



<b>Planning Committee Report</b>  LA01/2017/0544/O	<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> LA01/2017/0544/O	<b><u>Ward:</u></b> DRUMSURN
<b><u>App Type:</u></b> Outline Planning	
<b><u>Address:</u></b> 80m South of 261 Ballyquin Road, Drumdreen, Limavady, Co Londonderry, BT49 9HB	
<b><u>Proposal:</u></b> New two storey farm dwelling with associated garage / stores	
<b><u>Con Area:</u></b> n/a	<b><u>Valid Date:</u></b> 02.05.2017
<b><u>Listed Building Grade:</u></b>	n/a
<b><u>Agent:</u></b> W J Dickson Chartered Architect, 76 Seacoast Road, Burnally, Limavady, BT49 9DW	
<b><u>Applicant:</u></b> Mr & Mrs Buchanan, 59 Magheramore Road, Magheramore, Dungiven, BT47 4SW	
<b><u>Objections:</u></b> 2	<b><u>Petitions of Objection:</u></b> 0
<b><u>Support:</u></b> 0	<b><u>Petitions of Support:</u></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 site is located off the Ballyquin Road, a Protected Route and is accessed via an existing shared access lane. The site comprises a small group of single storey farm buildings set around a small concrete yard. There are three buildings within the site and the ruins of a fourth which is heavily overgrown. An existing farm lane runs through the yard and appears to provide access to agricultural fields to the south of the site. There are trees to the southern, eastern and western boundaries of the site.
- 2.2 The proposal includes alterations to the existing access arrangements incorporating a new access point onto the public road and a section of new laneway. The area where the section of new access lane is proposed is currently an existing agricultural field with a roadside boundary defined by a timber post and wire fence and hedgerow.
- 2.3 The character of the surrounding area is rural and is characterised by agricultural fields, occasional detached dwellings and farm buildings. There is a historic Rath to the north of the site. The River Roe is located 250m to the west. In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits.

## 3 RELEVANT HISTORY

LA01/2016/0246/O

New Two Storey Farm Dwelling with Associated Garage/Stores.  
80m South of 261 Ballyquin Road, Limavady.

Application Withdrawn.

B/2014/0121/O

Two storey rural dwelling with garage / store.  
80m south of 261 Ballyquin Road, Limavady.

Application Withdrawn.

B/2005/0769/O

Site for dwelling.

70 metres south west of 261 Ballyquin Road, Limavady.

Application Withdrawn.

B/2005/0138/O

Site for replacement dwelling.

70 metres south west of 261 Ballyquin Road, Limavady.

Application Withdrawn.

#### **4 THE APPLICATION**

- 4.1 Outline Planning Permission is sought for a new two-storey farm dwelling with associated garage / stores at a site 80m south of No. 261 Ballyquin Road, Limavady.
- 4.2 The proposal incorporates amendments to the access arrangements to include a new entrance position 100metres north of the existing entrance with visibility splays of 2.4 x 160m, a new lane which runs parallel to the Ballyquin Road for 100m to join onto the existing lane. It is proposed that the existing access serving the existing lane will be permanently closed off and retained as such and that the verge will be reinstated as required.
- 4.3 As outlined in paragraph 3 there are four previous planning applications relating to this site. The most recent applications were both brought before the planning committee in January and October 2016. Application reference B/2014/0121/O proposed a dwelling on a farm using the existing substandard access and was refused at committee and subsequently withdrawn because if permitted it would have resulted in the intensification of use of an existing substandard access onto a protected route which was contrary to the SPPS, PPS3 and Annex 1 of PPS21. Application LA01/2016/0246/O proposed a dwelling on a farm with a new access onto the protected route and was refused at Committee and subsequently withdrawn because if permitted it would result in the creation of a new vehicular access onto

the protected route and other land exists within the holding on which a dwelling on a farm could be accommodated accessing onto a minor road.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: There have been 2 objections to this application from the neighbouring property at No. 261 Ballyquin Road, Limavady. One stated that they owned the existing laneway from no. 261 to the Ballyquin Road and that the incorrect certificate had been submitted with the application. A later objection objected to the closing of the existing entrance.

### **5.2 Internal**

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DARD NI: Confirm active farm and claims single farm payment.

DFI Roads: DFI Roads will only allow a new access onto Ballyquin Road (A Protected Route, B68) if the existing substandard access to 261 Ballyquin Road is permanently closed off. It has not been demonstrated that the lane can be permanently closed off.

Loughs Agency: No objections

Historic Environment Division – Historic Monuments: No objections

## **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 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking & Annex 1 to PPS 21 Consequential Amendment to Policy AMP 3 of PPS 3

Planning Policy Statement 2: natural Heritage

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: principle of development; impact on archaeology; access onto a Protected Route; integration; and impact on rural character.

### **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 In the consultation response from DARD dated 9<sup>th</sup> May 2017 it was indicated that the farm business id identified on the P1C Form has been in existence for more than 6 years. DARD has also confirmed that the farm business has claimed SFP, LFACA or AES in the last 6 years. As the farm business has been active and established for the required period the proposal complies with criteria (a) of CTY 10.
- 8.5 The applicant has stated on the P1C that no dwellings or development opportunities have been sold off from the farm holding since 25 November 2008. A planning history search against the applicant's farm business ID number has not indicated any other planning applications. A search of farm lands identified on the associated farm maps has not revealed any previous planning histories which would suggest any previous approvals for farm dwellings in relation to the applicant's farm business.
- 8.6 The application site is situated within an existing complex of farm buildings and the agent has demonstrated that a new dwelling can be accommodated within the site with only one of the existing buildings required to be removed. For the purposes of Policy CTY 10 the proposal can visually link and is sited to cluster with an established group of buildings on the farm. Access to the site is currently from an existing laneway however this proposal includes the provision of a new section of shared access laneway and the permanent closing off of the existing shared access. The new section of laneway will provide 2.4m x 160m visibility splays in both directions. The proposal therefore complies with criteria a – c of policy CTY10.
- 8.7 CTY 10 also states that dwellings on a farm should also comply with CTY 13 (a-f), CTY 14 and CTY 16. Integration and rural character are considered in paragraphs 8.15 to 8.19.

## **Impact on Archaeology**

8.8 A rath is evident to the North of the application site, as identified on the site location plan. Historic Environment Division – Historic Monuments Unit was consulted and have raised no archaeological concerns in relation to this proposal. The proposal therefore does not offend PPS2.

## **Access onto a Protected Route**

8.9 The planning history on the site shows four previous applications for dwellings. All four applications were withdrawn.

8.10 The most recent application in 2016 proposed a new access. While the principle of development was acceptable Transport NI recommended the application for refusal and it was subsequently referred to the Planning Committee who agreed with the Planning Authority recommendation. The application was withdrawn.

8.11 The current application proposes a new access onto a protected route with the existing shared access to be permanently closed off. Transport NI initial consultation in respect of the proposed arrangements raised no objection on the basis that the existing substandard access was being closed up and the new access point would have improved visibility splays.

8.12 Following the submission of an objection from the neighbouring property at 261 Ballyquin Road a revised certificate of ownership was submitted in relation to the ownership of the shared lane. The application was re-advertised and re-neighbour notified. A further objection was received from the neighbouring property at 261 Ballyquin Road, who as the owners of the shared access lane, object to it being closed off. Transport NI were consulted in relation to the objections and advise that as the applicant has not gained control of the lane in order to permanently close it off, the application as presented cannot be delivered.

8.13 The consequential amendment to Policy AMP 3 contained in Annex 1 of PPS 21 states that planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the certain cases. In the case of a farm dwelling, a new access is only permitted where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an

existing vehicular access onto the Protected Route. As accepted by the Planning Committee previously, other land exists within the holding on which a dwelling on a farm could be accommodated accessing onto a minor road.

8.14 As the existing access lane is substandard, Transport NI will only accept a new access onto Ballyquin Road if the existing substandard access to 261 Ballyquin Road is permanently closed off and a new access is created to meet full visibility standards. This is only accepted as it will result in betterment. However, in order to achieve this the applicant will need to gain control of all lands required in order to carry out the necessary access works prior to any other development works taking place, this will have to be secured through the use of negative conditions. In this case, a third party has demonstrated ownership of the lane and this has been acknowledged by the fact that the applicant has served notice on the owner of the land through a revised certificate of ownership. The owner of the lane also stated in the objection that they “object to the closing off of the existing entrance on the Ballyquin Road”, the applicant therefore does not have control of all the lands necessary to deliver the details shown on the submitted plans and therefore if permitted the details must be secured by use of a negative condition. The achievability of the access arrangements would have to be considered on the ground post approval and on the event that the access arrangements are not provided prior to the commencement of development would likely result in enforcement proceedings.

### **Integration**

8.15 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. Policy CTY 10 of PPS 21 also states that dwellings on a farm should also comply with CTY 13 (a-f).

8.16 The proposed site for the dwelling benefits from suitable existing natural screening which would allow for the integration of a dwelling in this location. Provided a new dwelling is of an appropriate scale and design it would not appear as a prominent feature in the landscape. Existing natural screening to the site should be retained.

8.17 The proposed dwelling is not considered unacceptable in terms of the criteria outlined in Policy CTY 13. However, the ancillary works required to provide the new section of laneway for the access would be visually unacceptable and would fail to integrate with the surroundings. The proposed new section of laneway will run parallel to

the Ballyquin Road for approx. 100m along the road frontage of what is presently an agricultural field. This section of the Ballyquin Road is currently characterised by agricultural fields and dwellings with road frontage. As there is no substantive hedge at this location, the contrived nature of the access will be open to public view for the entirety of its length. The new section of laneway would fail to integrate with its surroundings and appear as a visually obtrusive feature. The proposal is considered to be contrary to the SPPs and criteria (d) of Policy CTY 13 of PPS 21.

### **Impact on Rural Character**

- 8.18 The proposed dwelling is not considered to result in a detrimental impact to rural character however, it is the proposed section of new shared access laneway that is considered to have an unacceptable impact on the rural character of the surrounding area.
- 8.19 The proposed new section of laneway runs parallel to the existing road for approx. 100m and includes a sweep at the northern most end where it accesses onto the Ballyquin Road. The access would have a detrimental impact on the rural character of the area by raising awareness of new development and creating an uncharacteristic access feature along this main traffic route. The existing agricultural field provides a visual break between existing buildings and contributes towards the existing rural character of the surrounding area.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal fails to comply with Policy CTY 13 and CTY 14 of PPS 21. The ancillary works required to provide access to the proposed new dwelling would fail to integrate and have a detrimental impact on rural character. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.

2. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

# Site Location Map



