

<b>Planning Committee Report</b>  LA01/2018/0312/O	<b>27<sup>th</sup> March 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>App No:</u></b> LA01/2018/0312/O	<b><u>Ward:</u></b> Castleroe
<b><u>App Type:</u></b> Outline Planning	
<b><u>Address:</u></b> South East of 124 Castleroe Road	
<b><u>Proposal:</u></b> 2 storey dwelling on a farm with detached garage	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 15.3.18
<b><u>Listed Building Grade:</u></b> N/A	
<b>Applicant:</b> Mrs A Carruthers, 9 Shrewsbury Park, Belfast	
<b>Agent:</b> Montgomery Irwin Architects Ltd, 7-9 Stone Row, Coleraine	
<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)

## **1.0 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.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises an area of agricultural land located to the rear of an uninhabited dwelling and outbuildings at 124 Castleroe Road. There is an existing laneway which leads to a yard and buildings to the rear which appear to be of commercial nature. The existing buildings and vegetation screen the site to the north and west. There is no defined boundary to the south. There is some hedging to the east of the site.
- 2.2 The application site is located within the rural area as identified within the Northern Area Plan 2016. The site is not located within any specific environmental designations.

## **3.0 RELEVANT HISTORY**

- 3.1 C/2013/0236/O – Two storey dwelling with detached garage to replace a redundant business premises. Rear of 124 Castleroe Road, Coleraine.  
Application withdrawn 24.9.14.
- 3.2 C/2013/0239/O – Two storey dwelling on a farm with detached garage. South of 124 Castleroe Road Coleraine BT51 3RN,  
Granted 3.2.15.

## **4.0 THE APPLICATION**

- 4.1 Outline planning permission is sought for two storey dwelling on a farm with detached garage

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

**Neighbours:** There is 1 objection to this application which relates to ownership issues.

Notice of application was served on the landowner as the access and sheds are not under the control of the applicant. The landowner has not given permission or agreement for the access roadway to pass through their land. This is a civil matter between the applicant and the landowner.

### **5.2 Internal:**

DFI Roads: No objections

Environmental Health: No objections

NI Water: No objections.

NIEA WMU: No objections.

DAERA Countryside Management Inspectorate Branch: No claims since 2013. Site located on land associated with another business.

## **6.0 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)

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of

development, visual impact and rural character, access, and health and safety.

### **Principle of Development**

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. 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 application was submitted as a dwelling on a farm and therefore falls to be assessed against Policy CTY 10.
- 8.3 Policy CTY 10 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:
- 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. This provision will only apply from 25 November 2008; and
  - 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.
- 8.4 DARD were consulted in relation to this application and confirmed that the Farm Business number identified on the P1c form has been in existence for more than 6 years. It was noted that claims for single farm payment were submitted from 2005-2013 and that no claims have been submitted since 2013. DARD also commented that the proposed site is on land associated with another business. The agent stated that even though claims for single farm payment have not been submitted, the farm business is currently active. Information was submitted to confirm active farming, however it would appear that the active farming on this land is being undertaken by another farm

business. Therefore it appears that the farm business identified on the P1c form is not undertaking agricultural activity on this land.

- 8.5 Planning permission was granted under C/2013/0239/O on 23.01.2015 for "Two storey dwelling on a farm with detached garage". DARD were consulted on this previous application and in their consultation response dated 10.07.2013 did not identify any issues. However, DARD have highlighted that single farm payment has not been claimed since 2013.
- 8.6 Farm maps were provided dated 2011. Up to date farm maps were requested but were not submitted. A planning history search was carried out on the land identified within the farm maps provided which confirmed that no other permissions have been granted within 10 years of the date of this application.
- 8.7 There is an existing unoccupied farm dwelling and farm buildings located north-west of the application site are not within the ownership of the applicant. Furthermore 2 buildings not in the applicant's ownership require demolition to achieve access to the site. However, a large group of buildings are located adjacent to the site to the north and are within the applicants' ownership. The proposed farm dwelling would cluster and visually link with these buildings and meet with policy requirements. When travelling south on Castleroe Road, the site is screened by existing buildings and vegetation which limits the visual linkage of proposed dwelling with the farm buildings. Travelling north on Castleroe Road, the site is viewed with the buildings to the north. Access to the site is via an existing laneway which serves these buildings.

### **Integration and Rural Character**

- 8.8 Planning permission will be granted in the countryside where it can be visually integrated into the surrounding landscape and is of appropriate design.
- 8.9 The application site is bounded on three sides which provides a degree of enclosure. The buildings to the north of the site provide a backdrop for a dwelling to integrate. There is a small orchard to the west which screens the site. As the southern boundary is undefined, the site can be identified when travelling

north on Castleroe Road, however the site is set back and providing careful siting and design, a dwelling should not appear unduly prominent. The site is viewed with buildings to the north.

- 8.10 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode, the character of an area. A dwelling on this site would not be unduly prominent in the landscape given the position of the site and limited views. It would not create or add to a ribbon of development. Therefore a dwelling on this site would not cause a detrimental change to, or further erode the rural character of the area.

### **Access**

- 8.11 DFI Roads were consulted in relation to this application and offered no objections to the proposal following submission of amended drawings.

### **Habitats Regulations Assessment**

- 8.12 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of any European site.

## **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 the SPPS and Policy CTY 1 & Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that; the farm land is associated with another business and it has not been demonstrated that the applicants farm business has been active for over 6 years. Refusal is recommended.

## 10.0 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 1 & CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that the farm business has been active for over 6 years.

