

<b>Planning Committee Report</b> LA01/2018/0715/O	<b>27 March 2019</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> LA01/2018/0715/O	<b><u>Ward:</u></b> Cloughmills
<b><u>App Type:</u></b> Outline Planning	
<b><u>Address:</u></b> Lands adjacent to 232 Finvoy Road, Rasharkin	
<b><u>Proposal:</u></b> Proposed new farm dwelling & detached garage	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 12.06.2018
<b><u>Listed Building Grade:</u></b> N/A	
 <b>Applicant:</b> Mr Finbar McGarry	
<b>Agent:</b> Healy McKeown Architects	
<b>Objections:</b> 1	<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)

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

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is accessed off an existing laneway taken from Finvoy Road which also serves 5 other existing dwellings. An additional dwelling (No 228 Finvoy Road) is accessed via a separate adjoining driveway. The site comprises the north-western portion of a small field to the south of No 232 Finvoy Road (including a triangular area of the field to the rear of this dwelling to facilitate access to the existing laneway). The site is set one field length (74m) back from the public road with a mature hedgerow and trees along the western boundary which separates the two. The land rises from the public road with the site elevated above at a comparable level to the adjacent dwelling at No 232. Both the southern and eastern site boundaries are undefined although the overall related field boundaries comprise a mix of mature trees and hedgerows. The site continues to rise from the western boundary in an easterly direction. A further belt of mature trees and watercourse exist approximately 70m south of the site.
- 2.2 The application site is located within the rural area as identified within the Northern Area Plan 2016. The site is not located within any specific environmental designations.

## 3.0 RELEVANT HISTORY

- 3.1 None

## **4.0 THE APPLICATION**

- 4.1 Outline planning permission is sought for a new farm dwelling and detached garage.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

**Neighbours:** There is one objection to the proposal from No. 232 Finvoy Road.

### **5.2 Internal:**

DFI Roads: No objections

Environmental Health: No objections

NI Water: No objections.

NIEA WMU: No objections.

DAERA Countryside Management Compliance Branch: Farm Business in existence for more than 6 years and claims made.

## **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)

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 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 development, visual impact and rural character, access, and health and safety.

## Principle of Development

8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted as a dwelling on a farm and therefore falls to be assessed against Policy CTY 10.

8.3 Policy CTY 10 states that 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;*

DARD were consulted in relation to this application and confirmed that the Farm Business number identified on the P1C form has been in existence for more than 6 years and claims have been made.

*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; and*

2018 farm maps have been submitted. A planning history search was carried out on the land identified within the farm maps provided which confirmed that no other permissions have been granted within 10 years of the date of this application.

*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.*

- 8.6 The applicant's address is identified as No 37 Main Street, Rasharkin as per the P1 application forms and submitted farm maps. The proposed site is not adjacent to any existing buildings, within the farm holding, although access is taken from an existing laneway which serves a number of dwellings as well as the applicant's land. The agricultural holding does include one building located remote from the current proposed site on the western side of Finvoy Road, opposite No. 234.
- 8.7 A site assessment plan has been submitted which indicates a group of buildings 100m to the south of the site. These are identified as being the original farm homestead and are owned by the applicant's brother who is not named on the farm business. The current site is identified as the most suitable option on the assessment plan as it is described as visually linking with existing dwellings. Although neighbouring dwellings do exist, including one immediately adjacent to the proposed site these are unrelated to the farm holding. As there is no established group of buildings on the farm with which the proposal visually links or sites to cluster, the proposal fails criterion (c).

### **Personal and Domestic Circumstances**

- 8.8 Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:
- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
  - (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of

a temporary mobile home for a limited period to deal with immediate short term circumstances.

- 8.9 The agent has submitted additional information outlining the applicant's personal circumstances including medical information. The applicant's GP has submitted a supporting letter which states that the applicant currently travels from his home address to the farm holding by bicycle and suffers from a number of medical conditions which may make the current circumstances unsafe.
- 8.10 Whilst Planning recognises the difficulties experienced, no compelling, and site specific reasons have been advanced or satisfactory evidence submitted to indicate that genuine hardship would be caused if planning permission were to be refused and alternative solutions have not been adequately explored. The proposal is considered contrary to Policy CTY 6.

### **Integration**

- 8.11 The site is set back from the public road, is well screened due to existing intervening vegetation and incorporates a substantial backdrop therefore it will not appear unacceptably prominent and the visual impact is limited. However, criterion (g) of Policy CTY13 states that in the case of a proposed dwelling on a farm it will be unacceptable where it is not visually linked or sited to cluster with an established group of buildings on a farm. The proposal fails criterion (g) of CTY13.

### **Objection Consideration and Access**

- 8.12 One objection has been received to the proposal raising the potential impact on privacy as well as access issues such as traffic volume (including agricultural traffic), intensification, safety, passing, visibility, condition of the laneway, use of the objector's property for parking during periods of extreme weather conditions, damage to vehicles etc. In terms of privacy it is unlikely that an appropriately designed dwelling at this site would significantly impact on existing privacy considering the extent of mature vegetation around the objector's property. A number of the issues raised by the objector such as the

condition of the laneway, damage to cars and people parking is not a material planning consideration, however they may be indirectly affected by intensification of the existing access arrangements. The objector raises an existing childminding businesses and the volume of traffic associated with it which creates higher than normal volumes of traffic at certain times. DFI Roads has been consulted and state that they have considered the proposal on the basis that the existing childminding business is served by a separate access. The application incorporates improvements to the existing access which should serve to improve safety. DFI Roads has offered no objections in relation to the proposed access arrangements or additional traffic.

### **Habitats Regulations Assessment**

- 8.13 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 in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to policy in terms of the principle of development in that: the proposal does not visually link or site to cluster with an established group of buildings on the farm and the proposal fails to meet with Policy CTY 6 in that there are no compelling or site specific needs for a dwelling at this location. Refusal is recommended.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) 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 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and criterion (g) of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
4. The proposal is contrary to Paragraph 6.73 of the SPPS and CTY 6 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that it has not been demonstrated that a dwelling is a necessary response to the personal circumstances of the case and that a genuine hardship would be caused if permission was refused. The alternative forms of development to meet personal circumstances have not been fully explored and dismissed.

