

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0129/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24<sup>th</sup> January 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Cllr Huggins</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	Development Management and Enforcement Manager

<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:** LA01/2023/0129/O      **Ward:** Garvagh

**App Type:** Outline

**Address:** Lands Immediately West of 17 Glebe Road, Garvagh, BT51 5BP

**Proposal:** New dwelling and garage on a farm (application to relocate dwelling position on site and changes to site access as approved LA01/2020/1385/O)

**Con Area:** N/A      **Valid Date:** 14.02.2023

**Listed Building Grade:** N/A

**Agent:** J O Dallas, 31 Abbey Street, Coleraine, BT52 1DU

**Applicant:** James White, 65 Cullyrammer Road, Garvagh, BT51 5JJ

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

## EXECUTIVE SUMMARY

- Outline planning permission is sought for a new dwelling and garage on a farm at lands Immediately West of 17 Glebe Road, Garvagh, BT51 5BP. The application proposes to relocate the dwelling approved under LA01/2020/1385/O with changes to the site access.
- While the principle of a dwelling on the farm is acceptable, the site is unacceptable.
- The proposal is contrary to PPS 21, Policy CTY 1, Policy CTY 13, criteria (a) and (b) and Policy CTY 14, criteria (a) and Para 6.70 of the SPPS in that a dwelling at this location would be prominent in the landscape and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape.
- Initially the planning history on the site, LA01/2020/1385/O proposed to site the dwelling to the west of the no. 17 as now proposed under the current application. However, this was amended in response to integration concerns raised with the site. Approval was then granted siting the dwelling to the south-east of the current farm grouping. The integration/prominence concerns raised on the previous application LA01/2020/1385/O regarding siting a dwelling to the west of no.17 remain. A new dwelling at this location would be significantly prominent, would be “skyline development” and would fail to provide adequate enclosure and integration and is therefore unacceptable.
- Refusal is recommended. -----

**Drawings and additional information are available to view on the Planning Portal-**  
<https://planningregister.planningssystemni.gov.uk/simple-search>

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located on lands immediately west of 17 Glebe Road Garvagh.
- 2.2 No. 17 is a single storey dwelling with gable to the road facing east. There are a group of farm buildings to the immediate east and south of no. 17. The lands falls significantly eastwards from no. 17 towards a watercourse. The proposed siting for the new dwelling is in a portion of an agricultural field to the immediate west of no. 17. The field fronts onto the Glebe Road. The northern roadside boundary is defined by mature hedgerow. The eastern boundary is defined by mature hedgerow. The southern and western boundaries are undefined and open to the remainder of the field. The field is set at a higher ground level than no. 17 and set at a higher level than the road, approximately 2 – 3 metres.
- 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 LA01/2022/1385/0 – Granted 08/07/22 for new dwelling and garage on a farm directly adjacent 17 Glebe Road Garvagh.

## **4 THE APPLICATION**

- 4.1 This is an outline application for a new dwelling and garage on a farm at lands Immediately West of 17 Glebe Road, Garvagh, BT51 5BP. Initially the planning history on the site, LA01/2020/1385/O proposed to site the dwelling to the west of the no. 17 as now proposed under the current application, but this was amended in response to integration concerns raised with the site. Approval was then granted siting the dwelling to the south-east of the current farm grouping, where a siting and curtilage condition was imposed to ensure integration of the site.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 03.05.2023.

Neighbours: Neighbours were notified on 28.02.2023 and 19.04.2023.

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

### **5.2 Internal**

NI Water: no objections.

Environmental Health: no objections.

DFI Roads: no objections.

HED: no objections.

NIEA WMU: no objections.

DAERA (DARD): 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) 2015

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

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/impact on rural character, access and flooding.

### **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 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 were consulted on the application and in a consultation response dated 28.02.23 confirmed that; the farm business Id identified on the Form P1C has been in existence for more than 6 years, it was allocated on 08/02/2012, 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. It is considered the farm business is active and established and meets criteria (a).

- 8.6 A planning history search of the farmlands was carried out. 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. The application meets criteria (b).
- 8.7 The proposed siting as indicated by the green hatched area on the site location map is located to the immediate west of the existing farm grouping. A dwelling at this location would be visually linked with the established group of buildings on the farm and in principle meets criteria (c).

### **Visual integration/impact on rural character**

- 8.8 The proposed site must also meet the requirements of PPS 21 CTY 1, 13 and CTY 14 and Para 6.70 of the SPPS.
- 8.9 The SPPS NI 2015 para 6.70 states, All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.10 Planning Policy Statement 21 – Sustainable development in the Countryside Policy CTY 1 states that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings.
- 8.11 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.

- 8.12 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.

- 8.13 This outline application proposes an amended siting and access from application LA01/2020/1385/O which granted outline permission for a farm dwelling to be positioned to the south east of no.17. Initially application LA01/2020/1385/O proposed to site the dwelling to the west of the no. 17 as proposed under this current application, but this was subsequently amended due to integration and prominence concerns. This could be accommodated in the context of that application given the large extent of the application site which allowed siting options. Approval was then granted subject to conditions siting the dwelling to the south-east of the current farm grouping. The approved site offers acceptable integration characteristics given its position relative to the farm buildings, topography and limited critical views from Glebe Road.

- 8.14 The integration/prominence concerns raised on previous application LA01/2020/1385/O regarding siting a dwelling to the west of no.17 remain. The proposed site is an agricultural field to the west of no.17. The field fronts onto the Glebe Road. The northern roadside boundary is defined by hedgerow. The eastern boundary is currently defined by a hedgerow and steep embankment. The application proposes to demolish the existing outbuilding that abuts the eastern boundary and

a portion of this hedgerow to create a new access to the site. The remaining southern and western boundaries are undefined and open to the remainder of the field. The field is set at a higher ground level than no. 17 by approximately 2-3 metres with a steep embankment between the field and no.17 as the land rises in a westerly direction. From transient critical views on Glebe Road on approach from the south-west, a new dwelling at this location would be prominent, would conspicuously break the horizon as “skyline development” and would fail to provide adequate enclosure and integration.

- 8.15 The ground level in the field of the proposed site gradually rises from the road in a southerly direction, meaning the ground level of the site is higher than the ground level on the road by approx. 2m. This site is elevated and prominent. The open views of the site when travelling from the south-west along Glebe Road would be exacerbated by the vegetation removal required to achieve the visibility splays and the removal of the existing shed to the north-eastern boundary. The proposed access arrangements/driveway will involve significant ground works and will open-up views of the site significantly on approach from the east. As the site offers limited integration and is on an elevated prominent site, it fails Policy CTY 13. As Policy CTY 14 states that a new building will be unacceptable where it is unduly prominent in the landscape, the proposal is additionally contrary to this policy. In contrast, the approved siting under LA01/2020/1385/O to the south-east of no. 17 is considered appropriate for a dwelling on the farm at this location.
- 8.16 This is an outline application and detailed design drawings have therefore not been submitted.
- 8.17 The location of the site will not add to a ribbon of development.
- 8.18 The proposal is contrary to Policy CTY 1, Policy CTY 13, criteria (a) and (b) and Policy CTY 14, criteria (a) and Para 6.70 of the SPPS in that a dwelling at this location would be prominent in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape.

## **Access**

- 8.19 PPS 3, Policy AMP 2, Access, Movement and Parking states 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.
- 8.20 The application proposes the creation of a new access onto the Glebe Road. This would involve the demolition of the existing farm building to the north west of no. 17. DFI Roads has been consulted on the application and in their consultation response dated 15.03.23 raised no objections.
- 8.21 The access arrangements comply with PPS 3 Policy AMP 2.

## **Flooding**

- 8.22 A watercourse traverses the eastern boundary of the red line site boundary. Along the eastern boundary the red line is within the Fluvial Flood plain and FLD 1 of PPS 15 applies.
- 8.23 PPS 15 Planning and Flood Risk, Policy FLD 1 notes that development will not be permitted within the 1 in 100 fluvial flood plain unless it constitutes an exception to the policy. It is noted that the proposed siting is not within the flood plain and is set at a significantly higher ground level than the watercourse and a higher ground level than the previous approved siting under LA01/2020/1385/O. On the extant approval LA01/2020/1385/O, DFI Rivers noted the built development was taking place on elevated ground and out of the floodplain and did not raise any objection. The current proposed siting is further removed from the floodplain and on a higher site and consultation with DFI Rivers was not deemed necessary on this application. The proposed amended siting is not within the floodplain and FLD 1 is not engaged.
- 8.24 Along the eastern boundary of the red line the site is within a Surface Water (Pluvial) flood zone and PPS 15, Policy FLD 3 applies.

- 8.25 PPS 15, Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains notes, "A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds: • A residential development comprising of 10 or more dwelling units • A development site in excess of 1 hectare • A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area. A Drainage Assessment will also be required for any development proposal, except for minor development, where: • The proposed development is located in an area where there is evidence of a history of surface water flooding. • Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage."
- 8.26 The proposed site does not exceed any of the above thresholds outlined in FLD 3, the proposed siting is not within an area with a history of surface water flooding and surface water run-off would not adversely impact upon other development or nature conservation, archaeology or the built heritage. Accordingly, the application would not require a drainage assessment and meets FLD 3.

### **Habitats Regulation 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.

## **9 CONCLUSION**

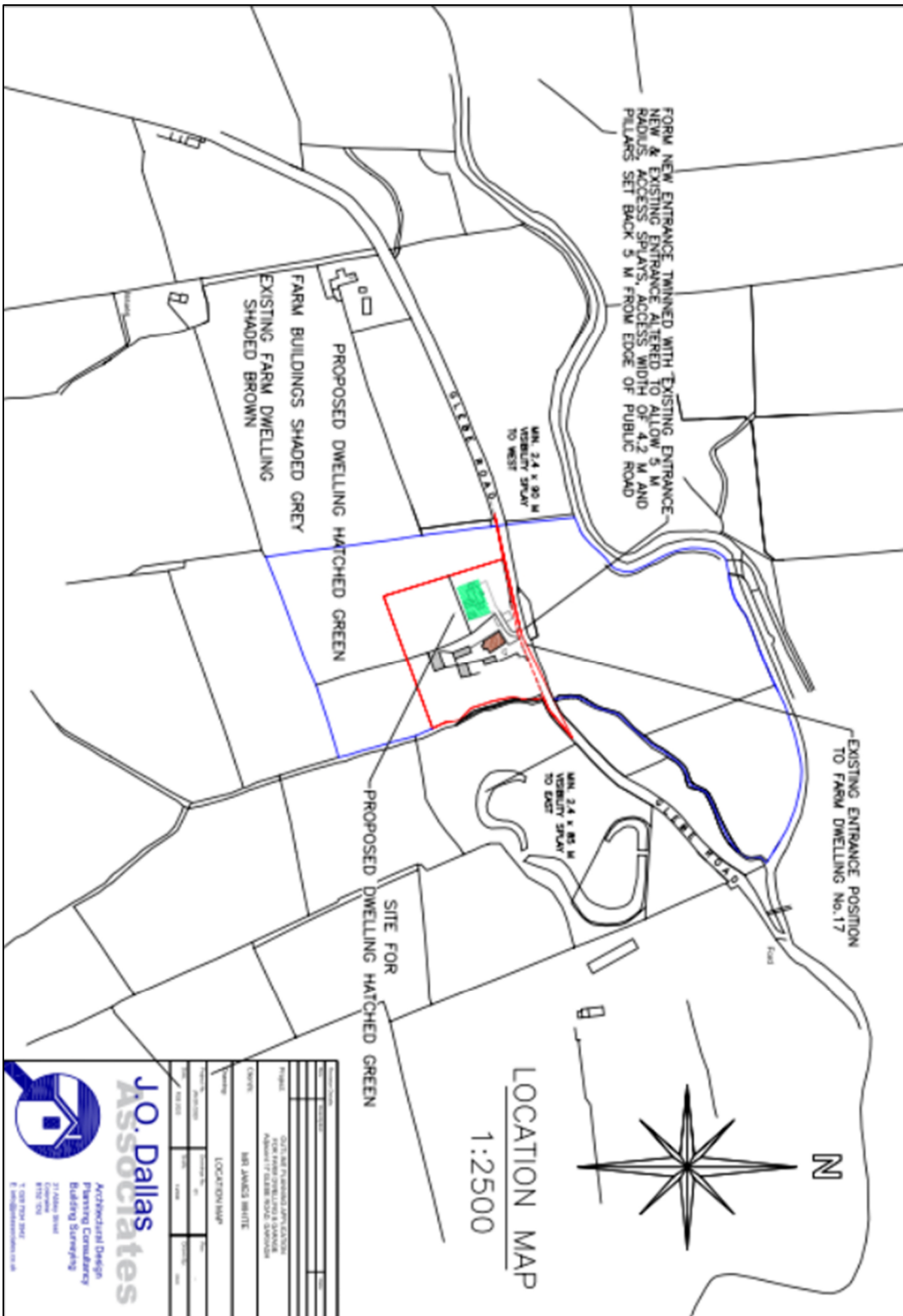
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1, Policy CTY 13, criteria (a) and (b) and Policy CTY 14, criteria (a) and para 6.70 of the SPPS in that a dwelling at this location would be prominent in the landscape,

the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. As an appropriate alternative, an extant approval LA01/2020/1385/O exists on this farm holding for a dwelling on the farm that complies with CTY 1, 10, 13 and 14 and which adequately integrates. Refusal is recommended.

## **10 Reasons for Refusal**

1. The proposal is contrary to Planning Policy Statement 21, Policy CTY 1, Policy CTY 13, criteria (a) and (b) and Policy CTY 14, criteria (a) and para 6.70 of the SPPS, in that a dwelling at this location would be prominent in the landscape and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape.

# Site Location Map



## Referral Request

**From:** Dawn Huggins

**Sent:** Monday, October 9, 2023 9:43 AM

**To:** Planning Denise Dickson Oliver McMullan

**Cc:** Dawn Huggins

**Subject:** Contentious Delegation Decisions - LA01/2023/0129/O Lands Immediately West of 17 Glebe Road, Garvagh, Coleraine. "New dwelling and garage on a farm (application to relocate dwelling position on site and changes to site access as approved LA01/2020/1385..."

Good morning

I wish to formally refer the above Planning Application to the Planning Committee.

The agent /client's grounds for this referral are laid out below in the following comments:

Refusal of this application seems to hinge on opinion that site is too prominent on approach from the west.

We would disagree.

On the approach from the west the high banked roadside verge and hedgerow will limit the views to the proposed single storey dwelling especially if dwelling is set back as far as possible on site.

There will only be a fleeting view of the site.

The ground to the rear of the site actually rises in the medium distance meaning that views to the site from further distances will not render it skyline development.

Glebe Road is a very minor road and is only used for limited local access as the ford crossing is a deterrent for other road users.

I believe there is a need to look favourably on genuine farm dwellings ( as backed by previous Ministerial statements ). This farm dwelling is an absolute necessity for the farmer to continue his business ( mainly sheep rearing )

Very many thanks and I look forward to hearing from you .

Kind Regards,

Dawn

**Dawn Huggins**

# Addendum

## LA01/2023/0129/O

### 1.0 Update

- 1.1 During processing of the application, an elected member on behalf of the applicant advised that the siting approved under Ref: LA01/2020/1385/O was not acceptable to the applicant. The reasons put forward were: difficulty in achieving mortgage finance given the relationship of the site with farm buildings and; a concern about the site being subject to flooding.

### 2.0 Assessment

- 2.1 While the applicant may have experienced difficulties in achieving mortgage finance for the siting approved under Ref: LA01/2020/1385/O, no information has been put forward to demonstrate that mortgage finance was unavailable from any lender. Therefore, little weight is attributed to this factor as a material consideration in assessment of the application. The harm to rural character by reason of prominence, failing planning policy requirements, is given much greater weight as a material consideration relative to the generalised issue presented regarding mortgage finance.
- 2.2 Regarding flooding of the area subject to the siting approved under Ref: LA01/2020/1385/O, Paragraph 8.23 of the Planning Committee Report states that *“On the extant approval LA01/2020/1385/O, DFI Rivers noted the built development was taking place on elevated ground and out of the floodplain and did not raise any objection.”* Therefore, as concerns regarding flooding of the approved area are not substantiated, it is given little weight as a material consideration.
- 2.3 We would note that PPS 21 CTY 10 notes that. “In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14”. This highlights that in order to meet CTY 10 the site must also be considered acceptable in terms of



integration. Para 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

2.4 We refer to appeal 2021/A0027 (Pollysbrae Road, Limavady) in this instance. This was an appeal against 2 conditions imposed by the Council which included a siting and curtilage condition for a dwelling on a farm. The conditions were added to ensure that the development is not prominent and satisfactorily integrated into the landscape.

2.5 The appeal was dismissed and the commissioner agreed with the Council that the conditions were necessary for integration noting,

*“Para 8. Given the paucity of roadside and other intervening vegetation, a road frontage dwelling at the appeal site, in line with Nos 52 and 56, would be highly visible when viewed on approach in either direction along a considerable stretch of Pollysbrae Road. Such development would have a detrimental impact on rural character as it would appear prominent and add to a ribbon of development contrary to Policy CTY 8...*

*Para 10. Considering the totality of the evidence in the round, I conclude Conditions 4 and 5 to be reasonable and necessary in securing a development that integrates sympathetically with its surroundings and has no detrimental impact on rural character or visual amenity. I judge both conditions to be justified.”*

2.6 This appeal highlights the requirement for dwellings on the farm to also meet policy CTY 13 and 14 in terms of integration.

### **3.0 Recommendation**

3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.