



<b>Planning Committee Report</b>  LA01/2018/1574/O	<b>23<sup>rd</sup> October 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>No:</u></b>	LA01/2018/1574/O	<b><u>Ward:</u></b>	Limavady
<b><u>App Type:</u></b>	Outline		
<b><u>Address:</u></b>	Lands approx 10m SSW of 184 Baranailt Road, Limavady.		
<b><u>Proposal:</u></b>	Proposed site for farm dwelling & garage		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	19.12.2018
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Ross Planning, 9a Clare Lane, Cookstown, BT80 8RJ		
<b><u>Applicant:</u></b>	J & P Semple, 184 Baranailt Road, Limavady, BT49 9LS		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21.
- The proposal is not be considered an exception under Policy CTY 10 of PPS 21 as it has not been demonstrated that the farm business is currently active
- A new dwelling on the site would fail to integrate.
- A new dwelling on the site would have an adverse effect on rural character.
- A new dwelling on the site would result in ribbon development.
- The proposal is contrary to Policies CTY1, CTY 8, CTY10, CTY13 and CTY 14 of PPS 21, and paragraphs 6.70 and 6.73 of the SPPS.

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 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 site is located on lands approximately 10m South West of no. 184 Baranailt Road, Limavady.
- 2.2 The site is a portion of a larger agricultural field located along the Baranailt Road. The site is accessed off an existing laneway located to the north of the site which is used to access no. 176 and no.174 Baranailt Road.
- 2.3 No. 184 Baranailt Road sits to the north of the site. The land rises gently towards the south east of the site. The northern boundary of the site is defined by post and wire fencing to the laneway between the field and no.184. The western boundary to the Baranailt Road is defined by post and wire fencing and hedgerow. The eastern boundary is defined by a hedgerow and natural vegetation/trees.
- 2.4 The site is located within the rural countryside outside of any development limit as per The Northern Area Plan 2016. Surrounding land use is mainly agricultural with one off dwellings.

## 3 RELEVANT HISTORY

B/2014/0182/O - 20 metres south of and adjacent to 184 Baranailt Road, Feeny - Site for farm dwelling and detached garage/store – Application Withdrawn 28.10.2015

## **4 THE APPLICATION**

- 4.1 This is an outline application for a site for a farm dwelling & garage at lands approximately 10m SSW of 184 Baranait Road, Limavady.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 16.01.2019 and re-advertised on the 17.04.2019.

Neighbours: 3 neighbours were notified on the application.

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

### **5.2 Internal**

NI Water - No objections.

DAERA – DARD - The farm business had been in existence for more than 6 years. Single farm payment has been claimed in 2013 – 2014. No claims had been submitted since 2015.

DFI Roads - No objections with recommended condition.

Environmental Health - No objections with recommended informatives.

DAERA - No objection subject to conditions/informatives.

Shared Environmental Services (SES) - No objection subject to conditions.

## **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)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

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 and rural character/ribbon development, access and natural heritage.

### **Planning Policy**

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

### **Principle of Development**

- 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 CTY 10 notes that planning permission will be granted for a dwelling house on a farm where (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; (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 DARD were consulted on the application and noted that the farm business has been in existence for more than 6 years. Single Farm Payment was claimed in 2013 – 2014 but no claims have been submitted since 2015.
- 8.6 Paragraph 5.38 of PPS 21 notes that new houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.
- 8.7 The applicant/agent were asked to provide further information to the Council to demonstrate that the farm is currently active. The fact that no single farm payment had been submitted since 2015 pointed to a period of inactivity since 2015.

8.8 Information was received from the agent on the 29.2.19 and is discussed in the following points;

- Evidence of Single Farm payment received in 2013 and 2014.
- Receipt of Insurance (Autoline) for an agricultural vehicle for the year 2017-2018. And an invoice for insurance for an agricultural vehicle dated July 2018.
- Receipt of Insurance paid (AbbeyBondLovis) for the year 2013-2015. It is unclear what this insurance is for but the applicant has hand written tractor on one of these receipts.
- Evidence from HM Revenue & Customs/Accountant to show tax payment reclaim for the year 2013, 2015, 2016, 2018 and a Calculation of tax for the year 2014 – 2015 and 2016 - 2017.
- Hand typed details of farm account income and expenditure for the year 2013 – 2018.
- A selection of 13 invoices/receipts for the years 2011, 2013, 2015 and 2018.

8.9 The evidence in regards to single farm payment had been confirmed by DARD in their consultation response for these years (2013-2014). The ownership/insurance of an agricultural vehicle does not prove active farming alone and will be viewed with the other information submitted. The evidence from HM Revenue & Customs/Accountant to show tax payment reclaim for the year 2013, 2015, 2016, 2018, is unclear if this is for a farming account. This evidence only proves that the applicant has claimed a tax rebate for these said years and does not point to active farming. The hand typed details of farm account income and expenditure for the year 2013 – 2018 are not sufficient evidence to support active farming. The selection of 13 invoices/receipts consist of digger work, diesel, gravel stone, fencing/wiring, fertiliser, round bales, mowing. Of these receipts 2 have neither a date or address and 9 have no address which do not make them site specific. Only one invoice in the year 2018 is after the date of the last claim of single farm payment in 2015 and consists of fencing materials. Of these selection of invoices approximately 7 could be related to farming activities which include; fencing/wiring, fertiliser, round bales, mowing. However of these 7 which could relate to farming, as noted above only 1 invoice is after the year 2015, which was for the purchase of wire in 2018 and none of them have addresses. Sufficient evidence has not been provided to support active farming on the site.

- 8.10 It has not been demonstrated that the farm business is currently active and the application fails to meet criteria (a) of CTY 10.
- 8.11 A Planning History search revealed that there have been no planning approvals on the farm holding within the last 10 years. The application meets criteria (b) of policy CTY 10.
- 8.12 The proposed site is located approximately 10m south west of the existing farm dwelling no.184 Baranait Road. No. 184 is a single storey dwelling with 3 sheds/outbuildings located within the curtilage of the dwelling. The sheds appear domestic in nature. It is accepted that this dwelling and sheds are the established group of buildings on the farm. The proposed site will be located to the immediate south west of these buildings and will therefore be visually linked to them. Access is obtained via an existing laneway used to access the existing agricultural field to which the site is proposed.
- 8.13 The proposal complies with criteria (c) of policy CTY 10.

### **Visual integration, Rural character / Ribbon Development**

- 8.14 Planning Policy Statement 21 – Sustainable development in the Countryside Policy CTY 10 notes that the proposed site must also meet the requirements of policy CTY 13 and CTY 14.
- 8.15 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.



- 8.16 The site is a roadside site along the Baranailt Road. The site is a portion of a larger agricultural field. The site is open and visible along the Baranailt Road, particularly on approach from the south which provides long uninterrupted views of the site. Views on approach from the north will be shorter and limited to when passing No. 184 and the site frontage. A post and wire fence and hedgerow (1.5m) defines the boundary to the road, some of which would require removal to provide the necessary visibility splays. The southern boundary of the site is undefined and will need to be established with new planting. The sites open nature along the Baranailt Road will need significant new planting and landscaping along the northern, southern and western boundaries to assist in its integration at this location. The site is open with a lack of natural features to provide a backdrop. The site will rely on new planting for screening and integration. The application fails to meet criteria (b), (c) and (f) of CTY 13.
- 8.17 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.
- 8.18 The proposed dwelling will add to an existing ribbon of development which is contrary to Policy CTY 8. The proposed dwelling will add to the linear pattern of development along Baranailt Rd consisting of the dwellings and associated outbuildings at Nos. 182 and 184. The proposed site will extend the line of development in a southern direction increasing the ribbon of development under Policy CTY 8. This type of development is to be resisted as it creates a suburban pattern of development and would be detrimental to the character of the rural area. The application fails to meet criteria (d) of CTY14 and consequently Policy CTY 8 of PPS 21 also.

## **Access**

- 8.19 Access to the application site is proposed via upgrading of the existing access laneway to the northern end of the site onto Baranailt Rd. DFI Roads were consulted on the proposal and following the submission of revised plans have no objections subject to compliance with the stipulations as per the RS1 form attached to the consultation response. The proposal therefore complies with Policy AMP2 of PPS3.

## **Natural Heritage**

- 8.20 The application site is hydrologically linked to Lough Foyle Ramsar site/Special Protection Area (SPA)/Area of Special Scientific Interest (ASSI) (hereafter referred to as the designated site) which is of international and national importance and is protected by the Habitats Regulations and the Environment (Northern Ireland) Order 1985 (as amended).
- 8.21 DAERA and Shared Environmental Services (SES) were consulted on the potential impact of the development on the aforementioned designated sites. DAERA Natural Environment Division have considered the proposal and provided comment and proposed mitigation measures to allow SES to carry out a Habitats Regulations Assessment on behalf of the Council.
- 8.22 Having completed the HRA Shared Environmental Services commented that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. The proposal therefore complies with the aims and objectives within PPS2 with respect to the protection of designated sites.
- 8.23 DAERA Natural Environment Division note that the eastern boundary of the site contains a treeline and just out with this boundary is a watercourse. The treeline and watercourse constitute priority habitat and are likely to support protected and/or priority species such as otters, bats, and birds. NED has records of otters using this watercourse.
- 8.24 DAERA Natural Environment Division have considered the impact of the proposal on these natural heritage interests and have no

objections, subject to mitigation in the form of a buffer to the watercourse and retention of the trees along the eastern boundary.

- 8.25 Having considered the proposal against PPS2 with regards to protected/priority species and habitats officials are satisfied that through the implementation of the mitigation the application will not have any significant ecological impacts and satisfies the requirements of PPS2.

## **9 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal fails to meet with the principle of development for a dwelling on a farm in that it has not been demonstrated that the farm business is currently active. In addition the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, and will rely primarily on the use of new landscaping for integration to the northern, southern and western boundaries. The proposal would add to an existing ribbon of development along the Baranait Road. Refusal is recommended.

## **10 Reasons for Refusal**

1. The proposal is contrary to paragraph 6.73 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.
2. The proposal is contrary to The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 10, criteria (a) in that it has not been demonstrated that the farm business is currently active.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21, Sustainable Development in the Countryside,

Policy CTY 13, criteria (b) and (c) in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, and will rely primarily on the use of new landscaping for integration to the northern, southern and western boundaries.

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 8 and policy CTY 14 criteria (d) in that it would add to ribbon of development along the Baranailt Road.

# Site location Map

