

Planning Committee Report LA01/2017/1391/F	24th October 2018
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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2017/1391/F	<u>Ward:</u> Greysteel
<u>App Type:</u> Full	
<u>Address:</u> 11 Dungullion Road Eglinton	
<u>Proposal:</u> Change of use from existing domestic garage with workshop above to part garage, part self catering visitor apartment on ground floor with self catering visitor apartment above. Both visitor apartments are short stay holiday accommodation	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 24.10.2017
<u>Listed Building Grade:</u> N/A	
<u>Agent:</u> P Donaghy, 66 Riverview, Ballykelly, BT49 9QP	
<u>Applicant:</u> William Hepburn, 11 Dungullion Road, Eglinton, BT47 3BW	
<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** planning permission for the reason set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This application site is in a rural area outside any development limit as defined by the Northern Area Plan.
- 2.2 The site currently hosts a 4 bedroom dwelling and garage with an existing access and parking in front of the garage. The dwelling is used by the applicant as a residential dwelling and for Lillikoi Bed and Breakfast accommodation. The property has a rear garden which is at a higher level due to the rise in land in a southerly direction. All boundaries are defined by fences with mature hedges also on the east and west boundaries. A watercourse is located along the western boundary.

3 RELEVANT HISTORY

- 3.1 B/2006/0346/RM – 125 metres west of the junction of Dungullion and School Road, Dungullion - Erection of traditional single storey chalet dwelling and detached garage / store – Approved - 11.11.2006
- 3.2 B/2004/0559/O - 125 metres west of the junction of Dungullion and School Road, Dungullion - Erection of traditional single storey chalet dwelling and detached garage / store – Approved – 10.03.2005

4 THE APPLICATION

- 4.1 This application seeks consent to change the use from existing domestic garage with workshop above to part garage, part self catering visitor apartment on ground floor with self catering visitor apartment above. Both visitor apartments are short stay holiday accommodation.
- 4.2 The application proposes to close up one of the garage doors on the front elevation of the garage and insert a dormer window and 2 velux windows in the existing roof. The proposed plans annotate 6 parking spaces in front of the existing garage.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 No neighbours were identified for notification within the terms of the legislation. The application was advertised on 7th November 2017 and 11th July 2018. There are no objections to this proposal.

5.2 Internal

- 5.3 Environmental Health Department: No objection

- 5.4 NI Water: No objection

- 5.5 DFI Roads: No objections subject to conditions relating to visibility splays, forward sight lines and access gradients.

- 5.6 NIEA – Water Management Unit: 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) – Planning for sustainable development 2015

Planning Policy Statement 16: Tourism

Planning Policy Statement 21: Sustainable development in the countryside

Planning Policy Statement 3: Access, Movement and Parking

8 CONSIDERATIONS & ASSESSMENT

8.1 The application site is located in the rural area outside any defined settlement development limit. The main considerations in the determination of this application relate to the principle of development and the impact on amenity.

- 8.2 The potential impact of this proposal on Special Areas of conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.
- 8.3 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for the change of use of an existing domestic garage with workshop above to part garage, part self catering visitor apartment on ground floor with self catering visitor apartment above. Both visitor apartments are short stay holiday accommodation. This proposal is to enhance the existing B&B, the main policy considerations are paragraphs 6.260 and 6.73 of the SPPS, CTY 1 and 4 of PPS21 and Policy TSM 3 and 5 of PPS16.

Principle of Development

- 8.4 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance.
- 8.5 Paragraph 6.260 of the SPPS highlights the need for the Planning Authority to carefully manage tourism development to protect rural amenity, wider sustainability objectives and the long-term health of the tourism industry. It states that the guiding principle should be to ensure policies and proposals to facilitate appropriate tourism development in the countryside (such as appropriate farm diversification schemes, the re-use of rural buildings and appropriate redevelopment and expansion proposals for tourism purposes) where this supports rural communities and promotes a healthy rural economy and tourism sector. The proposal is not a farm diversification scheme. Consideration of the reuse of the building will be considered under paragraph 6.73 of the SPPS and PPS21.

- 8.6 Planning Policy Statement 21, Policy CTY1 sets out the range of types of development which in principle are considered to be acceptable in the countryside. CTY1 refers the reader to policy CTY4 for the conversion and reuse of existing buildings. In addition to the criteria required to be met by policy CTY4, Paragraph 6.73 of the SPPS permits only the sympathetic conversion and reuse of a locally important building.
- 8.7 Paragraph 6.73 provides the strategic policy for residential and non-residential development in the countryside and includes the conversion and re-use of existing buildings for both residential and non-residential use. Under this paragraph, provision is made for the sympathetic conversion and reuse of a locally important building. The building which is subject to the change of use is a modern domestic garage and is not considered to be a locally important building. The proposal therefore fails to comply with Paragraph 6.73 of the SPPS and policy CTY4 of PPS21.
- 8.8 Planning Policy Statement 21, Policy CTY1 sets out the range of types of development which in principle are considered to be acceptable in the countryside. CTY1 states that planning permission will be granted for tourism development in accordance with the TOU Policies of the Planning Strategy for Rural Northern Ireland. Planning Policy 16: Tourism, superseded the tourism Policies contained within the PSRNI.
- 8.9 Policy TSM 3 of PPS16 entitled Hotels, Guest Houses and Tourist Hostels in the Countryside includes a section about the expansion of existing establishments. However as the existing property is a B&B and does not fall within the definition of a Guest House as defined by the Tourism (NI) Order 1992, Policy TSM 3 is not a relevant consideration.
- 8.10 Policy TSM 5 of PPS16 entitled Self Catering Accommodation in the Countryside provides the policy basis for self catering units of tourist accommodation in three circumstances. The proposal fails to meet any of the three circumstances in that the proposal does not propose one or more units within the grounds of an existing approved hotel, self catering complex, guest house or holiday park. The proposal does not propose a cluster of 3 or more units at or close to an existing or approved tourist amenity and the proposal does not restore an existing clachan.

- 8.11 As there is no policy basis for the change of use from existing domestic garage with workshop above to part garage, part self catering visitor apartment on ground floor with self catering visitor apartment above with both visitor apartments are short stay holiday accommodation under the Tourism Policy the proposal fails to comply with the SPPS and PPS21 and therefore is recommended for refusal.
- 8.12 Impact on Amenity
- Section 4.12 of the SPPS requires Councils to consider amenity issues arising from development that may have potential health and wellbeing implications, including design considerations, impacts relating to visual intrusion, general nuisance, and loss of light and overshadowing.
- 8.13 Visual amenity: This proposal involves conversion of an existing building therefore the visual impact of the changes is minimal in context with the house and surrounding countryside. It is therefore considered to meet the objectives of Policy CTY13 - Integration and design of buildings in the countryside and Policy CTY14 Rural Character of PPS21
- 8.14 Residential amenity: Paragraphs 4.11 and 4.12 of the SPPS protects the amenity of people in both work and residential environments. This proposal would not be within close proximity of any residential properties, other than the applicant's own property. As the applicant could control use of the proposed, there are no amenity concerns.

9 CONCLUSION

- 9.1 The proposed development is considered unacceptable having regard to the area plan and other material considerations. The development fails to comply with the SPPS and PPS21 in that the modern building which is subject to the change of use and conversion is not considered to be locally important. As there is no other policy basis to allow the proposal, refusal is recommended.

10 REASON FOR REFUSAL

- 1.** The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building is not a locally important building and as such does not merit conversion and reuse.

Site Location Plan (Not to scale)

