



<b>Planning Committee Report LA01/2019/0383/O</b>	<b>25<sup>th</sup> March 2020</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/A

<b><u>App No:</u></b> LA01/2019/0383/F	<b><u>Ward:</u></b> LOUGHGUILLE & STRANOCUM
<b><u>App Type:</u></b> Full Application	
<b><u>Address:</u></b> Between 15 & 17 Mostragee Road Stranocum Ballymoney	
<b><u>Proposal:</u></b> Proposed infill site for dwelling and garage	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 10/04/2019
<b><u>Listed Building Grade:</u></b> N/A	<b><u>Target Date:</u></b> 23/07/2019
<b><u>Applicant:</u></b> John and Rosemary Surgenor 82 Toberdoney Road Dervock Ballymoney BT53 8DH.	
<b><u>Agent:</u></b> Mr S W Atkinson Architectural Services 51 Castle Street Ballymoney BT53 6JT.	
<b><u>Objections:</u></b> 0	<b><u>Petitions of Objection:</u></b> 0
<b><u>Support:</u></b> 0	<b><u>Petitions of Support:</u></b> 0

## **Executive Summary**

- Outline planning permission is sought for an infill site for a dwelling and garage.
- The site is located within the rural area as defined in the Northern Area Plan 2016.
- The application is considered to fail Policy CTY8 as it is not sited within a substantial and built up frontage including a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- There are no objections to the proposal and no consultee concerns.
- The proposal does not comply with planning policies CTY 1, CTY 8 and CTY 14 of PPS 21 and therefore the application is recommended for refusal.

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

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the recommendation set out in 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 between No 15 and No 17 Mostragee Road Stranocum.
- 2.2 The site has a roadside location comprising an unused portion of land between two bungalows.
- 2.3 The topography of the site is relatively flat land with an undefined road boundary. The southern boundary is defined with native species hedging and trees while the western boundary is defined with mature coniferous trees. The eastern boundary is defined with a vertical board fence.
- 2.4 The proposal includes a new access of the Mostragee Road, located at the North Eastern corner of the site.

## **3 RELEVANT HISTORY**

None

## **4 THE APPLICATION**

- 4.1 The application is for a proposed infill site for dwelling and garage.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: There are no objection to this proposal.

## 5.2 Internal

Northern Ireland Water: No objections

Environmental Health: No objections

DFI Roads: No objections

DAERA NED: No objections

## 6.0 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 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.

## 7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The proposed dwelling must be considered, having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of the development, ribbon development, integration, rural character, access and Habitat Regulations Assessment.

### **Principle of Development**

- 8.2 Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and 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 the infilling of a gap site in accordance with Policy CTY 8.
- 8.3 Policy CTY 8 notes that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This is reiterated by paragraph 6.73 of SPPS.
- 8.4 The site is located between No 15 and No 17 Mostragee Road. The dwellings are modest, single storey buildings which have a road frontage. They both have ancillary buildings located to the rear. These comprise a small detached garage to the rear corner of No 15 and small ancillary buildings to the rear of No 17.

- 8.5 The buildings to the rear of nos. 15 and 17 read as being subordinate to and part of these dwellings. They do not directly front onto Mostragee Road and are not considered to contribute to the formation of a built up frontage. This approach has consistently been upheld by the Planning Appeals Commission, for example appeal 2016/A0005 where the Commissioner concluded that due to the overall design and position of an outbuilding it read as being subordinate to the host dwelling. The proposed site is not considered to be part of a substantial and continuously built up frontage including a line of 3 or more buildings. As such, the proposal is contrary to Paragraph 6.73 of SPPS and Policy CTY8 of PPS 21 in that the gap site is not located within a substantial and continuously build up frontage.
- 8.6 As the proposed application site is not located within a substantial and continuously built up frontage the proposal would result in a built up linear form of development along Mostragee Rd, which would result in the creation of ribbon development, which again is contrary to Paragraphs 6.70 and 6.73 of the SPPS, Policy CTY8 and Criteria (d) of Policy CTY 14.

### **Rural Character and Integration**

- 8.7 When travelling along the road in a north easterly direction the site is shielded with the existing mature trees along the NE boundary of No15. On travelling in a south westerly direction there will be more open views of the site due to the flat topography and level of screening along the north eastern boundary. The site has a satisfactory level of enclosure and an appropriately designed dwelling would not appear prominent in the landscape. As such the proposal would meet Policy CTY 13 of PPS 21.
- 8.8 Policy CTY 14 of PPS 21 advises 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. As stated above in paragraph 8.6 a dwelling on this site would create a ribbon of development and result in a built-up appearance which would have a detrimental impact on the rural character. A building on this site would result in a suburban style of build up which would not respect the traditional pattern of development in the area. The gap between buildings helps to preserve the traditional spacing found in the locality.

8.9 Therefore, as the development does not meet Policy CTY8, it does not meet Policy CTY1. There are no overriding reasons why the development is essential and could not be located in a settlement.

### **Habitats Regulations Assessment**

8.10 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of any European site.

### **9.0 Conclusion**

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations. The proposed site is not located within a substantial and continuously built up frontage and would as a result create a ribbon of development. In addition, a new dwelling would result in a suburban style of built up and result in a detrimental change to the rural character of the area. There are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. The proposal is contrary to the SPPS, Policies CTY 1, 8 and 14 of PPS 21. Refusal is recommended.

### **10.0 Reasons for Refusal:**

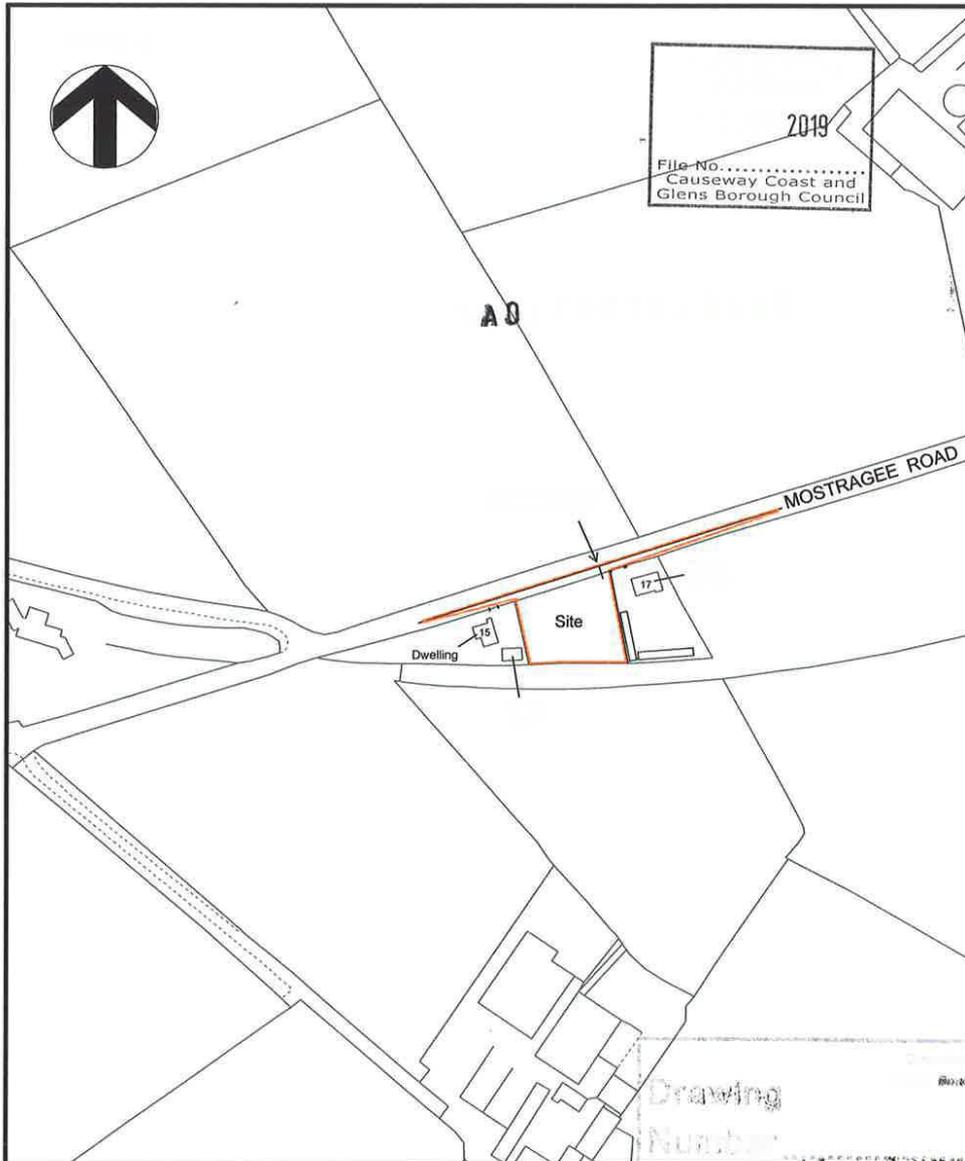
10.1 The proposal is contrary to SPPS Para 6.71 and Policies CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

10.2 The proposal is contrary to Para 6.73 of the Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap is not within a substantial and continuous built up

frontage and the proposal would, if permitted, result in the creation of ribbon development along the Mostragee Road.

10.3 The proposal is contrary to SPPS Paragraph 6.70 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development; result in a suburban style build-up of development and would therefore result in a detrimental change to the rural character of the countryside.

**Site location:**



# **Addendum**

## **LA01/2019/0383/O**

### **1.0 Update**

1.1 The agent submitted information in support of the application at an office meeting. The points included:

- Existing garage to rear of no. 15 should be included as road frontage;
- Policy CTY 8 of PPS 21 and 'Building on Tradition' document does not make reference to requirements regarding size of building, relationship of outbuilding/garage to main dwellings, visual impact or curtilage;
- Definition of road frontage is open to interpretation;
- Groups with existing established buildings, integrates and respects rural character;
- Development would enhance area;
- Site has sense of enclosure; and
- Refers to two planning references – LA01/2016/1405/O (30m SW of 50 Glenbuck Road, Dunloy and D/2011/0223/O (Between 50 and 52 Ballybogey Road, Ballymoney, Appeal Ref 2012/A0260).

### **2.0 Consideration**

2.1 An assessment of what is considered a continuous built up frontage and road frontage is outlined in Paragraphs 8.3-8.6 of the Planning Committee Report. Consideration of integration and rural character is outlined in Paragraphs 8.7-8.8 of the Planning Committee Report.

1.3 Both planning applications referred to were located within road frontages comprising a line of 3 buildings and, as such, the Planning Department do not consider that these applications are comparable to this planning application. As stated in Paragraph 8.5 of the Committee Report the Planning Appeals Commission

(PAC) have previously determined on what is considered to be a road frontage building.

## **2.0 Recommendation**

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to REFUSE planning permission as set out in paragraph 9.1 of the Planning Committee Report.

# Erratum

## LA01/2019/0383/O

There is an error on the front page of the Planning Committee Report relating to the application number and type. It currently states:

App No: LA01/2019/0383/F

App Type: Full Application.

This should be changed to:

App No: LA01/2019/0383/O

App Type: Outline Application.