

Planning Committee Report – Agenda Item 5.15	28th February 2018
LA01/2017/0524/F – Pebble Cottage, 51 Tircreven Road, Tircreven TD, Limavady	
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Principal Planning Officer
Cost: (If applicable)	N/a

**Pebble Cottage,
51 Tircreven Road,
Tircreven TD,
Limavady**

LA01/2017/0524/F

28th February 2018

<u>No:</u>	LA01/2017/0524/F	<u>Ward:</u>	Magilligan
<u>App Type:</u>	Full		
<u>Address:</u>	Pebble Cottage, 51 Tircreven Road, Tircreven TD, Limavady, BT49 0JH		
<u>Proposal:</u>	Retention of building as permanent dwelling		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	25.04.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mervyn Guthrie MCIAT, 4 Castle Walk, Castlerock, Coleraine, BT51 4TP		
<u>Applicant:</u>	Mr G and Mrs M Bond - 139 Duncrun Road, Tircreven, Limavady, BT49 0JQ		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

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** full planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Pebble Cottage, 51 Tircreven Rd, Limavady. The application site is located adjacent the roadside in close proximity of the junction of Tircreven Rd and Duncrun Rd. The application site contains a modest single storey building which is currently used as tourist accommodation, sitting gable on to the road, with a small garden area and tarmac drive to the roadside gable and rear (south) of the building. The northern and western site boundaries are defined by a timber close boarded fence approximately 1.5m in height. The southern boundary is defined by a post and wire fence with an earth

embankment containing mature plants/shrubs. The eastern boundary is defined by the access consisting of three block built pillars approximately 1m in height, a cattle grid and a small stone wall extending in a northern direction approximately 0.5m in height.

- 2.2 The site is located within the rural area as defined in the Northern Area Plan 2016. The site is also located within Binevenagh AONB. The site is located in close proximity to the road junction of Duncrun Road and Tircreven Rd, with a dwelling with associated outbuildings at No. 139 Duncrun Rd immediately to the north of the site. Tircreven Rd is sparsely developed with little other development in close proximity to the site. The landform rises steeply in a southern direction with panoramic views of the low lying Magilligan to the north.

3 RELEVANT HISTORY

B/1998/0351 - Site for tourist accommodation for 6/8 persons, comprising 1 no. pair of semi-detached self-catering units – Land to rear of 139 Duncrun Road, Tircreven, Limavady– Permission Granted 21.09.1999

B/2002/0343/RM - Erection of detached tourist dwelling - Land to rear of 139 Duncrun Road, Tircrevan, Limavady – Permission Granted 24.09.2002

4 THE APPLICATION

- 4.1 This is a full application for the retention of a building for residential use at Pebble Cottage, 51 Tircreven Rd, Tircreven TD, Limavady
- 4.2 The building subject to this application was approved for tourist accommodation, under the planning applications referenced above in section 3. The building was permitted under the prevailing policy at the time because it was demonstrated that the proposal provided a special tourist need or exceptional benefit to the tourist industry. The planning permission was subject to a condition limiting the building's use solely to self-catering holiday accommodation and not to be used at any time for permanent residential accommodation to ensure that the proposal complies with the provisions of the policy it was approved under. The applicant now seeks to use the building for residential purposes

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal

5.2 Internal

TransportNI – No objection.

Environmental Health – No objection.

NI Water – No objection.

Northern Ireland Tourist Board – No comment.

Loughs Agency – 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 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 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 16: Tourism

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this planning application is the principle of development and the impact on the Area of Outstanding Natural Beauty.

Principle of Development

- 8.2 The site was located in a designated Countryside Policy Area which operated a strict control on new development with the exception of a few forms of development. Policy GB/CPA 2 of PSRNI made provisions for new buildings within in CPA for a tourist scheme requiring a specific Greenbelt or CPA location providing there is some special reason why it should be allowed. Planning permission was originally approved on the site for tourist accommodation because it was demonstrated that there was a special tourist need or an exceptional benefit to the tourist industry as was required under the prevailing policy at that time, namely TOU3 of a Planning Strategy for Rural Northern Ireland (PSRNI).
- 8.3 As planning permission was only granted in this sensitive location on the basis of a demonstrable need for tourist accommodation within an area whereby development, including permanent housing was restricted, the Planning Authority, at that time, placed a condition on the approval restricting the accommodation to be used for self-catering holiday accommodation only, and not for permanent residence as required by Policy TOU3. The justification for the condition was not in relation to an issue related to the development but rather the very principle of development itself. If therefore,

permission to remove the condition for this development was granted then the very essence of the original justification is removed and the presumption against development operated within the CPA at that time is undermined.

- 8.4 Recently published statistics from the Northern Ireland Statistics and Research Agency (NISRA) indicate that the annual occupancy rates for self-catering accommodation in NI is 36% with peak season (April – September) occupancy rates estimated at 49% during 2016. The statistics indicate a steady rise in self-catering occupancy rates with a 9% rise in annual and peak season occupancy rates between 2011-2016. Comparing that to the published figures for the Causeway Coast and Glens Borough Council which shows annual occupancy rates for self-catering accommodation is 61% with peak season (April – September) occupancy rates estimated at 77% during 2016. (Source: Self-catering Survey, Northern Ireland Statistics and Research Agency – Local Government District Tourism Statistics Publications – Published 6th July 2017). The statistics show a significant rise in occupancy rates in the Council area from 33% annual rate and 48% peak season rate in 2015.
- 8.5 The published statistics for self-catering units indicate a continuing rise in occupancy rates both across Northern Ireland and the Council area. The removal of the restriction on occupancy would result in the loss of existing tourist stock and would offend the objectives of PPS16 –‘Tourism’, which are to facilitate tourism development in an environmentally sensitive manner, and to sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas.
- 8.6 It therefore needs to be considered that if the building is retained for residential purposes, is the principle of a dwelling an acceptable form of development in the countryside, as set in the context of Policies CTY 1 of Planning Policy Statement (PPS) 21 ‘Sustainable Development in the Countryside’, and the Strategic Planning Policy Statement for Northern Ireland.
- 8.7 Under the provisions of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21 (PPS21), there are a range of types of development which in principle are considered to be acceptable in the countryside however it has not been demonstrated that this proposal falls under any of the types of development or there are any overriding reasons why this

development is essential and could not be located within the settlement.

- 8.8 Information submitted in support of the application outlined that the applicants seek to use the building for long term residential let, due to the fact that they are no longer fit to cope with the physical demands of running the premises as tourist accommodation. However the applicants have failed to demonstrate what efforts have been taken to ensure the continued use of the building for tourist accommodation, such as employing staff to assist with the day to day running of the holiday cottage, or selling the property as a going concern.
- 8.9 The applicant has made the case that the proposed use of the building for permanent residential use would comply with Policy CTY4 of PPS21. From Monday 28th September 2015 the new Strategic Planning Policy Statement for NI- Planning for Sustainable Development is a material consideration in determining planning applications and should be afforded greater weight than Policy CTY4 in this instance.
- 8.10 Paragraph 6.73 of the SPPS outlines a range of types of development which are considered acceptable in principle in the countryside. With reference to the conversion and re-use of existing buildings the policy allows for the sympathetic conversion and re-use of a locally important building such as a former schoolhouse, churches or older traditional barns and outbuildings. The policy approach within the SPPS outlines a stricter test to the type of buildings deemed appropriate for conversion and re-use to that in CTY 4 whereby a suitable building could mean any structurally sound building. Paragraph 1.12 of the SPPS outlines that where there is conflict between the SPPS and retained policies the SPPS should be afforded greater weight. In assessing the critical element of the policy Pebble Cottage could not be regarded as a locally important building. The policy stance of the SPPS indicates by virtue of the examples used, that buildings should have some architectural or cultural/heritage merit. Pebble Cottage would not fall within the scope of this criteria. It has the appearance of dwelling which is common place in the rural area, with no outstanding architectural qualities. It has no cultural or heritage importance, other than its prescribed use as tourism accommodation. The building would fail to meet the policy test under the SPPS and as such is not appropriate for conversion or re-use as a dwelling under this policy.
- 8.11 It is also argued by the applicant that a dwelling in principle would be acceptable on the site when assessed against policy CTY2a – New

Dwellings in Existing Clusters. The applicant is of the opinion that there is an existing cluster of development formed by the dwellings at the Tircreven Rd and Duncrun Rd Crossroads. The agent cites seven dwellings and additional outbuildings in the vicinity which make up the cluster. The seven dwellings referred to extend as far west as No. 132 Duncrun Rd which is approximately 335m South West of crossroads. The dwellings referred to by the agent form a linear path along Duncrun Rd, and given the extent to which they extend from the crossroads and winding nature of the road, would not constitute a compact visual entity in the countryside. The dwelling and outbuildings at 139 Duncrun Road and 47 and 45 Tircreven Rd, which sit in the vicinity of the crossroads would be regarded as the extent of the cluster.

8.12 While the aforementioned three properties may constitute a cluster the application site is located at the southern end of the cluster with no associated development to the southern, western or eastern sides of the site. The only development which bounds the application site is the dwelling at No. 139 Duncrun Rd. As such the proposal would fail to comply with Policy CTY 2a in that it would not result in rounding off or consolidation of an existing cluster.

8.13 The agent cites appeal 2016/A0210 (Ballygelagh Village) which was granted approval for the variation of condition to allow a property to be exempt from being used as holiday accommodation only, as being directly comparable to this application. Officials are of the opinion that the proposal is not directly comparable in that, the property subject to that appeal was initially a dwelling, which was sub-divided and changed to tourism use. The appeal related to essentially returning one unit of the original property back to residential use. The property subject to this application would not have received approval for residential use in the first instance and would not exist today if not for the special tourist need or exceptional benefit to tourism which permitted its approval and subsequent construction.

Impact on AONB

8.14 Policy NH 6 of PPS2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where the three additional criteria are met including where siting and scale is sympathetic to the special character of the ANOB; where it respects or conserves features of importance; and respects local architectural styles, materials and boundary details.

8.15 Given the subject building is present in the landscape and does not involve any physical alterations or extensions to the premises there will be no additional visual impact. As such the proposal would not have any detrimental impact on the character and appearance of the AONB and as such complies with the requirements of Policy NH6 of PPS2.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations. The proposed use of the property as a residential unit is not supported in the policies within the SPPS or PPS21. No overriding reasons have been provided as to why this property cannot be retained for tourism use such as selling the property as a going concern or have someone manage it on their behalf or employed to do the manual work. As it has not been demonstrated that this proposal falls under any of the types of development considered acceptable or there are any overriding reasons why this development is essential and could not be located within the settlement the proposal is contrary to Paragraphs 6.73 and 6.74 of the SPPS and Policy CTY 1 of PPS 21. Refusal is recommended.

10 Refusal Reasons

10.1 Reasons for Refusal:

1 The proposal is contrary to Paragraphs 6.73 and 6.74 of the Strategic Planning Policy Statement for Northern Ireland 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.

