

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0117/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 by Alderman Fielding</b>
<b>To be discussed In Committee YES/NO</b>	<b>No</b>
<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

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

<b>Legal Considerations</b>	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

<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:

<b>No:</b> LA01/2023/0117/O	<b>Ward:</b> Bann
<b>App Type:</b> Outline	
<b>Address:</b> 248m South West of 97 Cashel Road, Macosquin, Coleraine, BT51 4PR	
<b>Proposal:</b> Site of dwelling and garage on a farm	
<b>Con Area:</b> N/A	<b>Valid Date:</b> 8 <sup>th</sup> February 2023
<b>Listed Building Grade:</b> N/A	
<b>Agent:</b> Simpson Design (NI) Ltd	
<b>Applicant:</b> A Nevin	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for a dwelling on a farm in accordance with Policies CTY10, CTY13 and CTY14 of PPS21.
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located some 248m southwest of 97 Cashel Road, Coleraine.
- The proposal fails to meet the criteria under Policy CTY10 of Planning Policy Statement 21, in that a dwelling would fail to visually link or cluster with the existing buildings on the farm.
- The proposal fails Policy CTY 13 of Planning Policy Statement 21 in that the proposal would fail to visually integrate with existing buildings on the farm.
- The proposal also fails Policy CTY14 in that if approved, it would result in a suburban style build-up of development when viewed with existing buildings, thus causing a detrimental change to the rural character of the area.
- DFI Roads, Environmental Health, NIEA's Water Management Unit and NI Water and were consulted on the application and raised no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

## **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 located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located some 248m southwest of 97 Cashel Road, Coleraine.
- 2.2 The site is located to the south-western section of a wider agricultural field. The topography from the public road towards the site is relatively flat however the topography of the site rises

slowly from the north-eastern boundary towards the south-western boundary.

2.3 The south-western and south-eastern boundaries are defined by mature vegetation some 4+metres in height, the north-western boundary is defined by post and wire fencing whilst the north-eastern boundary is physically undefined.

2.4 The north-eastern (roadside boundary) is defined by hedging and a post and wire fence. The south-eastern (laneway boundary) and the north-western boundary are also defined by a post and wire fence. The south-western and western boundaries that bound No. 16 Shiny Road are defined by mature vegetation.

### **3 RELEVANT HISTORY**

3.1 Planning Reference: LA01/2022/0152/O  
Location: 140m south-west of 97 Cashel Road, Coleraine  
Proposal: Site for dwelling and garage on a farm  
Decision: Application withdrawn

### **4 THE APPLICATION**

4.1 Application for outline permission for a dwelling on a farm under Policy CTY 10.

### **5 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

Neighbours: There are no objections to the application

#### **5.2 Internal**

**DFI Roads:** No objection

**Environmental Health:** No objection

**NIEA (Water Management Unit):** No objection

**NI Water:** No objection

**DAERA:** 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**

7.1 The application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

### **7.2 Supplementary Planning Guidance**

Building on Tradition: A sustainable Design guide for Northern Ireland.

## **8 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

8.1 The main considerations in the determination of this application relate to the principle of development and character of the rural area.

### **8.2 Principle of Development**

- 8.3 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.4 Policy CTY1 of PPS21 sets out 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. Policy CTY 1 of PPS21 identifies a number of instances when an individual dwelling house will be granted permission. These include a dwelling on a farm in accordance with Policy CTY 10.
- 8.5 **Policy CTY10**
- 8.6 Policy CTY 10 states that all of the following criteria must 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 the 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; and
  - (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 8.7 The Department for Agriculture Environment and Rural Affairs (DEARA) were consulted on the proposal with regards to the Farm ID submitted as part of the application. DEARA responded stating the farm Business ID identified on the P1C form had been in existence for more than 6 years (19<sup>th</sup> November 1991) and has claimed payments through the Basic Payment Scheme or Agri Environment schemes in each of the last 6 years. DEARA further confirmed the application site is located on land for which payments are currently being claimed for the farm business. It can be considered that criteria (a) of Policy CTY 10 can be met.
- 8.8 Criteria (b) of this policy states that 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. A history search has been completed for all lands identified on the farm maps submitted with the application indicated on Doc 01 date stamped **8<sup>th</sup> Feb 2022**. Four permissions were identified on land adjacent to where the applicant currently owns land; C/2002/0745/O, C/2005/0874/F (same site), C/2006/0185/F &

C/2002/0746/O (same site), C/2004/0255/O & C/2006/0184/RM (same site), C/2010/0634/F. The agent that the approvals belong to 'Nevin electrics' and have nothing to do with the applicant. From this history search the Council has no record to suggest that any other dwellings or development opportunities have been sold off from the farm holding in the last ten years. It is considered criteria (b) of Policy CTY 10 can also be met.

- 8.9 The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The policy goes on to say that in exceptional circumstances consideration may be given to an alternative site provided that 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.
- 8.10 Paragraph 5.41 of PPS21 states the proposed dwelling, when viewed from surrounding vantage points, should read as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. The farm holding is located at No. 129 Cashel Road and the application site is located directly to the north of No. 105 Cahsel Road – some 1.6km away. The agent was contacted via email on 23<sup>rd</sup> March 2023 asking for justification of the location of the proposed site. A Planning Statement was submitted on 7<sup>th</sup> April 2023 stating “the site has been submitted at this location because the applicant is unable to provide a safe access to the public road. At the end of the applicants farm lane (129 Cashel Road) there is an existing farm yard. The line of visibility is through this neighbouring farm yard. There is not enough room for a visibility splay to be created and also leaving room for the neighbouring farmer to access his farm buildings safely with modern farming equipment.”
- 8.11 Paragraph 5.42 of PPS21 indicates 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. DFI Roads were contacted regarding this and confirmed that as the applicant does not appear to own/control lands at the junction of Cashel Road at the entrance

to 129 it would render this access as unsuitable for increased use. Appeal Ref: 2016/A0214 is similar in regard to access. The commissioner did not accept the argument as being related to safety, but rather land ownership – which is a civil matter between parties. It is considered that the issue with the intensification of the access at the existing farm holding would not be deemed an exception under criterion (b) of CTY10. Furthermore, it is considered the alternative site elsewhere on the farm, and the clustering with a third party is unacceptable.

- 8.12 The agent was contacted regarding these concerns and submitted a Planning Statement along with tax books and a herd book on 22<sup>nd</sup> August 2023. Within the Planning Statement, the agent stated the reason for the alternative site is due to the size and scale of the applicant's farming activities and plans to grow the farm. The agent claims that locating the proposed dwelling near the farm holding would cause significant detrimental harm to the current operations of the farm holding and future plans. It is stated that there is a significantly large animal count located at the fields surrounding the application site which would be beneficial in respect of grazing management.
- 8.13 As mentioned there has been a herd book and tax books submitted to support the planning statement in regards to the size and scale of the farm activities. It is not disputed that the farm holding is extensive and busy however the information submitted does not meet the exceptions test under CTY10. The applicant has not provided 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, nor has there been any evidence relating to the future expansion of the farm business, such as valid planning permissions, building control approvals or contractual obligations to supply farm produce.
- 8.14 Given the above, the principle under CTY10 cannot be established as the proposed dwelling fails to visually link or cluster with existing buildings on the farm. It cannot be demonstrated that there are demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group to meet the exceptional circumstances of the policy for an alternative site.



### 8.15 Policy CTY 13

8.16 Policy CTY 13 states 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.

8.17 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 Proposed buildings should blend sympathetically with their surroundings and should not appear incongruous in the landscape. The siting and design of new buildings are important to ensure they integrate harmoniously with their surroundings in order to protect the amenity and character of the countryside.

8.19 Criterion (g) of CTY 13 indicates a dwelling will be unacceptable where it fails to be visually linked or sited to cluster with an established group of buildings on a farm (in accordance with CTY 10). As noted above, the proposal is not sited beside existing buildings on the farm and does not meet the exceptions test for an alternative site on the farm. Therefore, the proposal fails this aspect of CTY13.

8.20 Notwithstanding the failure to visually link with existing buildings on the farm, the site is located some 100m west of the Cashel Road and the topography rises slowly from the road towards the

site, which is located to the rear of the agricultural field and elevated above the Cashel Road. When travelling in a northerly direction along the Cashel Road, a dwelling would be partially screened by the existing dwelling at No. 105 Cashel Road and the mature vegetation along the southern boundary. Views of the dwelling would be more achievable when travelling in a southerly direction however, given the existing backdrop of trees and the existing dwelling at 105, it is considered that a modest low ridge dwelling would integrate into the landscape and with the existing dwelling. It is considered that a dwelling with a ridge of no more than 5metres above finished floor level would integrate into this area. The existing vegetation could be conditioned to be retained at a minimum height of 2metres for hedging and 4metres for trees. A landscaping plan will also be required to assist integration on this site.

8.21 Overall, the proposal fails to meet criterion (g) of CTY13 and therefore fails CTY13.

#### **8.22 Policy CTY14: Rural Character**

8.23 Policy CTY14 of PPS21 states 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.

8.24 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.

8.25 It is considered that while the site is slightly elevated above the Cashel Road it is considered a 5m ridge would ensure it is not a prominent feature in the landscape. Existing and proposed site levels would be required to ensure the proposal is not prominent in the landscape.

8.26 The proposed dwelling aims to cluster with an isolated third-party dwelling. It is considered that if a dwelling were to be approved on this site it would result in a suburban style build-up of development when viewed with existing buildings, nor would it respect the traditional pattern of settlement exhibited in that area. It is therefore considered that if a dwelling were to be approved on this site, that it would have a detrimental impact on the character of this area.

### **8.27 Habitat Regulations Assessment**

8.28 The potential impact of 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.

### **8.29 Access**

8.30 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 states 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:

- 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.

8.31 DFI Roads were consulted on the proposal and responded with no concerns subject to conditions.

## **9 CONCLUSION**

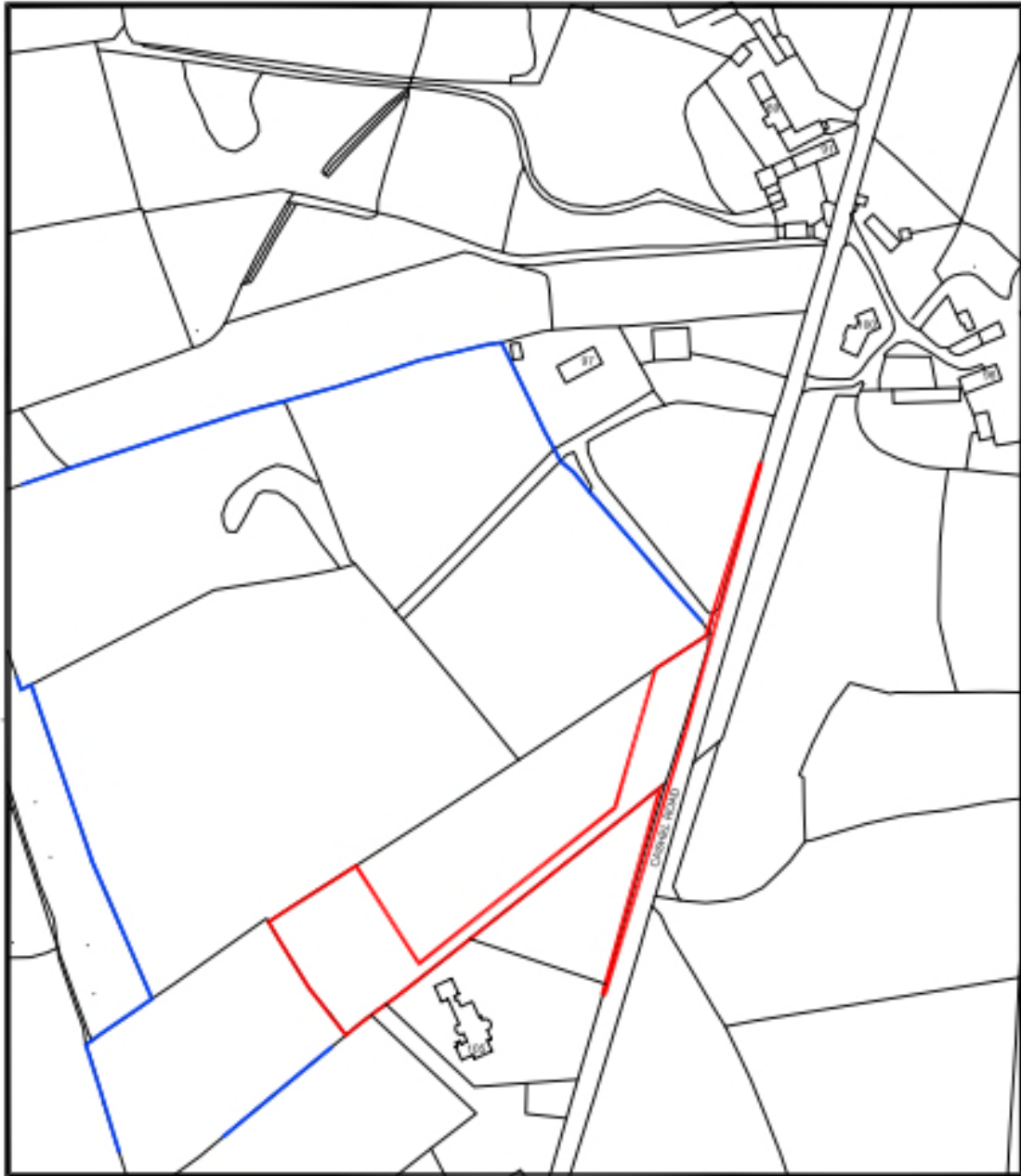
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS.
- 9.2 The proposal fails to meet the principle policy requirements under CTY1 for dwelling in the countryside, as the proposal does not meet the criteria for a dwelling on a farm, as outlined under Policy CTY10.
- 9.3 The proposal is contrary to Policies CTY13 and CTY14 in the Countryside in that the proposal would fail to visually integrate with existing buildings on the farm and if approved, it would result in a suburban style build-up of development when viewed with existing buildings, thus causing a detrimental change to the rural character of the area.


## **10 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY1 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 6.73 of the Strategic Planning Policy Statement and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that and a dwelling would fail visually link or cluster with the existing buildings on the farm.
3. The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would fail to visually integrate with existing buildings on the farm.
4. The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved, it would result in a suburban style build-up of development when

viewed with existing buildings, thus causing a detrimental change to the rural character of the area.

# Site Location Plan



CLIENT <b>Mr. &amp; Mrs. A. Nevin</b>		 SIMPSON DESIGN <small>4400 W. 10th Avenue                  Suite 100                  Englewood, CO 80110                  Phone: 303.733.8888                  Email: simpson@simpsondesign.com                  Web: www.simpsondesign.com</small>	
PROJECT New Dwelling and Garage on a Farm Cornell Road, Colorado	SCALE 1-2500	PRINT DATE Dec 22	SHEETS -
DRAWING TITLE PROPOSED Location Plan	DRAWING NO. PLP-01	REVISIONS	COMMENTS

## Referral Request

**From:** Mark Fielding

**Sent:** Wednesday, August 30, 2023 6:25 PM

**To:** Planning <Planning@causewaycoastandglens.gov.uk>; Denise Dickson Cllr Oliver McMullan

**Subject:** Re: LA01/2023/0117/O - 248m South West of 97 Cashel Road Macosquin

Re: LA01/2023/0117/O - 248m South West of 97 Cashel Road Macosquin

I wish to refer the above application to the Planning Committee for the following reasons.

The development cannot be located within a settlement as this application is for a dwelling and garage on a farm. The proposed dwelling is located at this site for health and safety reasons and to provide the efficient functioning on the existing farm holding.

The proposed dwelling is clustered with an existing dwelling and has mature hedging and trees around the site.

The proposed dwelling I believe will not cause a detrimental change to the rural area.

Yours,

Mark  
Ald M Fielding