

Planning Committee Report LA01/2017/1492/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>App No:</u>	LA01/2017/1492/F	<u>Ward:</u>	Torr Head and Rathlin
<u>App Type:</u>	Full Planning		
<u>Address:</u>	320m North of 71 Drumavoley Road, Ballycastle		
<u>Proposal:</u>	Replacement dwelling on a farm on the position and footprint of a derelict historic dwelling/ clachan grouping considered under policies CTY 3 and CTY 10 of PPS21.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	14.11.2017
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Mr & Mrs Gerard McAleese, 5 Orchard Close, Portglenone		
Agent:	Manor Architects		
Objections:	0	Petitions of Objection:	0
Support:	5	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk . Other personal information relevant to the personal and domestic circumstances is available to the Committee Members at request.

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 is located at 320m North of 71 Drumavoley Road, Ballycastle. The site comprises part of an agricultural field and slopes steeply upwards in a northern direction from the Drumavoley Road. A rectangular structure was present on the site but only stone remains are evident during site inspection. Site boundaries are undefined except for the roadside boundary which is formed by a post and wire fence.
- 2.2 The site is located within the countryside in the Antrim Coast and Glens AONB. The site is located approx. 3 miles from Ballycastle. The wider area is characterised by pastoral agricultural land with farming clusters and dwellings scattered throughout.

3.0 RELEVANT HISTORY

- 3.1 No planning history exists on the application site.

4.0 THE APPLICATION

- 4.1 Full planning permission is sought for Replacement dwelling on a farm on the position and footprint of a derelict historic dwelling/

clachan grouping considered under policies CTY 3 and CTY 10 of PPS21.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Five letters of support have been received in relation to this application. The applicant is a teacher at the Cross and Passion School so the School would like to see her remain therefore they support this application. Letters from neighbouring properties advise Drumavoley Road suffer from a decline in population and this application would see the community sustained. The letter from the local GP advises that the applicant's sister has a medical condition that requires additional care and the applicant would assist her parents with this care as she would live closer.

These letters have been considered but the information provided is not substantial enough to justify granting planning permission when the proposal is contrary to policy as considered below.

5.2 Internal:

Environmental Health (No objections)

DFI Roads (No objections)

NI Water (No objections)

DAERA: Water Management Unit (No objections)

DARD: Confirmed Business Farm ID & claims had been made in the last 6 years

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 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Antrim Coast and Glens AONB Design Guide

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

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The application site is located within the countryside within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).
- 8.2 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 natural heritage.

Principle of Development

- 8.3 Policy CTY 1 of PPS 21 advises there are a range of types of development which in principle are acceptable in the countryside. Planning permission will be granted for a replacement dwelling in accordance with CTY 3; a personal and domestic circumstance dwelling in accordance with CTY 6; and a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 3 – Replacement Dwellings

- 8.4 The building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
- 8.5 The ruinous structure on site consists of stone walls varying in height with no roof. Due to the lack of completeness of the walls it is very difficult to ascertain actual window/door openings. There does appear to be a door opening on the front of the structure with perhaps one internal door opening. There is no evidence of chimneys being present nor any other features reflective of a dwelling. The walls of the structure are not

considered to be substantially intact as a considerable or ample amount is not complete or whole.

- 8.6 Information from the Agent highlights that this site constituted a grouping of buildings, a clachan, combined of at least one dwelling house with associated out buildings and sheds. Maps were provided as part of the Planning, Design and Access Statement.
- 8.7 Research via the OSNI Historical Second Edition Map 1846 – 1862 shows buildings evident at this location. Whilst a building has existed for several years there is no evidence to suggest it was used as a dwelling in the past. The building to be replaced does not exhibit the essential characteristics of a dwelling at present. If the building ever did have original features characteristic of a dwelling this is not evident now given only stone remnants of the previous structure remain.
- 8.8 The ruinous structure fails to meet this policy requirement and therefore is unacceptable in principle. However, for the completeness the remainder of the policy has been assessed.
- 8.9 All Replacement Cases must comply with the following criteria:
- the replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.*
- 8.10 The proposed dwelling is positioned within the curtilage of the remains of the existing structure. It is located on the footprint of the original structure although the new dwelling is larger in size. The orientation of the dwelling shows the front elevation facing out onto the Drumavoley Road.

-the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

- 8.11 The dwelling has a frontage length of 20m, a gable depth of 7.5m and a ridge height of 8.5m. Excavation is required for this site to accommodate a dwelling due to site levels. The replacement dwelling is much larger than the existing structure which would have most likely been single storey of low ridge height. Views of the site are possible from Drumavoley Road when travelling both directions. The site does benefit from a backdrop of forestry and hillside but this would only be apparent when travelling north along the Drumavoley Road. There is no backdrop when travelling south along this road. It is considered the new dwelling has a visual impact significantly greater than the existing structure due to its excessive size in particular frontage length and ridge height and due to its positioning approx. 7m from Drumavoley Road.

-the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness

- 8.12 The replacement dwelling has a rectangular main body with a pitched roof. There is an external patio space on the eastern gable. The dwelling is modern in design with large expanses of glazing floor to ceiling height. The replacement dwelling is accessed via a new access from Drumavoley Road with a hard surfaced area to the front. Garden areas are located to the south and west of the dwelling. Materials/finishes for the dwelling include stone and black/grey slate walls, a black/grey slate roof, and aluminium finish windows. Although these materials/finishes are satisfactory in terms of traditional rural design guides, the dwelling exhibits inappropriate design with unacceptable scale and massing.

-all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality

- 8.13 Surface water will be disposed of via soakaways and foul sewage will be disposed of via a septic tank. All necessary

services can be provided and NI Water, DAERA: Water Management Unit and Environmental Health have no objections to this application.

-access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic

- 8.14 The proposal will create a new access onto Drumavoley Road. DFI Roads was consulted in relation to this application and expressed no objections.
- 8.15 The proposal therefore is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of PPS 21 as the existing structure does not exhibit the essential characteristics of a dwelling and all external structural walls are not substantially intact. The proposal does not visually integrate into the surrounding landscape and would have a significantly greater visual impact than existing with inappropriate design.

Policy CTY 10 – Dwellings on Farms

- 8.16 Planning permission will be granted where the following criteria are met:

(a) the farm business is active and established for at least 6 years

DARD was consulted and confirmed that the applicant has a registered farm business ID which has been in existence for more than six years. DARD also stated that the business has claimed for Single Farm Payment, Less Favoured Area Compensatory Allowances or Agri Environment schemes in the last six years.

(b) no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application (applicable for dates after the 25th November 2008)

Following a planning history check of the farm holding other permissions have been identified. A farm workers dwelling was

approved under E/2000/0089/RM but this pre dates 2008 it was not considered relevant. However, planning permission has been granted under E/2010/0129/F for a dwelling on a farm and garage off Stroan Road, East of 109 Glenshesk Road, Armoy. This application was granted permission on the 25th November 2010 for applicants Paul & Karen Mc Clean. This farm dwelling was approved under the same business ID number as this application under the same owner of the farm – Mr John Devlin. The applicant has indicated on the P1c form that no dwellings or development opportunities have been sold off from the holding but this is incorrect as E/2010/0129/F has been approved and built with ownership transferred to Paul & Karen Mc Clean. The proposal is therefore contrary to this criteria as a farm dwelling has already been approved within 10 years of the date of this application. Another farm dwelling cannot be granted under the same business ID until the 10 years have expired as permission granted under this policy is only forthcoming once every 10 years.

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and access should be obtained from an existing lane.

The farm holding consists of a farm dwelling at No. 93A Drumavoley Road and farm sheds with fields totalling 148 hectares and an outlying farm grouping 1 mile away at Glenshesk Road. The proposed site is located approx. 2.15 miles away along the Drumavoley Road at a grouping of stone remains. The new farm dwelling will not be visually linked to cluster with the established group of buildings on the farm given over 2 miles away. Access to the site will be obtained via a new access onto Drumavoley Road.

8.17 Part (c) of this policy goes on to state that exceptional consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either health and safety or verifiable plans to expand the farm business at the existing building group.

8.18 The agent has provided justification for the alternative site for the reasons outlined below:

- Dangers associated with proximity to slurry stores/farm machinery and environmental health issues.

- Current grouping cannot easily accommodate another dwelling without impacting on the ability of the farm to extend/grow or to provide additional slurry storage.
- Difficulty in obtaining mortgages for shared lanes and adjacent to an operating farm.

There are no other existing buildings at the application site. The reasons provided are not enough to justify this new alternative siting. In principle it is considered a dwelling could be positioned at the existing farm grouping at No. 93A Drumavoley Road as fields surround this grouping or at the other farm grouping off Glenshesk Road. There are no verifiable plans to expand the farm business as no new applications have been submitted for new sheds/slurry stores.

- 8.19 Following assessment of a farm dwelling the proposal is contrary to paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 10 of PPS 21. The new dwelling is not considered to be an exceptional case in that permission has been granted for a dwelling on this farm within the last 10 years and the new dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Policy CTY 6 – Personal and Domestic Circumstances

- 8.20 *Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:*

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

- 8.21 A supporting letter for this application was submitted from the local GP advising the applicant's sister has a medical condition that requires additional care and the applicant would assist her parents with this care as she would live closer. The applicants' sister with the care needs lives with her parents at 93A Drumavoley Road.
- 8.22 Additional information dated 25th July 2018 was provided at a meeting and provides more details in relation to the personal circumstances of this case. A statement has been provided by the applicant detailing the medical conditions of her sister and what care/assistance is provided for her on a daily basis. Information has been provided on the difficulties experienced by the sister and how routine is very important. It is argued that there is a heavy reliance on the extended family to provide care, support and assistance on a daily basis therefore it is essential that the applicant is located close to home to help and allow respite for her parents. The applicant's sister's typical week was provided showing day to day activities.
- 8.23 A more detailed letter from a GP was submitted confirming the statement provided by the applicant is correct as well as other details relevant to the medical condition of the applicant's sister.
- 8.24 Another letter has been submitted from the father of the applicant confirming the information from the applicant is correct while also explaining how it is becoming more difficult to provide the level of care for his daughter due to his age and worries about the future.
- 8.25 Additional supporting information dated 1st August 2018 was received. Its states that the original farm dwelling where the parents and the applicant's sister live is not suitable for two families nor is there space to provide an extension. Any extension would block access to the garage, interfere with circulation space around the dwelling and would likely breach the site curtilage. The garage is not suitable for conversion and is used to garage the family car. All farming buildings are fully utilised for farming purposes. Building a dwelling on the farm is not practical as the farm may be sold off in the future. The Agent is of the opinion there are no "alternative solutions" and a new dwelling is a necessary response to the circumstances of the case. If the applicant's sister has to eventually move from the area then this would result in genuine hardship for her and the family.

- 8.26 The applicant intends to help her parents with caring for her sister. However, it should be noted the proposed dwelling location is over 2 miles away from the parents dwelling at No. 93A Drumavoley Road. The applicant could equally live in Ballycastle settlement which would only be approx. 5 miles away from No. 93A Drumavoley Road. It has not been demonstrated how a further distance of 3 miles would be critical in terms of meeting the caring role. The applicants other sister also lives under a mile from the farm.
- 8.27 The Agent has provided an appeal by the PAC (2010/E026) (Land/premises adjacent to No.53 & 53a Blackwatertown Road, Drumcullen, Dungannon). The PAC allowed a dwelling under the special circumstances due to the specific needs of an applicant who had a dependent child and whose husband worked abroad. The applicant required additional help due to her illness, the dwelling was within close proximity (50m) to her sister in law and 100m to other family members. The Commission allowed this case on the exceptional needs of the applicant and the close proximity of many family members. The Commission also ruled that the dwelling had visual linkage with a number of dwellings and therefore did not offend rural character.
- 8.28 This is not the case in this application. As sited above the intention of CTY 6 is to permit a dwelling for the long term needs of the applicant when all other options have been fully explored and that a genuine hardship would be caused if planning permission were to be refused. Unlike the appeal circumstances above, there is no site specific reasons for this particular location.
- 8.29 The applicant in this case has no needs themselves. However, they argue that a dwelling in this location would be of benefit to assist in the care of their sister. There is no site specific reason for this particular site 2 miles from the sister which also fails to meet other planning policy discussed below in paragraphs 8.31 to 8.35 below. Paragraph 5.28 of CTY 6 sites an example of the policy where a dwelling would be permitted as “such cases will include instances where a young adult who requires a continuing a high level of care, but who could also benefit from a greater degree of independent living”. The siting two miles away is not justified under this policy. The agent has also sited that the farm may be sold in the near future as a reason not to locate at the farm. If this is the case then a dwelling at this location would be unnecessary. Whilst Planning recognise the difficulties experienced, no compelling and site specific reason has

been given or satisfactory evidence has been submitted showing that genuine hardship would be caused if planning permission were refused and alternative solutions have not been adequately explored, the proposal is considered contrary to Policy CTY 6.

- 8.30 There is no justification for a dwelling at this location under planning policy. Paragraph 6.69 of the SPPS states that the policy approach must be to cluster, consolidate and group new development with existing established buildings. Approval of this site would be contrary to this.

Visual Impact and Rural Character

- 8.31 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design (Policy CTY 13 of PPS 21). Permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area (Policy CTY14 of PPS 21).
- 8.32 The agricultural field where this dwelling is to be positioned slopes steeply upwards in a northern direction from the Drumavoley Road. Plans show excavation is required to facilitate a new dwelling.
- 8.33 Additional information dated 25th July 2018 from the Agent seeks to explain that the proposal does integrate into the landscape. Information advises there are short critical views of the site and that on both approaches the eye is drawn away from the site towards the scenic landscape of Glenshesk which sweeps down towards the coast. Historically the site was occupied by dwellings and would respect the existing settlement pattern along Drumavoley Road. The design, finishes and floor levels would achieve an acceptable level of integration.
- 8.34 The size of the new dwelling with a roadside location results in it being prominent when viewed from the Drumavoley Road. As considered earlier the scale and massing of the dwelling is inappropriate with a frontage of 20m and a ridge height of 8.5m. The site lacks established natural boundaries as it is open except for a post and wire fence along the roadside. The dwelling would rely on new landscaping for integration and would appear obtrusive in this landscape. The site does benefit from a backdrop

of forestry and hillside when travelling north along the Drumavoley Road but the dwelling is still too large. When travelling south along the Drumavoley Road the dwelling could appear skyline. Although the proposal seeks to blend with the landform in terms of excavation due to the topography of the land, it fails in the sense that the design, scale and massing is unacceptable for this roadside location. The proposal fails to meet the policy requirements of Paragraph 6.70 of the SPPS and Policies CTY 13 & 14 as the dwelling does not visually integrate, is not of appropriate design and harms rural character.

Natural Heritage

- 8.35 Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour. The proposal as considered under 'Principle of Development' and 'Visual Impact and Rural Character' above fails to satisfy policy requirements in particular CTY 1, 3, 6, 10, 13 & 14 of PPS 21. The proposal contravenes Paragraph 6.187 of the SPPS and Policy NH 6 of PPS 2 as the dwelling is unacceptable in design, scale and massing; is prominent when viewed from Drumavoley Road; does not visually integrate and harms rural character. The proposal will have a detrimental visual impact upon the existing AONB.

Habitats Regulations Assessment

- 8.36 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.

Access

- 8.37 PPS 3 relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. An access is proposed onto the Drumavoley Road to serve the new dwelling. DFI Roads was consulted in relation to this application

and expressed no objections. The proposal complies with Policy AMP 2 of PPS 3 and DCAN 15.

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 in terms of the principle of development in that: planning permission has already been granted for a farm dwelling in the last ten years; the structure is in a ruinous state and does not meet with Policy CTY 3; the proposal also fails to meet with Policy CTY 6 in that there are no compelling or site specific needs for a dwelling at this location; the scale, massing and design of the building would fail to integrate and the proposal would have a detrimental impact on the rural character and AONB. Recommend Refusal.

10.0 REFUSAL REASONS

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the existing structure does not exhibit the essential characteristics of a dwelling and all external structural walls are not substantially intact. The proposal if permitted, would not visually integrate into the surrounding landscape and would have a significantly greater visual impact than existing with inappropriate design.
2. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 10 of Planning Policy Statement 21 “Sustainable Development in the Countryside” and does not merit being considered as an exceptional case in that permission has been granted for a dwelling on this farm within the last 10 years and it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 6 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that there are no compelling and site specific reasons for a dwelling at this

location and it has not been demonstrated that a dwelling is a necessary response to the personal circumstances of the case and that a genuine hardship would be caused if permission was refused. The alternative forms of development to meet personal circumstances have not been fully explored and dismissed.

- 4.** The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 13 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, be prominent and fail to integrate sympathetically into the landscape with no boundary enclosure. The design is inappropriate for the site and locality and it fails to blend with the existing landform. The proposed farm dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

- 5.** The proposal is contrary to Paragraphs 6.69 and 6.70 of the SPPS and Policy CTY 14 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, be unduly prominent in the landscape damaging rural character and fails to cluster, consolidate or group with existing established buildings.

- 6.** The proposal is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of Planning Policy Statement 2 “Natural Heritage” in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.

