

Title of Report:	Planning Committee Report – LA01/2021/1427/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th March 2024
For Decision or For Information	For Decision – Referred Application by Cllr. McShane
To be discussed In Committee YES/NO	No

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	---
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.
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Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2021/1427/O **Ward:** Dunloy

App Type: Outline

Address: Between 234 and 236 Drones Road, Dunloy

Proposal: Infill site for dwelling

Con Area: N/A **Valid Date:** 19.11.2021

Listed Building Grade: N/A

Agent: Bailey Architecture, 9 Glenview Road, Duncarbit, Glenshesk Ballycastle, BT54 6QE

Applicant: Sean Mc Kay, 62 Ballyportery Road, Dunloy, BT44 9BW

Objections: 1 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk/>

EXECUTIVE SUMMARY

- Outline planning permission is being sought for an infill site for dwelling.
- The site is located within the open countryside as designated in the Northern Area Plan 2016.
- It is considered that the proposal is not a small gap site sufficient only to accommodate up to a maximum of two houses within a substantial and continuously built-up frontage as required by the policy.
- As the proposal fails to satisfy the requirements of CTY 8, the proposal fails to meet CTY 1.
- The proposal, if approved, would create a ribbon of development along Drones Road.
- The proposal fails Policy CTY14 in that approving a dwelling on this site would result in ribbon development.
- DFI Roads, HED, NI Water and NIEA (Water Management Unit), Environmental Health and NIE were consulted on the application and raise no objection.
- There is one objection to the proposal and no letters of support.
- Reasons for referral by elected member are attached as an annex to this report.
- Refusal is recommended.

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** outline planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located in the open countryside to the south of the Drones and Ballyportery Road junctions. The wider area is agricultural with a group of dwellings around 236 Drones Road, and the dwelling at No.234. There are number of agricultural buildings and dwellings around the wider area and surrounding road network. There is relatively good roadside vegetation and trees which limit views onto the site from Drones Road.
- 2.2 The application site is located between 234 and 236 Drones Road, Dunloy. The site is an irregular shaped plot which forms part of a wider agricultural field with access currently being achieved via an agricultural gate to the south-west of the site. The site is bound by hedgerow to the northern. Western and southern boundaries with some trees also being present along the western boundary where the site meets the Drones Road. The eastern boundary is currently undefined. The site is neighboured by a residential dwelling and ancillary buildings to the north and three residential dwellings to the south.
- 2.3 The application site is located outside of any settlement development limits as identified in the Northern Area Plan (2016) and is not subject to any specific environmental designations.

3 RELEVANT HISTORY

- LA01/2019/0155/F- Lands immediately north of 238 Drones Road, Dunloy- Conversion, extension and alteration of 2 no. existing barns to provide 2 no. detached dwellings and 1 no. detached garage including associated site works and landscaping- Permission Granted 24/10/2019
- LA01/2019/0047/F- No. 238 Drones Road, Dunloy- Alteration and extension of existing dwelling to include erection of single storey extension to side and rear, erection of two storey detached garage, associated site works and landscaping. Includes demolition of existing single storey porch and two storey return at rear, and

demolition of existing detached single storey and two storey outbuildings- Permission Granted 08/04/2019

4 THE APPLICATION

- 4.1 Outline planning permission is sought for an infill site for dwelling.
- 4.2 The potential impact 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

There are no letters of support or objection to the proposal.

5.2 Internal

DFI Roads – No objection to the proposal.

Environmental Health – No objection to the proposal.

NI Water – No objection to the proposal.

Historic Environment Division – No objection to the proposal.

NIEA- no objection to the proposal.

NIE- no objection to the proposal.

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:

- The 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

The Strategic Planning Policy Statement (SPPS)

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and Built Heritage

PPS 21: Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, integration, rural character, built heritage, access and other matters.

Planning Policy

8.2 The site is located within the open countryside but is not subject to any specific zonings or designations.

- 8.3 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 Policy CTY 1 outlines the types of development which are acceptable in principle in the countryside, one of which is the infilling of a gap site under CTY 8. CTY 8 states that:

“Development which creates or adds to a ribbon of development will be refused, however an exception will be permitted for the development of a small gap site within a substantial and continuously built-up frontage.”

“For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.”

- 8.5 For a site to qualify as an infill opportunity, there must be a minimum of a line of 3 buildings sharing the same road frontage with the application site. The proposed site is located to the south of no.234 Drones Road and to the north of nos.236, 236a, and 238 Drones Road. On balance, it is considered that the dwellings to the south of the site (Nos.236-238) do have a frontage onto Drones Road, despite the unorthodox and unusual arrangement with the access arrangements, siting on higher ground, and with the position of the dwellings slightly back from the road. Therefore, these buildings (dwellings) can be included in the frontage for the purposes of CTY 8.
- 8.6 Furthermore, as No.234 Drones Road sits back from the road, there is a building in front of this dwelling (and garage) which clearly has a frontage to Drones Road. Therefore, it is considered that there is a substantial and built-up frontage for the purposes of CTY 8 and the proposal meets this part of the policy test.
- 8.7 However, even though it is accepted that this section of road meets the policy requirements for a continuous and built up frontage, then there is a requirement to consider that the site is a small gap site (capable of accommodating a maximum of 2 dwellings), the proposed frontage(s) respect the existing, and the existing development pattern along the frontage is assessed and considered in terms of size, scale, siting and plot size.

- 8.8 For the purposes of policy CTY 8, the gap is taken between the respective buildings; in this instance that is the building to the front of no.234 and the dwelling at No. 236. This gap is approx.140 metres. The building to the front of No.234 has a frontage of approx.70 metres, while No 236 is approx.33 metres (of a frontage length), No.236a of approx.19.5 metres, and no. 238 which has a frontage length of approx. 36 metres. This gives an average frontage length of approximately 40 metres and given the gap is much larger than this, and the frontage length of the field where the site is proposed could easily accommodate more than 2 dwellings and reflect those existing frontages, the gap is considered to not be a small gap site sufficient only to accommodate a maximum of two dwellings.
- 8.9 In turning to plot sizes, these range from a very narrow and small plot at No.236a, with slightly larger, but still relatively modest plot sizes, at Nos. 236 and 238, to the largest plot size associated with the building to the front of No. 234. When you assess these plot sizes, and particularly the plot sizes to the south, these are significantly smaller than that proposed, and when you consider the residual land that would be developed if this gap site was accepted as an infill, the future dwelling would have a significantly larger plot size to those within the built-up frontage.
- 8.10 Having regard to the other policy tests within CTY 8, it is considered that the overall frontage and size of the gap site are too large to accommodate a development pattern that respects the existing development pattern.
- 8.11 It is considered that the proposed site does not accord with the policy tests of CTY 8 to be considered an exception to allow development of a dwelling on this site.

Integration

- 8.12 Policy CTY1 of PS21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate into its setting, respect rural character and be appropriately designed. Policy CTY13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

- 8.13 Any dwelling on this site would not be considered a prominent feature in the landscape at this location as it benefits from established roadside boundaries which limit the critical views from Drones Road of the application site. Given the restricted views of the site, it is considered that the site would meet the requirements of CTY13 and would benefit that any additional landscaping would not be overly conspicuous or obvious. The site therefore integrates satisfactorily into the landscape.
- 8.14 As this is an outline application, there is no design to consider and is a matter reserved for a further application should permission be granted.
- 8.15 A new building (dwelling) on this site would satisfactorily integrate into the landscape and comply with the requirements set out in Policy CTY 13 of PPS21.

Rural Character

- 8.16 Policy CTY14 of PPS21 states 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.
- 8.17 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 new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
 - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
 - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
 - (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- 8.18 Policy CTY14 states that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Notwithstanding it is accepted that there is a continuous and built up frontage, it is considered the infilling of this gap will be detrimental to the rural

character of the area and would add to the ribbon development as it is not a small gap site sufficient only to accommodate a maximum of 2 dwellings.

- 8.19 If approved the proposal would add to ribbon development along Drones Road and is contrary to criterion (d) of CTY 14. This will change and further erode the rural character of the area and does not comply with Policy CTY 14 of PPS 21.

Archaeology

- 8.20 The application site is located within the vicinity of an archaeological site or monument. Policy BH 1 advises that development which would adversely affect such sites of regional importance, or the integrity of their settings will not be permitted unless there are exceptional circumstances.
- 8.21 The Historic Environment Division was consulted as the competent authority on archaeological matters and advise it is content that the proposal satisfies the requirements of the SPPS and PPS 6 with regards to archaeological policy requirements. The Planning Department agrees with this position.

Access

- 8.22 DfI Roads was consulted as the competent authority on road and traffic matters and raises no objection to the proposal. The application is unlikely to prejudice road safety or significantly inconvenience the flow of traffic at this location and meets the requirements of AMP 2 of PPS 3.

Other Matters

- 8.23 One representation has been received in relation to the application. Although this representation did not object to the principle of development at the site, it did raise concerns regarding the positioning of the dwelling and potential loss of views from the objector's property. Notwithstanding siting is a matter reserved and this proposal only seeks permission in principle, having regard to the address of the objector's property and the proposed site, the intervening landscaping and topography, and the dwelling at No.236, it is unlikely the development of the site would have an unacceptable impact on No.236a Drones Road.

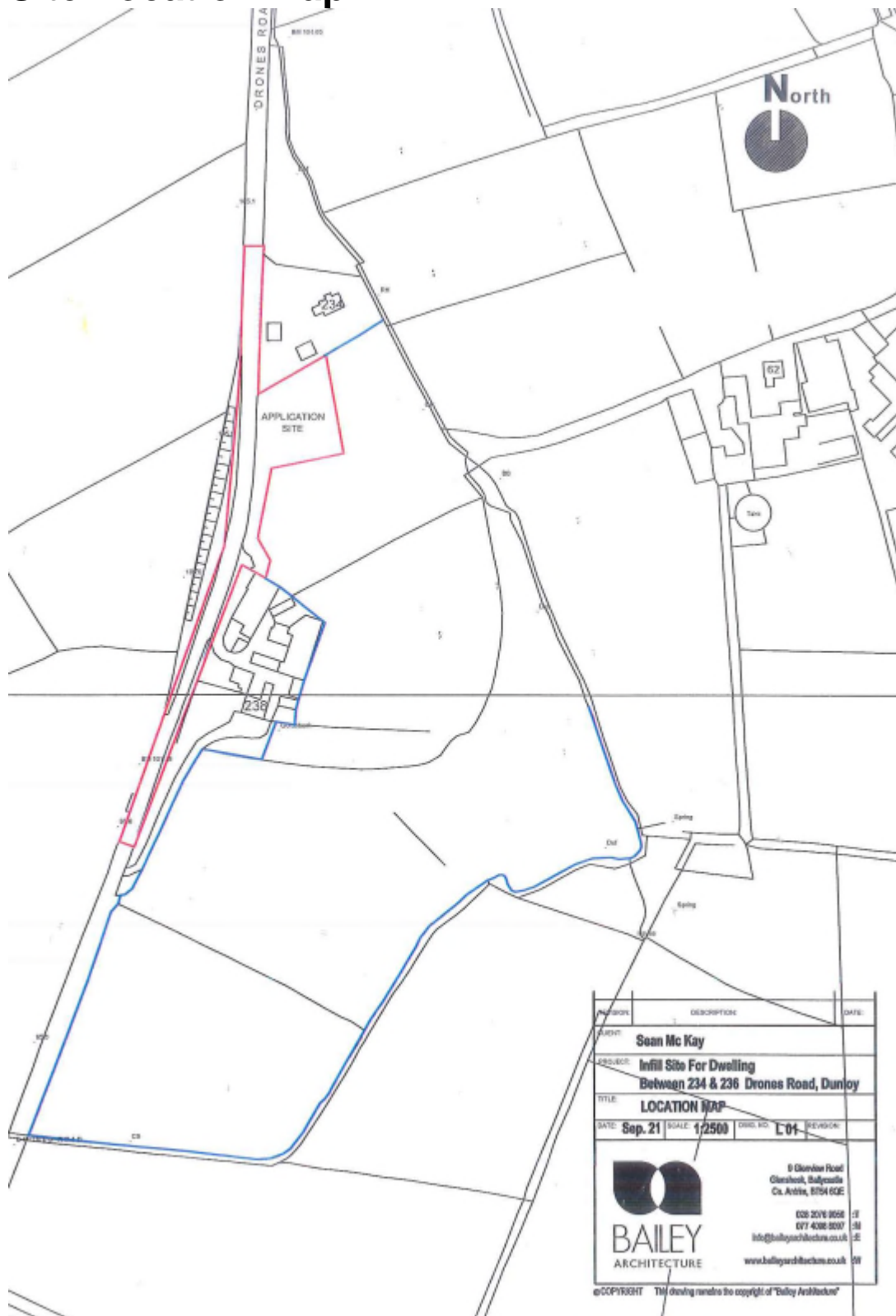
9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, SPPS, other planning policies and material considerations. The proposal is contrary to CTY 8 of PPS 21 as the application site is not an exception under Policy CTY 8 as it does not constitute the development of a small gap site and would create a ribbon of development with No. 234 Drones Road which is also contrary to CTY 14.
- 9.2 All other matters have been considered, including one letter of objection, and there are no concerns in this regard. Given the proposal does not meet CTY 8 and CTY 14, Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, in that there are no overriding reasons why the development is essential and could not be in a settlement.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal is not deemed an exception as it does not comprise the development of small gap site.
3. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 and Policy CTY 14 criterion (d) of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal, if developed, would add to a ribbon of development.

Site Location Map



Reason for Referral

-----Original Message-----

From: cara mcshane <>

Sent: Wednesday, November 1, 2023 11:16 AM

To: Planning <Planning@causewaycoastandglens.gov.uk>; Denise Dickson <[D](#)>; Oliver McMullan <>

Cc: Ciaran McQuillan(Internet) <>

Subject: LA01/2021/1427/O- Infill Site For A Dwelling Between 234 and 236 Drones Road, [Dunloy](#)

[A chairde](#)

Could the above-mentioned outline planning application be referred to the next Planning Committee for consideration for the following reasons:

Further consideration is required of Policy CTY 8 of PPSS21 in relation to:

- What is a continuous build up frontage in this instance
- The size of the application site being [similar to](#) other adjoining site widths
- The proposal respecting the adjoining existing development pattern

Please advise if this request is accepted, in due course.

Many thanks,

Cara