

<b>Planning Committee Report LA01/2017/1178/F</b>	<b>24<sup>th</sup> October 2018</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> LA01/2017/1178/F	<b><u>Ward:</u></b> MAGILLIGAN
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> Approx 170m South of 336 Seacoast Road, Limavady	
<b><u>Proposal:</u></b> Proposed farm building	
<b><u>Con Area:</u></b> n/a	<b><u>Valid Date:</u></b> 18.05.2017
<b><u>Listed Building Grade:</u></b>	n/a
<b><u>Agent:</u></b> 5050 Architecture, 3A Keldon Court, 17 Linenhall Street, Limavady, BT49 0HQ	
<b><u>Applicant:</u></b> Columb Moran, 38 Drumavalley, Limavady, BT49 0LT	
<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

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located off the Seacoast Road and is accessed from an existing lane. The site comprises the western portion of an existing agricultural field.
- 2.2 The northern, western and southern site boundaries are defined by a timber post and wire fence. There is some existing mature vegetation to the northern boundary but this sits outside of the application site. The topography of the site is flat and open. There are no existing buildings on the application site.
- 2.3 The surrounding area is rural and is characterised by flat, open agricultural fields which sit in the lowlands beneath Binevenagh mountain.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement development limits. The site lies within the Binevenagh Area of Outstanding Natural Beauty.

## 3 RELEVANT HISTORY

A planning history search of the site and surrounding area showed:

B/1998/0317

Site for two storey dwelling.

Adjacent To Manse 336 Seacoast Road, Ballymultimber, Limavady.

Permission Refused: 09.02.1999

## 4 THE APPLICATION

- 4.1 Full Planning Permission is sought for a proposed farm building measuring 15m x 10m x 6.5 and finished in smooth plaster finish and brown/green metal cladding.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: No objections.

### **5.2 Internal**

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DAERA Natural Environment Division: A Preliminary Ecological Appraisal is requested.

DAERA (DARD): No objections

DFI Roads: Revised plans required.

DFI Rivers: The proposal is contrary to Policy FLD 1 of PPS 15.

Shared Environmental Service: No objections

Loughs Agency: No objections

## **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 21: Sustainable Development in the Countryside

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 2: Natural Heritage

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: principle of development; integration; rural character; flooding; natural heritage; and road safety.

### **Principle of Development**

- 8.2 Policy CTY1 identifies 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. 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 proposal is for a farm building and the

application was accompanied by a P1C and the associated farm maps. Policy CTY 12 is therefore considered.

8.3 Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

(b) in terms of character and scale it is appropriate to its location;

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

(d) it will not have an adverse impact on the natural or built heritage; and

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

8.4 Policy CTY 12 paragraph 5.56 of the justification and amplification states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. Criteria (a) of CTY 10 states that the farm business must be currently active and have been established for at least 6 years. DARD have been consulted and responded on the 9<sup>th</sup> January 2018 indicating that the farm business id identified on the P1C Form has been in existence for more than 6 years. DARD has confirmed that the

farm business has claimed SFP, LFACA or AES in the last 6 years. For the purposes of Policy CTY 12, the applicant's farm business is active and established.

- 8.5 The applicant has indicated that he does not currently have a shed within his ownership, this building would therefore be the first on the applicant's farm holding. In respect of criteria (a) of Policy CTY 12, the applicant is required to demonstrate that the building is necessary for the efficient use of the agricultural holding. The application was accompanied by a design, access and planning statement which advises that the applicant currently holds approximately 60 pedigree sheep, and has previously held a number of cattle and pedigree cattle. The shed itself is proposed for livestock, principally lambing sheep and housing sick animals, in compliance with current animal welfare standards. Additional information was requested from the agent on the 27<sup>th</sup> February 2018 in respect of where the sheep are currently housed, why there is now a requirement for the shed, and confirmation of all land currently within the ownership of the applicant. Information submitted on 8<sup>th</sup> April 2018 advised that the applicant currently sells the majority of the flock over the winter months as there is currently no shed in which to house them. A change in animal welfare legislation now requires the applicant to have a shed. Pedigree sheep farming also requires the shed to function efficiently. The only field the applicant currently owns is the 2.08ha field within which the proposal is sited. Further clarification of the current location of storage of all equipment, feed and machinery was requested on the 30<sup>th</sup> May 2018 to establish whether the proposal was necessary for the efficient use of the farm holding. To date no further information has been received. As it has not been demonstrated that the proposal is necessary for the efficient use of the holding, the proposal fails to comply with criteria (a) of CTY12.
- 8.6 In relation to criteria (b), the siting of the proposed shed is not considered to be acceptable. The character of the area is of flat, open agricultural fields, and given the lack of existing natural vegetation to the site and its boundaries, the proposed farm building is not considered to be of an appropriate scale for this location. A farm building would be a prominent feature on the site given the characteristics of the site and surrounding area, and the flat, open topography. The proposal fails to comply with criteria (b).
- 8.7 In respect of criteria (c), the proposed farm building would not visually integrate into the local landscape. The site is flat and open and there is insufficient existing vegetation within the application site which

would allow the building to adequately integrate. The proposal relies solely on new landscaping which is not acceptable in this location. The proposal fails to comply with criteria (c).

8.8 In relation to criteria (d) it has not been demonstrated that the proposal would not have an adverse impact on the natural heritage of the site. Further to consultation with DAERA – Natural Environment Division, further information in the form of a Preliminary Ecological Appraisal was requested. As the principle of development is not considered acceptable, no further information was sought. The proposal is therefore contrary to criteria (d). This refusal reason is amplified at paragraph 8.15.

8.9 The proposal complies with criteria (e) as it is not considered to result in a detrimental impact on the amenity of residential dwellings outside the holding.

8.10 As the proposal relates to a new building, the additional criteria are considered. There are no suitable existing buildings on the holding which can be used. The design and materials whilst of an agricultural design, finished in plaster and coloured metal cladding, are not considered acceptable in this location as the scale of the proposed farm building would be contrary to criteria (b) and (c) above. As this is the first farm building on the applicant's holding, the proposal is not sited beside any existing farm buildings. As the proposal does not comply with criteria (a), (b), (c) and (d), the proposal is contrary to Policy CTY 12.

### **Integration**

8.11 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate sympathetically with their surroundings. 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.

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.

8.12 The proposed new farm building is unacceptable in this location as it will be a prominent feature in the landscape due to the flat, open topography of the site. The site lacks any existing natural vegetation to the site boundaries where the proposed building will be located. Siting elsewhere within the application site would not address this concern. The site would rely on new landscaping to provide any integration. Critical views of the site are available when travelling in both directions along the Seacoast Road. The proposal is contrary to Policy CTY 13 of PPS21 and Paragraph 6.70 of the SPPS.

### **Rural Character**

8.13 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. The proposed farm building would be unduly prominent in the landscape given the flat, open topography of the site and the lack of any existing buildings or natural vegetation to allow the proposal to integrate into the landscape. The proposal would have a detrimental impact on the rural character of this area and is therefore contrary to Policy CTY 14 and paragraph 6.70 of SPPS.

### **Flooding**

8.14 The Strategic Flood Map (NI) indicates that the site lies within the 1 in 100 year fluvial flood plain. DFI Rivers were consulted and have advised that the proposal is contrary to Policy FLD 1 of PPS 15. DFI Rivers recommends that a Flood Risk Assessment is carried out to better determine the extent of the flood plain. Under Policy FLD 2, DFI Rivers have advised that there are two undesignated watercourses which flow along the western and northern boundaries of the application site. Under paragraph 6.32 of the policy a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. DFI Rivers have also advised that due to the size and nature of the development Policy FLD

3 applies. DFI Rivers would recommend that a Drainage Assessment is carried out for their consideration. Policy FLD3 has been considered and while the area of the site for the farm building and hardstanding is below the threshold to trigger a drainage assessment, a drainage assessment is required because the site has a history of surface water flooding. As the principle of development is not considered to be acceptable under Policy CTY 12 of PPS 21, no further information has been requested further to DFI Rivers comments above. The proposal is therefore contrary to Policy FLD 1 and FLD3 of PPS 15 and the SPPS.

### **Natural Heritage**

8.15 DAERA – Natural Environment Division, consider that, in the absence of further information, the proposal would be contrary to the Habitats Regulations and PPS 2 in that the development would be likely to harm badgers and smooth newts and insufficient information has been submitted to establish otherwise. It is recommended that a Preliminary Ecological Appraisal is carried out for the site. As the principle of development is not considered acceptable no further information has been requested. As it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on habitats, species or features of Natural Heritage Importance the proposal is contrary to Policy NH 2 and NH 5 of PPS 2 and the SPPS.

### **Road Safety**

8.16 DFI Roads were consulted in respect of the proposed access arrangements. DFI Roads will require the lane widened to 6m for the first 10m from the edge of the public road. As the principle of development is not considered acceptable no further information was requested. As it has not been demonstrated that safe access can be provided onto the public road the proposal is considered contrary to Policy AMP 2 of PPS 3.

### **Habitats Regulations Assessment**

8.17 This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale and location of the project it is concluded that, provided the recommended mitigation is

conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

## **9.0 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 is contrary to criteria (a), (b), (c) and (d) of Policy CTY 12 of PPS 21. As there is no overriding reason why the development is essential it is contrary to CTY1 of PPS21. In addition, the proposed farm building would fail to integrate and have an adverse impact on rural character therefore the proposal is contrary to Policies CTY13 and CTY 14 of PPS 21, and paragraphs 6.70 and 6.73 of the SPPS. The proposal is located in a floodplain and is contrary to Policy FLD 1 of PPS 15. It has not been demonstrated that the proposal would not result in an unacceptable impact on habitats, species or features of Natural Heritage Importance, therefore the proposal is contrary to Policies NH2 and NH 5 of PPS 2. It has not been demonstrated that the proposal would not prejudice road safety therefore the proposal would be contrary to Policy AMP 2 of PPS 3. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding; it is not appropriate to this location due to the unacceptable character and scale of the development; the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping; the development, if permitted would have an adverse impact on the natural heritage.

2. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the

building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to paragraph 6.107 of the Strategic Planning Policy Statement for Northern Ireland and Policy FLD 1 and 3 of Planning Policy Statement 15, Planning and Flood Risk, in that a flood risk assessment and drainage assessment has not been provided.

5. The applicant has failed to demonstrate that the proposal would not result in an unacceptable adverse impact on habitats, species or features of Natural Heritage Importance in accordance with Policy NH 2 and NH 5 of Planning Policy Statement 2 – Natural Heritage and paragraph 6.180 and 6.191-6.193 of the Strategic Planning Policy Statement for Northern Ireland.

6. The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 – Access, Movement and Parking.

# Site Location Map

