



<b>Planning Committee Report LA01/2017/1534/O</b>	<b>26<sup>th</sup> September 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> LA01/2017/1534/O	<b><u>Ward:</u></b> AGHADOWEY
<b><u>App Type:</u></b> Outline Planning	
<b><u>Address:</u></b> 45m North of 57 Belraugh Road, Garvagh.	
<b><u>Proposal:</u></b> Proposed replacement dwelling.	
<b><u>Con Area:</u></b> n/a	<b><u>Valid Date:</u></b> 24.11.2017
<b><u>Listed Building Grade:</u></b> n/a	
<b>Agent:</b> 2020 Architects	
<b>Applicant:</b> Mr & Mrs Bryson, 57 Belraugh Road, Garvagh.	
<b>Objections:</b> 0	<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 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 at 45m North of 57 Belraugh Road, Garvagh. The site currently contains a derelict built structure sited at the top of a tree laneway, approximately 60m from the Belraugh Road. The site is set on the North West side of the road, in which the site rises from the roadside to the agricultural fields set at the rear.
- 2.2 The site is neighboured by No. 57 to the West and on the opposite side of the Belraugh Road No. 58 Belraugh Road is present. The site is defined by a post and wire fence with mature trees and shrubs mixed throughout the site.
- 2.3 The surrounding area is characterised by rolling agricultural farmland and dispersed rural dwellings contributing to the rural countryside.
- 2.4 The site is within the countryside as set out in the Northern Area Plan 2016.

## **3 RELEVANT HISTORY**

- 3.1 N/A – No planning history applicable.

## **4 THE APPLICATION**

- 4.1 Outline Planning Permission is sought for a proposed replacement dwelling.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: There are no objections to the proposal.

## 5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DFI Roads: No objection, subject to conditions and informatives.

## 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 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

## 8.0 CONSIDERATIONS & ASSESSMENT

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

### Principle of Development

8.2 The SPPS and Policy CTY1 of PPS 21 identify a number of instances when an individual dwelling house will be granted permission. 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.

8.3 The application was submitted as an outline application for a proposed replacement dwelling. The replacement candidate is set 60m from the Belraugh Road and is orientated in a South Eastern direction.

8.4 Policy CTY3 of PPS21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY3 also states that for the purposes of this policy all references to “dwellings” will include buildings previously used as dwellings.

8.5 Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

8.6 The building has one gable wall intact to the North East elevation and approximately 2 metres of wall either side are intact to just below the eave level. However, approximately 50% of the building is not present as a large section is missing to the both elevations and the north west gable. A small adjoining store is visible and missing a wall to the west. There is no internal door between this store and the only standing gable. The agent has submitted information relating to historic maps showing the building in situ. However, due to the ruinous state of the building, there are no windows, doors or chimneys present to display the essential characteristics of a dwelling. The proposal fails to meet this part of the policy test in that it does not display the essential characteristics of a dwelling and its external walls are not substantially intact.

8.7 Appeal reference, **2016/A0028**, Adjacent to 20 Ballyportery Road, Cloughmills, Ballymena and **2015/A0030** Lands 230m southwest of 157

Torr Road, Cushendun, are relevant in this instance in that the PAC found that the buildings in question did not have all their external structural walls substantially intact and as such failed to meet CTY 3 and CTY 1 of PPS 21. These examples were in a less ruinous state.

### **Integration**

- 8.8 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.
- 8.9 A new dwelling on the site would not be a prominent feature in the landscape as there are existing natural boundaries to the site which would allow for the integration of a suitably designed single storey dwelling set far enough back from the public road. Notwithstanding this, the principle of a dwelling on the site remains unacceptable. The proposal complies with the SPPS and Policy CTY 13 of PPS 21.

### **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. A dwelling on this site would not have a detrimental impact on the rural character of the surrounding area, provided it was of a suitable scale and design. Notwithstanding this, the principle of a dwelling on the site remains unacceptable. The proposal complies with the SPPS and Policy CTY 14 of PPS 21.

## **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 CTY 3 of PPS 21 in that the structure does not exhibit the essential characteristics of a dwelling and its external walls are not substantially intact. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to the Strategic Planning Statement Policy for Northern Ireland and to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.

# Site Location Map

