

Title of Report:	Planning Committee Report – LA01/2022/0905/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th February 2024
For Decision or For Information	For Decision – Referred Application by Cllr Cara McShane
To be discussed In Committee YES/NO	No

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	---
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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:

<u>No:</u> LA01/2022/0905/F	<u>Ward:</u> The Glens
<u>App Type:</u> Full Planning	
<u>Address:</u> Site 220m SW of 61 Kilnadore Road, Cushendall, Ballymena	
<u>Proposal:</u> Proposed Guesthouse and associated site works	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 22.08.2022
<u>Listed Building Grade:</u> n/a	
Agent: O.N, F.A, J.M. Wheeler Chartered Architects	
Applicant: Mr Daniel McAlister, 30 Kilnadore Road, Cushendall	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

EXECUTIVE SUMMARY

- Full planning permission is sought for a guesthouse and associated site works.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations. It lies in the vicinity of an Archaeological Site and Monument
- The site lies within Antrim Coast and Glens AONB.
- The principle of development is considered unacceptable having regard to Policy CTY 1 of PP21 in that there is no overriding reason why the development cannot be located in a settlement.
- It is also considered unacceptable having regard to Policy TSM 3 of PPS 16 as the development is not located on the periphery of a settlement and it has not been fully demonstrated that there is no suitable site within the settlement or other nearby settlement.
- DFI Roads, Environmental Health, NI Water, HED ((Historic Monuments) and DAERA (Water Management Unit) were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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 recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is part of a larger agricultural field with an area of approximately 0.35ha. The land on the site rises gently upwards from the road to the north-west. The roadside boundary is defined by mature hedge and trees, the south-western boundary is defined by a post and wire fence and low hedge. The north-western boundary is defined by a mature hedge and the north-eastern boundary is currently undefined.
- 2.2 The application site lies in the countryside outside the settlement limit of Cushendall. The surrounding land is agricultural with some individual dwellings and farm groups. Planning permission had previously been granted for a replacement dwelling on the opposite side of Kilnadore Rd, aerial photography indicates that this development may have commenced but the dwelling was not evident at the time of site inspection. Permission has also been granted for a new dwelling to the north-west accessed via Ballyemon Rd. There are also glamping pods located approx. 500m to the north-east along Kilnadore Rd.

3 RELEVANT HISTORY

There is no previous planning history on site.

4 THE APPLICATION

- 4.1 The application proposes full planning permission for a proposed guesthouse and associated site works. The proposed development is a single storey detached building with an L shaped footprint. The building has a ridge height of approximately 6 metres. The proposed finishes include white render and natural stonework to the walls, dark grey natural slate roof, PVC windows and hardwood door.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Coleraine Chronicle 31.08.2022

Neighbours: There are no objections to the proposal

5.2 Internal

DfI Roads - No objections.

Northern Ireland Water - No objections.

Environmental Health - No objections.

DAERA Water Management Unit - No objection subject to standing advice.

HED (Historic Monuments) – No objection

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy (RDS) 2035

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 - Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 15: Planning and Flood Risk.

Planning Policy Statement 21: Sustainable Development in the Countryside

Building on Tradition

Causeway Coast and Glens Corporate Strategy

Causeway Coast and Glens Economic Strategy

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to; principle of development, rural character and natural heritage issues.

Planning Policy

- 8.2. The Northern Area Plan 2016 identifies the site as being located within the countryside, outside any defined settlement limits.

- 8.3. There are no specific zonings or designations relating to this land set out in the Northern Area Plan 2016. The site is located within the open countryside as defined by the Northern Area Plan 2016 and is located in the vicinity of an Archaeological Site and Monument.
- 8.4. The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.5. Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states 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. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. Acceptable types of development include tourism development in accordance with PPS 16 (which supersedes TOU Policies of PSRNI).
- 8.6. TSM 3 of PPS 16 states that permission will be granted for a new hotel, guest house or tourist hostel in the countryside in the following circumstances and will be assessed under the specified criteria. The circumstances include:
 - a. The replacement of an existing rural building
 - b. A new build proposal on the periphery of a settlement.As the development is new build it is necessary for the proposed development to be located on the periphery of a settlement.
- 8.7. Supporting information has been submitted to justify the site location. The agent has advised that the site is located within walking distance of the settlement and that it is the closest and only available site to the settlement. It is advised that it is sufficiently removed to not dominate the settlement and the separation ensures it does not contribute to urban sprawl.

- 8.8. Supporting information also outlines existing development along Kilnadore Rd close to the edges of the settlement limit and states that this is the closest possible site in terms of suitability and availability. It is also suggested that a site closer to the settlement limit along Kilnadore Rd will result in blurring between the settlement and the countryside and would result in urban sprawl.
- 8.9. The proposed guest house is located approximately 0.75km from the edge of the settlement limit of Cushendall. The surrounding land is mostly agricultural with some individual dwellings. There are glamping pods located approximately 500m to the north-east along Kilnadore Rd. There are views from the site of Cushendall to the north-east however the immediate surroundings of the site have the appearance of open countryside. The narrow single-track road and the surrounding fields give the site a distinct rural feel which is detached and displaced from the settlement. The site is not considered to be visually linked with the settlement limit. Given the distance from the edge of the settlement limit, the character of the surrounding land and the size of Cushendall the proposal is not considered to be located on the periphery of a settlement as required by TSM 3.
- 8.10. Notwithstanding the proposal fails to meet circumstance (b) the proposal has been considered against the remaining criteria of Policy TSM 3.
- 8.11. TSM 3 goes on to state that a firm proposal to develop a hotel, guest house or tourist hostel on land at the edge of a settlement will be permitted subject to the following specific criteria:
- there is no suitable site within the settlement or other nearby settlement;
 - there are no suitable opportunities in the locality to provide a hotel, guest house or tourist hostel either through
 - (a) the conversion and re-use of a suitable building(s) or
 - (b) the replacement of a suitable building(s);
 - the development is close to the settlement, but will not dominate it, adversely affect landscape setting, or otherwise contribute to urban sprawl.

- 8.12. It has been advised that the project is to be funded by the applicant and supporting information has been provided to prove that finance to fund the project is available, therefore it can be accepted that it is a firm proposal.
- 8.13. Supporting documents received in August 2022 and November 2022 details a search of properties within the settlement limit of Cushendall and Waterfoot area. It stated various reasons why these were not considered suitable including lack of amenity space, lack of parking or sale agreed. Following an office meeting to discuss the application further supporting information was received on 7th June 2023 stating that all sites have been considered within the settlement and nearby settlements. This document also included consideration of zoned lands for housing within Cushendall and also Waterfoot and Cushendun and outlined that none were available. This information also included additional properties within Cushendall and also Cushendun and Waterfoot and the reasons why these were not considered suitable (eg. Size, lack of amenity space, access, limited parking, scale, sale agreed).
- 8.14. Supporting information also considered land on the edge of the settlement limit. It advised that due to the coastal setting and the steeply rising ground to the north of Cushendall development is confined to a westerly and southerly direction however the village is also surrounded by LLPA's. The agent has also indicated that they contacted estate agents and were informed that there is no available land on the edge of the settlement limit of Glenariffe, Cushendall and Cushendun.
- 8.15. The proposed guesthouse comprises a private living room/dining, guest dining and 3 en-suite bedrooms. The definition of a guesthouse is outlined in legislation and within the Glossary to PPS 16 which states 'A guesthouse shall provide overnight sleeping accommodation for visitors in separate rooms comprising not less than 3 double bedrooms'. Supporting information advises that one of the bedrooms will be used by the applicant. As such, the proposal as presented does not meet the definition of a guesthouse as required by policy. On assessment of existing 3 bedroom properties on the market, within the surrounding settlements (through internet searches), it is considered there are a number of properties which would fulfil this requirement. Such as:-

- 9b Kilnadore Road, Cushendall
- 11 Chapel Road, Cushendall
- 6 Shore Road, Cushendall
- Glenariff Inn, Waterfoot
- 194 Garron Road, Glenariff
- 41 Bayview Park, Waterfoot
- 24 and 24A Warren Park, Waterfoot
- 10 Carn-Neil Park Waterfoot
- 5 Craigagh View, Knocknacarry
- 9 Craigagh View, Knocknacarry

8.16. These properties offer a variety of options for the development of a guesthouse within the scale proposed. The agent has discounted a number of these properties (including 9b Kilnadore Road, 11 Chapel Road, Glenariff Inn Waterfoot) stating scale, amenity, parking and access issues. While some of these properties do not offer the exact facilities as the new-build development being proposed some would be suitable for conversion to a guest-house or offer suitable sites for replacement to provide a guesthouse. Supporting information such as evidence of access or parking issues has not been provided to prove that the existing buildings are not suitable for conversion or replacement. The proposed site is located along a single track laneway which in itself would have access issues.

8.17. Supporting information also included a map highlighting land along Kilnadore Road, between the site and the settlement limit and discounting these for various reasons, including availability. This analysis is limit to the vicinity of the application site and does not consider the wider locality. The supporting information considers this site to be the most suitable as it would prevent urban sprawl. However, the policy encourages coalescence with settlements with criteria giving preference to sites on the edge, adjacent and close to the settlement. Not every site on the edge of a settlement will result in urban sprawl. The consideration of urban sprawl would largely be dependent on the siting and scale of development.

8.18. The policy goes on to state where the principle of a new building on the periphery of a settlement is established through meeting the above criteria, the planning authority will apply a sequential

locational test, with preference being attributed to sites in the following order:

- land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- a site on the periphery of the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;
- an undeveloped site close to the settlement where the development could be visually integrated into the landscape.

The policy test is clear that preference is given to sites within existing settlements in the locality and this provides a more sustainable location in terms of accessibility to services, transport and amenities. The sequential assessment then favours previously developed land, then land close to the settlement. Locationally, the proposed site does not meet any of the criteria for siting of a new build guesthouse. As such, the principle of development is considered unacceptable in that it is not located in a settlement and it is not on the periphery of the settlement.

- 8.19. TSM 7 of PPS 16 is also a relevant consideration for all tourism development. It outlines design and general criteria which, if proposals meet the principle of development, they should comply with. As advised previously the principle of development has not been established in this application. However, when considered against TSM 7 it does not directly offend any of the outlined criteria.

Integration and Rural Character

- 8.20. The site is located in the open countryside. The main views of the site will be in both directions along Kilnadore Road, which at this section is a single track laneway. The site benefits from established vegetation along three boundaries which aids enclosure of the site. While the land to the north-east falls the development is not considered to be unduly prominent. Any longer distant views will be from Cushendall to the north-east and from Ballyeamon Rd to the west however from these directions the views will be intermittent and the development will

not appear prominent due to the existing landform and buildings and existing mature vegetation.

8.21. The proposed design is in keeping with the surrounding development and the AONB. The design also involves the use of traditional materials for external finishes including smooth render walls, natural stone and natural slate. Additional hedge and tree planting is proposed along the north-eastern boundary to aid integration.

8.22. Policy CTY 14 states that a planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area.

Given the size, location and siting the proposal will not be prominent in the landscape. The proposed development will not result in a detrimental change to the character of and will not result in a suburban style of build-up.

Non-mains Sewerage

8.23. The application proposes the construction of a septic tank to dispose of the foul sewage. NIEA, NI Water and Environmental Health have been consulted, they have no objection and have provided advice to the applicant. It is proposed to use mains water connections with surface water to be disposed of via soakaways

Access

8.24. Access is proposed from Kilnadore Road. Parking for at least 4 cars has been annotated on submitted plans, this is in accordance Parking Standards guidance documents. DFI Roads has been consulted on the proposal and raise no objections.

Historic Environment

8.25. The site lies within the vicinity of an Archaeological Site and Monument. HED Historic Monuments have been consulted on the proposal and are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Biodiversity / Natural Heritage

- 8.26. The application site is located within Antrim Coast and Glens Area of Outstanding Natural Beauty. The design, siting and scale of the proposal is considered to be sympathetic to the character of the AONB and the area in general. The development complies with design guidance as outlined in the Antrim Coast and Glens Design guide. The proposal complies with Policy NH 6 (AONB) of PPS 2.

Habitat Regulations Assessment

- 8.27. 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.

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. It has not been demonstrated that there are overriding reasons why the development is essential and could not be located in a settlement.
- 9.2 The proposal is also contrary to the SPPS and Planning Policy Statement 16 in that the proposed development is not located on the periphery of a settlement and it has not been fully demonstrated that there are no suitable opportunities in the settlement or the locality. Refusal is recommended.

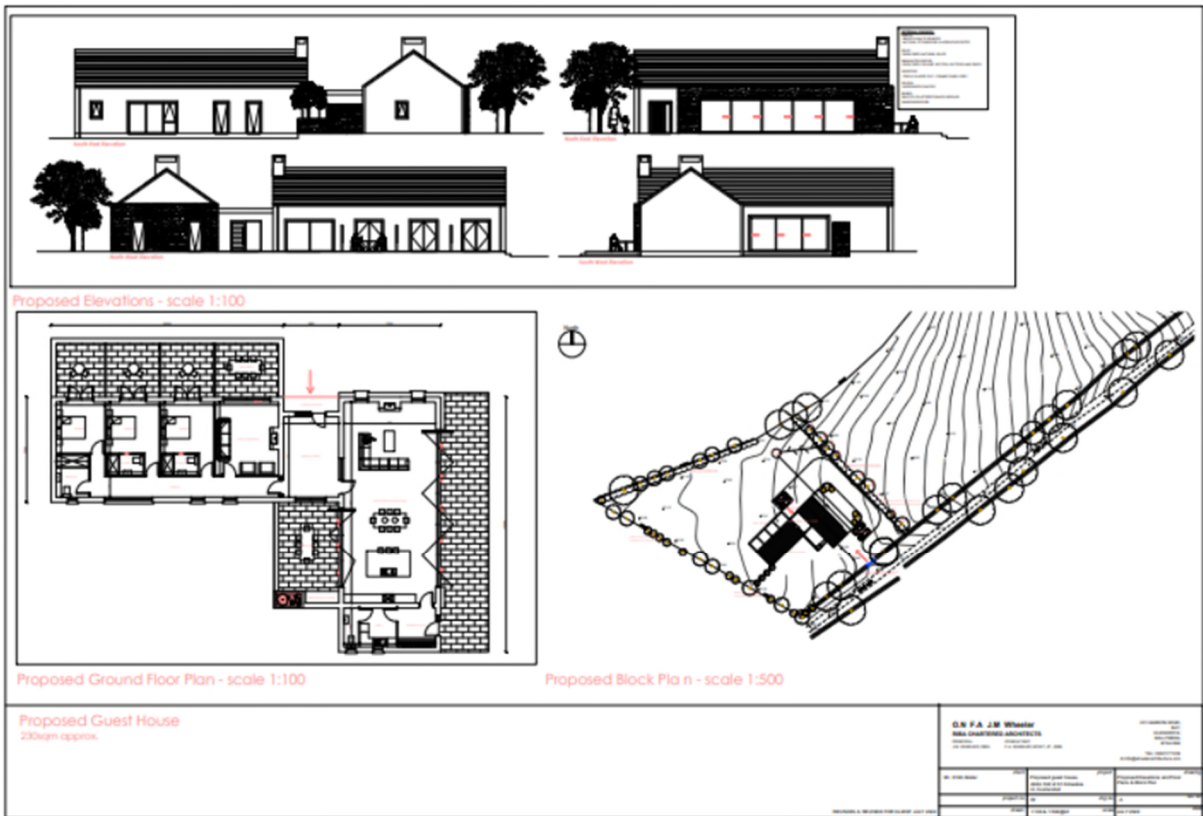
10 Refusal Reasons

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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 paragraph 6.260 of the Strategic Planning Policy Statement for Northern Ireland and Policy TSM 3 of Planning Policy Statement 16, Tourism in that the proposal is not located on the periphery of a settlement and it has not been fully demonstrated that there is no suitable site within a settlement.

Site Location Plan



Site Layout



Referral Request

From: cara mcshane <

Sent: Thursday, November 2, 2023 6:08 PM

To: Planning <Planning@causewaycoastandglens.gov.uk>

Cc: Denise Dickson <>; Oliver McMullan <

Subject: LA01/2022/0905/F - Site 220m SW of 61 Kilnadore Road, Cushendall

Laura a chara,

I would be most grateful if consideration could be given to refer the above referenced planning application, to the next available Planning Committee meeting.

The reasons below are why the request has been made from the agent/applicant.

The proposal is to refuse the application on two grounds:

1. Ref Paragraph 6.73 and Policy CTY1 of PPS21 - There are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. Ref paragraph 6.260 and Policy TSM3 of PPS16 - the proposal is not located on the periphery of a settlement and it has not been fully demonstrated that there is no suitable site within a settlement.

The agent has detailed their responses to both reasons for refusal below:

Responses to Reason 1:

We have carried out two detailed and exhaustive searches of sites and land within the settlement and nearby settlements in August 2022 and again in April 2023. This involved site visits, desktop searches and discussions with local estate agent. All sites and land were either unavailable, unsuitable (with reasons provided) or sale agreed. This search included 8 areas of land zones for housing, 13 properties within the settlement, 6 properties in nearby settlements, 2 properties possibly suitable for re-use conversion, and lands on the edge of the settlement.

The case officer's report mentioned two properties namely *'9b Kilmore Road and 11 Chapel Road'* which *'may be suitable for conversion.... Supporting information such as evidence or access or parking issues has not been provided prove that the existing buildings are not suitable for conversion or replacement.'*

Within our detailed search of suitable sites/properties, we visited both these properties to review suitability. No 9b Kilmore Road is unsuitable as it has one parking space and is accessed off a laneway (stoney lonan) with an unsafe access to the main public road. No 11 Chapel Road was not suitable in size, has very limited amenity space, and again has one parking space with poor and unsafe access onto Chapel Road. The reasons for unsuitability of both properties was submitted to the planning department on 30th May 2023 and at no point did the Planning department request any

additional information on these properties. If they had done so, we would have happily provided further detail to meet their concerns.

We have proven, arguably to a great extent, that the proposal could not be located within a settlement.

Responses to Reason 2:

The Planning department has stated that the proposal is not located on the periphery of a settlement. The Planning legislation under TSM 3 has no reference to measurable distance to define 'periphery' of a settlement. Distances of development from the edge of the settlement which have been granted planning approval vary greatly as can be observed by undernoted cases:

- Within Causeway Coast and Glens Planning Department under LA01/2018/0077/O a hotel was granted approval for some 200m from the settlement of Bushmills.
- In a PAC decision 2020/E0041, Commissioner Donaghy states in the appeal 'the appeal development is within 500m of the village of Carrowdore and is therefore close to the edge of an urban area'.

Both of these interpret very difference interpretations of 'the periphery of a settlement'.

- Also on the same road as the proposed site holiday glamping pods are located which are 500m from the settlement; at 68 and 68A Ballyeamon Road there are two holiday apartment more than 1000m from the settlement periphery.

There is no measurable definition of 'periphery' in the planning legislation and the distance is subject to the case officer's interpretations, which seem to vary.

Look forward to hearing from you again in due course.

Is mise,

Cara