

<b>Planning Committee Report LA01/2020/0616/O</b>	<b>25<sup>th</sup> November 2020</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>	<b>LA01/2019/0616/F</b>	<b><u>Ward:</u></b>	<b>Magilligan</b>
<b><u>App Type:</u></b>	<b>Outline</b>		
<b><u>Address:</u></b>	<b>Lands 78m South West of No 40 Scotchtown Road</b>		
<b><u>Proposal:</u></b>	<b>Site for farm dwelling under policy CTY10 of PPS21</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>03<sup>rd</sup> June 2019</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Agent:</b>	<b>MKA Planning, 32 Clooney Terrace, Waterside, Derry, BT47 6AR</b>		
<b>Applicant:</b>	<b>Mr Richard Allison, 40 Scotchtown Road, Limavady, BT49 0JA</b>		
<b>Objections:</b>	<b>0</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for Site for farm dwelling under policy CTY10 of PPS21.
- The site is located within the countryside, outside of any defined settlement development limits as defined in the Northern Area Plan 2016.
- The principle of development is considered unacceptable as the farm business has already benefitted from a planning permission within the last 10 years and therefore does not meet the requirements of Policy CTY 10.
- Environmental Health, DfI Roads, Water Management Unit, Northern Ireland Water and Loughs Agency all raise no objection to the proposal.
- DAERA responded stating that the subject Farm Business No. was allocated on 4th April 2017. It also confirms the lands were farmed under a previous farm business no. which no longer exists.
- The application is recommended for Refusal.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

## 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, guidance and consideration in sections 7 and 8 and resolves to **REFUSE** planning permission for the reason set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located to the rear of No 40 Scotchtown Road Limavady. The site accommodates an agricultural field with stone boundaries to the west. The southern boundary is defined with existing mature trees, the northern and the eastern remain undefined. The field is flat in nature and low lying.
- 2.2 The area is rural with farm buildings and a farmyard, dwellings of various types including bungalows, storey and a half and two storey.
- 2.3 The site is not within any zonings or designations as defined within the Northern Area Plan 2016.

## 3 RELEVANT HISTORY

LA01/2015/0198/O - Site for Farm Dwelling - Lands 130m NW of 46 Scotchtown Road Limavady. APPROVED

LA01/2016/0784/F - Proposed one and a half storey dwelling and detached garage to supersede extant planning permission LA01/2015/0198/O at Site 130m North West of 46 Scotchstown Road Limavady. APPROVED

## 4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for Site for farm dwelling under policy CTY10 of PPS21.

### **Habitats Regulation Assessment**

- 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**

**Neighbours:** There are no representations on this proposal.

### **5.2 Internal**

**Environmental Health** – has no objection to the proposal

**DfI Roads** – has no objection to the proposal

**Water Management Unit** – has no objection to the proposal

**Northern Ireland Water** – has no objection to the proposal

**Loughs Agency** – has no objection to the proposal

**DAERA** – has responded stating that the subject Farm Business No. was allocated on 4<sup>th</sup> April 2017. It also confirms the lands were farmed under a previous farm business no. which no longer exists.

## **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:

- 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)

PPS21: Sustainable Development in the Countryside

PPS 3 (and its Addendums): Access, Movement and Parking

### **Supplementary Guidance**

Building on Tradition

DCAN 15: Vehicular Access Standards

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual impact and rural character, and traffic matters, amenity and other issues.

### **Planning Policy**

- 8.2 The site is outside any settlement development limit as defined in the Northern Area Plan 2016.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

### **Principle of Development**

- 8.4 Policy CTY1 identifies a number of instances when an individual dwelling house will be granted permission. The application has been submitted as an outline application for a new dwelling on a farm.

Proposals relating to dwellings on farms are considered under Policy CTY 10.

- 8.5 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.*
- 8.6 The policy goes on to state that “*Planning permission granted under this policy will only be forthcoming once every 10 years*”.
- 8.7 This application relates to a farm holding which extends to around 100 hectares. In DAERA’s consultation response (25<sup>th</sup> September 2019) it confirmed the farm business ID is a Category 1 farm business but it has not been in existence for more than 6 years. The farm business no. identified on the P1C Form submitted with this application has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years; only claiming since 2017. Therefore on this information it has not been demonstrated that the farm business has been active and established for more than 6 years.
- 8.8 On 14<sup>th</sup> October 2019 further information was received regarding the current farm business. An updated P1C Form was submitted which included a previous Farm Business No. DAERA confirms this additional farm business no. was a previous farm business I.D. which included these lands. When this farm business no. ceased in 2017, it was split to form 2 farm businesses; the Farm Business ID subject of this application, along with a further new Farm Business. An initial history search of the further new farm business has not identified any planning applications submitted under it. Regard is to be had to this matter, and weight must be given to the previous farm business no. which included actively farming these lands. In considering this, and

on the understanding the Farm Business No. subject of this application is a continuation of the previous Farm Business identified and submitted, on balance, the farm has been active and established for the requisite time period. The proposal therefore meets criterion (a) of policy CTY 10.

- 8.9 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 check of the farm business identifies an outline approval in 2015 with an approval for a full planning permission on the same site in 2016. As these approvals were granted under the previous farm business no. this land is not within the current farm business. A balanced approach has been taken in assessing this part of the policy, and given that the previous farm business was split into 2 new farm businesses, as the land subject to the approvals is not within this applicant's farm business, it is considered there have not been any dwellings or development opportunities sold off from the farm business which is the subject of this application. The proposal therefore meets the requirement of Policy CTY 10 (b).
- 8.10 The application site is cut from a much larger rectangular agricultural field. The site sits to the south west corner of the field, furthest away from Scotchtown Road. Directly north of the site is a farmyard which has buildings next to Scotchtown Road, slurry tanks, bales of silage and a dwelling at No. 40 Scotchtown Rd. The applicant's agent has indicated that all this land and buildings are in the applicant's ownership. While the site does not cluster with a group of buildings on the farm, it is considered, on balance, as the site reads with the farm buildings and the intervening land being used for farm activity, that when passing the site along the Scotchtown Road, the site would visually link with these buildings with little appreciation of any physical separation between them. The proposal will also be accessed from an existing farm lane.
- 8.11 Having regard to this, it is considered that the proposal meets with the requirements of criterion (c) of Policy CTY 10.
- 8.12 As set out in Para. 8.6, policy allows a planning permission to be forthcoming once every 10 years. Having regard to Para 8.8, weight has been given to the previous farm business ID that was allocated to these lands, and that to comply with the Policy test set out in criterion (a), this farm business is a continuation of that previous farm

business. This allowed for the farm business currently the subject of this application to be considered as active and established. Therefore, as the applicant is reliant on a previous farm business no. to fulfil that policy requirement, any planning permissions granted under the previous farm business no. are material to the consideration of this application and must be assessed.

- 8.13 There are 2 previous relevant permissions identified in Para. 3: LA01/2015/0198/O and LA01/2016/0784/F. Both these permissions were forthcoming under the farm business no. the applicant is reliant upon to meet the active and established criterion. As policy only allows for one planning permission to be forthcoming every 10 years, and the farm business has already benefitted from one permission within that time frame, this proposal fails to meet this part of policy.
- 8.14 Therefore, while the application meets the policy requirement set out under criteria (a) – (c) of Policy CTY 10, as a planning permission has already been forthcoming within the last 10 years; the proposal fails to meet CTY 10.

### **Visual impact and rural character**

- 8.15 CTY 10 also requires a proposal to meet the requirements set out under CTY 13 & CTY 14 which relate to integration and design of buildings in the countryside and, rural character. It has already been assessed that the site visually links with a group of buildings on the farm and is considered acceptable in this regard. Given weight to this, and the distance the site is from the Scotchtown Rd, with intervening buildings, topography and surrounding vegetation, it is assessed that the proposal meets the requirements of both of these policies. It therefore also complies with the requirement of CTY 10 in so far as it requires compliance with these 2 policies.

### **Traffic Matters**

- 8.16 DfI Roads was consulted as the competent authority on road and traffic matters and it raises no objection to the proposal. It is considered that the proposal complies with PPS 3 and its addendums.

### **Amenity**

- 8.17 Environmental Health advises that the proposed development is closely located to existing agricultural outbuildings. As the competent



authority on this matter it raises no objection and officials agree with this position. However, Environmental Health do advise that future occupants of the development may suffer intermittent disturbance and loss of amenity as a result of noise and odours arising from activities associated with the agricultural business. As there is no objection raised on these grounds, it is considered that planning permission should not be withheld on this occasion given the nature and intermittent disturbance of these activities.

## **Other Issues**

- 8.18 Water Management Unit, Northern Ireland Water and Loughs Agency have all been consulted and they raise no objection to the proposal.

## **9 CONCLUSION**

- 9.1 The proposal is considered to be unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, PPS 21 and PPS 3. The farm business has already benefitted from a planning permission within the last 4 years and as Policy only allows for permission to be forthcoming once every 10 years, the proposal fails to meet the requirements of CTY 10 and PPS 21. The proposal also fails to meet CTY 1 as it is not considered an acceptable type of development in the countryside. Refusal is recommended.

## **10 Reasons**

1. The proposal is contrary to SPPS Para 6.73 and Policies CTY1 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 planning permission has already been granted under this Policy within the last 10 years.

# Site location Map

