to the application.
4. The farm land is spread over a number of locations along Carnborne Road and this application relates to a stretch of 95 Carnborne Road which we deem to be the most viable site for the dwelling (direct access, existing boundaries, topography etc.)
5. An application was made which included a Noise Impact Assessment by way of providing a demonstrable health and safety reason as to why the dwelling could not cluster with the existing Turkey Shed at the location, thereby complying with Policy CT1A01(i). This was accepted by Environmental Health Department in their consultation response.
6. The Planning Department request evidence as to why the dwelling could not be sited to cluster with buildings at the Carnborne Hoac and this evidence was provided within the attached Planning Response document. In summary, we believe a dwelling at this location would be contrary to CTY13 and CTY14, as well as representing a demonstrable health and safety risk as site access from Carnborne Road cannot be achieved at this location.

Regards

John McAuley
Causeway Coast & Glens Borough Council
Mch. 07786474848
Email: john.mcauley.dun@gmail.com



Addendum

LA01/2022/0323/O

1.0 Update

1.1 A letter was received via email on the 20.01.2023 from Jonny Graham on behalf of Mr and Mrs White (parents of John White, the applicant). A letter was also received via email from the agent on 23.01.2023 which provides additional supporting information.

1.2 These letters argue how the alternative location suggested by the Planning Department is not suitable for a family dwelling and how the proposed location meets with Policy CTY 10 and CTY 13. Their argument is summarised in the following points;

- **Clarifies Land use on the two farms** - farm at No.116 is a very busy working dairy farm. These animals are outdoors March to October and housed during winter. Sheep are grazed in winter. Farmer at No. 115 has a right-of-way along the lane and through the farmyard. Farmland at No. 99 produces grass which is cut to make silage, 3 cuts per year. Young stock may be grazed for a short time. There is also a pullet rearing unit.
- **Details Use of laneway at No. 116** - Farm vehicles go between the two farms several times each day. Milk is collected by a milk tanker every other day throughout the year. Other frequent vehicles on the lane include feed deliveries, veterinary services, hoof care services, fuel deliveries, fertiliser deliveries, salesmen, maintenance services, etc. Slurry is taken frequently by heavy slurry tanker. From March to late October cattle are walked along the laneway. Neighbour's cattle and sheep are also moved along the laneway to and from his grazing land. During summer there is very heavy traffic when large trailer loads of grass are taken up the lane for silage. At slurry spreading season which starts in February large amounts of slurry, are taken down the lane by heavy tankers.

- **Details nature of the laneway at No.116** - It is narrow and steep and has an awkward bend half way up. It would not be possible for two vehicles to meet and reversing would be difficult. This lane is already shared by two working farms and would be far from ideal as access to a new private dwelling.
- **The principle of development-** Points raised as to how the proposal complies with criteria (c) and why a dwelling could not be sited at the existing buildings at 116 Carnbore Road due to health and safety reasons. Point made that if the lands located at 99 Carnbore Road were the only lands associated with this farm business then the proposal would be approved.
- **Visual Integration-** Reference is made the Development Management Officer Report where it is stated that the site is relatively flat and would not appear as a prominent feature in the landscape or damage rural character.
- **Re-iteration of previous correspondence from 12th September 2022-** Relating to reasoning why the proposed dwelling can't be located at the farm at 116 Carnbore Road. The Planning Department has set aside concerns regarding existing access and extending the laneway which would create significant hardstanding in the countryside and would be contrary to criteria (d) of Policy CTY 13. It was also stated that NIEA would likely object given increased surface water.

2.0 Consideration:

- 2.1 In response to this submission, although it is accepted that there will be a number of different vehicles using the laneway, this is not considered to be any more significant than any other busy working dairy farm. The majority of these vehicles would not be on the farm on a daily basis. It is stated that cattle and neighbouring sheep and cattle are walked along the laneway but this would only be at certain times of the day and year. This would not cause a significant increase in traffic delays and would only have an impact on potential residents of a new dwelling. Further to this, there are many instances where cattle are moved along public roads between different lands and although this causes some delay, this process is completed fairly quickly and is part of everyday life in

rural Northern Ireland. Again increased traffic flow relating to silage and slurry spreading are activities associated with most farms.

- 2.2 Although the laneway may be narrow and that two cars could not pass at any one time, it is considered that again, any existing farm lane would experience this difficulty. Although there will be different vehicles using the farm laneway this may be at different times and instances of vehicles meeting is likely to be infrequent.
- 2.3 Within paragraph 5.42 of PPS 21 it is stated that where an alternative site is proposed under criteria (c) which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. This has not been provided for the alternative location at 116 Carnbore Road. It is considered that the issues raised would not be considered demonstrable health and safety reasons for relocating the farm dwelling to a more open roadside site where there is no integration with no visual linkage to existing farm buildings.
- 2.4 The principle of development has been assessed within paragraphs 8.2 to 8.16 of the Planning Committee report. Given the absence of integration the proposal would not be considered acceptable even if these were the only lands and buildings associated with the farm business.
- 2.5 In terms of visual integration an assessment of Policy CTY 13 has been undertaken under Paragraphs 8.19 to 8.23 of the Planning Committee report. Reference to the Development Management Case officer report has also been provided which at that time considered the application site to be acceptable in terms of visual integration. In terms of this, a planning application remains under assessment until the date of decision. Given this it is not uncommon for a difference in corporate opinion to arise. This application was reassessed by the Senior Planning Officer and it is considered that the proposed development does not comply with Policy CTY 13 given the openness of the site.
- 2.6 In regard to the correspondence received on 12th September 2022 this information has been assessed under Paragraphs 8.14 and 8.16 of the Planning Committee report. It is considered that the

use of an existing laneway for traffic associated with the farm business would be a common issue associated with any busy working farm. Also, the issue raised that two cars could not pass each other on the existing laneway would also be common issues associated with farms. These issues are not considered to be demonstrable health and safety reasons for relocation of a dwelling. Potential access to field 5 of the existing farm business could be provided without accessing the farmyard. In terms of criteria (d) of Policy CTY 13 it is considered that a new access could be provided which could run along existing field boundaries and therefore not have a significant visual impact. It is considered that even with the provision of hardstanding, a dwelling located at the farm at 116 Carnbore Road could effectively integrate into the landscape. This is in contrast to the site north of 99 Carnbore Road which is completely open.

- 2.7 A comment was also made that given the need for new hardstanding at the site at 116 Carnbore Road that NIEA would likely have concern with increased surface water. NIEA have not been consulted in regard to this but if a new proposal was submitted at a location close to the farm buildings at 116 Carnbore Road this would be considered and consultation with NIEA would be made. NIEA would unlikely have a concern with clean storm water from the curtilage of a dwelling, unlike dirty stormwater, arriving from runoff at farmyards. It was also raised that a dwelling located on Field 5 would lead to potential overlooking of the property at 118 Carnbore Road. It is considered that through careful siting and the considerable separation distance located between the properties that this would not be of concern.

3.0 Recommendation

- 3.1 That the committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with paragraph 1.1 of the Planning Committee Report.