

Planning Committee Report LA01/2018/0007/F	19th December 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> LA01/2018/0007/F	<u>Ward:</u> Dungiven
<u>App Type:</u> Full	
<u>Address:</u> Lands 480m North west of 60 Gelvin Road, Drumsurn, Dungiven	
<u>Proposal:</u> Temporary use of the site as storage compound (Class B4) for building materials and parking of applicant's company vehicles (Retrospective)	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 03.01.2018
<u>Listed Building Grade:</u> N/A	
<u>Agent:</u> Ms Gemma Jobling, JPE Planning, 1 Inverary Valley, Larne, BT40 3BJ	
<u>Applicant:</u> Mr Patrick Gilloway, 59 Gelvin Road, Dungiven, BT47 4QU	
<u>Objections:</u> 1	<u>Petitions of Objection:</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 reasons 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 is in use as a storage yard. The boundaries are all defined by a 1 metre high post and wire fence. In addition to the boundary fence there is a mature 3 metre high hedge on the roadside southern boundary, a 1 metre high bank and 2 metre high mature hedge on northern boundary. The topography of the site is mostly flat apart from a 3 metre high grass bank in the south western corner. There is a watercourse along the western boundary which is piped.

3 RELEVANT HISTORY

- 3.1 B/2000/0339/O – Site for Bungalow – Approved – 20/02/2001
B/2004/0626/O – Site for dwelling – Approved – 14/02/2005
B/2008/0021/RM – Erection of single storey dwelling – Approved – 07/04/2008

Footings for a dwelling are located in the middle of the site which would appear to relate to B/2008/0021/RM. (No evidence has been submitted to demonstrate when this work took place.)

4 THE APPLICATION

- 4.1 This application seeks planning permission for temporary use of the site as a storage compound (Class B4) for storage of building materials and parking of applicant's company vehicles (Retrospective)
- 4.2 The application proposes the use for 10 years pending the completion of the dwelling that is under construction.

5 PUBLICITY & CONSULTATIONS

External

No neighbours were identified for notification within the terms of the legislation. The application was advertised on 17th January 2018. There is one objection to this proposal from a member of the public. The objection relates to the postal address of the site.

5.1 Internal

- 5.2 Environmental Health Department: No objection
- 5.3 Shared Environmental Services: No objection
- 5.4 DFI Roads: Seek amended plans
- 5.5 DAERA – Drainage and Water: 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 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 21: Sustainable development in the countryside

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, planning history, Road safety, impact on designated sites and representations.

- 8.2 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 temporary use of the site as a storage compound (Class B4) for storage of building materials and parking of applicant's company vehicles (Retrospective), the main policy considerations are paragraphs 6.73, 6.88 and 6.176 of the SPPS, CTY 1 of PPS 21, and PED 2 and PED 6 of PPS 4, AMP2 of PPS 3 and NH 1 of PPS 2.

Principle of Development

- 8.3 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.
- 8.4 Paragraph 6.73 of the SPPS permits only non-residential development relating to farm diversification, agriculture and forestry development and conversion and re-use of existing buildings for non-residential use, where other planning considerations are met. Paragraph 6.74 states for other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS. The proposal does not fit within this criteria therefore fails to comply with Paragraph 6.73 of the SPPS.
- 8.5 Paragraph 6.88 applies and states that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted.
- 8.6 Exceptions to this general principle may be justified in the following circumstances: A small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over

a location elsewhere in the rural area, subject to normal planning considerations. The site is located 5.3km from Dungiven and 9.25km from Limavady outside any settlement limit in a rural area as shown in the Northern Area Plan 2016. It has not been demonstrated that other suitable sites in either settlement or in an edge of centre location has been considered and that other planning considerations have been met. The proposal is therefore contrary to SPPS.

8.7 Paragraph 6.88 adds that a proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area. The proposal is not major or regionally significant economic development. Therefore, is contrary to the SPPS.

8.8 Policy CTY 1 of PPS 21 and PED 2 of PPS 4 applies:

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 PPS 4 for industry and business uses.

8.9 Policy PED 2 of PPS 4 states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an established Economic Development Use- Policy PED3

The proposal is not an expansion of an established Economic Development Use. Therefore, the proposal fails to meet guidance in Policy PED 3.

- The Redevelopment of an Established Economic Development Use- Policy PED 4

The proposal is not redevelopment of an Established Economic Development Use. Therefore, the proposal fails to meet guidance in Policy PED 4.

- Major Industrial Development- Policy PED 5

The proposal is not Major Industrial Development. Therefore, the proposal fails to meet guidance in policy PED 5.

- Small Rural Projects- Policy PED 6

The proposal is not a firm proposal to develop a small community enterprise park / centre or small rural industrial enterprise. Therefore, the proposal fails to meet guidance in policy PED 6.

- 8.10 No exceptional circumstances have been demonstrated for this site and no overriding reasons why this development is essential in this rural location and could not be located within a settlement. The proposal fails to meet policy CTY 1 of PPS 21 and PED 2 of PPS 4.

Planning History

- 8.11 Planning history is detailed in paragraph 3.0. Planning permission was granted for a dwelling under B/2008/0021/RM. Foundations are evident on site however no details have been provided as to when the works commenced. Even if a material start has been made for the dwelling this does not justify the use of the site for a storage compound. The planning history does not outweigh the policy objections to the proposal.

Road Safety

- 8.12 DFI Roads were consulted on the latest amended plan received on 16th August 2018 and still require further amendment plans. As the principle of development is unacceptable further amendments have not been requested. The proposal is therefore contrary to PPS 3.

Representations

- 8.13 One objection has been received. The issue raised is about the address given for the application. The address given is a fair reflection of where the application is located. The proposal has been advertised in accordance with the legislation.

Impact on designated sites

- 8.14 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.
- 8.16 Paragraph 6.176 of Strategic Planning Policy Statement for Northern Ireland and Policy NH1 of Planning Policy Statement 2 applies. A water course is located along the western boundary of the site which is hydrologically linked to the River Roe and Tributaries SAC which is an important European Site. A development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions. DAERA Drainage and Water and Shared Environmental Services have both been consulted after new information was received on 16th August 2018 which provided some clarification on uses on site. Both consultees are now content subject to conditions. Therefore, the proposal now complies with policy NH1.

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, PPS 3, PPS 4 and PPS21 in that there is no overriding reason why this development is essential in this rural location and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls in this location. The applicant has

also failed to demonstrate that the proposal would not prejudice road safety. 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 paragraph 6.88 of the Strategic Planning Policy Statement for Northern Ireland and Policy PED 2 and PED 6 of Planning Policy Statement 4, Industrial Development, in that the site is located within a rural countryside area and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised in this area.
- 3.** The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3, Development Control: Roads Considerations in that, the applicant has failed to demonstrate that the proposal would not prejudice road safety.

Site Location Plan (Not to scale)

