



**Planning Committee Report**

**25<sup>th</sup> November 2020**

**LA01/2019/0532/F**

**PLANNING COMMITTEE**

**Linkage to Council Strategy (2015-19)**

<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:</b> (If applicable)	N/a

**App No:** LA01/2019/0532/F      **Ward:** Macosquin

**App Type:** Full Planning

**Address:** Approx. 130m West of 25 Knocknougher Road, Coleraine

**Proposal:** Proposed farm sheds

**Con Area:** N/A

**Valid Date:** 20.05.2019

**Listed Building Grade:** N/A

**Applicant:** Mr & Mrs W Joyce, 78 Union Street, Coleraine

**Agent:** Moore Design, Market Court, 63 New Row, Coleraine

**Objections:** 0

**Petitions of Objection:** 0

**Support:** 0

**Petitions of Support:** 0

## **EXECUTIVE SUMMARY**

- Full planning permission is sought for farm sheds
- The site is within the countryside outside any settlement limit.  
There is a small sand paddock and shelter already in place.
- DARD confirmed that the farm business has not been established for the required period of 6 years
- Insufficient information has been submitted to demonstrate how the proposal is essential for the efficient functioning of the holding

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

## **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 site comprises an area of agricultural land on which there is an existing small shelter and sand arena. There is an existing field gate which is currently used for access to the site. The site is relatively flat and the surrounding agricultural land is broken up into smaller paddocks for grazing of horses and other animals. The site boundaries are defined by a post and wire fence. There is a hedgerow along the roadside boundary and an existing agricultural access point. A watercourse is located to the east of the site.
- 2.2 The site is located in the countryside outside of any settlement limit as defined within the Northern Area Plan 2016. The site is not subject to any specific environmental designations.

## **3.0 RELEVANT HISTORY**

- 3.1 No relevant planning history on this site.

## **4.0 THE APPLICATION**

- 4.1 This application seeks full permission for proposed farm sheds

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

**Neighbours:** There are no objections to the proposal.

### **5.2 Internal:**

Environmental Health: No objections

Northern Ireland Water: No objections

DFI Roads: No objections

Shared Environmental Services: No objections

NIEA Water Management Unit: No objections

NIEA Natural Environment Division: Standing Advice

DfI Rivers – No objections

DARD – Farm business not in existence for more than 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)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The main consideration in the determination of this application relate to the principle of development, integration and impact on rural character, habitats, access requirements and Habitats Regulations Assessment.
- 8.2 The principle of the development proposed must be considered having regard to the Northern Area Plan and PPS policy documents specified above and the supplementary guidance.
- 8.3 The site is located within the countryside and is located outside any Settlement Development Limit as defined by the NAP 2016.

## **Principle of Development**

- 8.4 Planning Policy Statement 21, Policy CTY 1 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. 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.
- 8.5 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.
- 8.6 The proposal is for farm sheds and therefore falls to be considered under Policy CTY 12 of PPS 21 which relates to agricultural and forestry development. The SPPS states that provision should be made for development on an active and established agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing farm buildings on the holding. An alternative site away from existing buildings will only be acceptable in exceptional circumstances.
- 8.7 Policy CTY 12 states that the determining criteria for an active and established business will be that set out under Policy CTY 10. A Farm Business ID was identified by the applicant on the completed P1c form. DARD was consulted and confirmed that the Category 3 Business ID was allocated on 8<sup>th</sup> May 2019. Therefore the farm business has not been established for the required 6 years. The proposal fails to meet the test for an active and established agricultural holding.
- 8.8 Policy CTY 12 of PPS 21 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that;
- 8.9 • *it is necessary for the efficient use of the agricultural holding;*

The development involves the construction of farm sheds on agricultural land. The submitted floor plans indicate that the

sheds will be used for fodder storage and animal housing. There is currently a small shelter and sand arena on the site. This shed and sand arena does not form part of this planning application and do not appear to benefit from planning permission. They have been identified on the submitted drawings and are likely to require planning permission, as they do not appear to have been there for the required period, which would make them immune from requiring permission. There are no other agricultural buildings on the holding. The site is surrounded by agricultural land which has been divided into paddocks. At the time of the site inspection, there were horses/ponies grazing in the paddocks. Letters dated 11<sup>th</sup> May 2019 from DAERA were submitted as part of the application allocating herd numbers for sheep, goats and equine herds. However, no further details have been submitted as to the number of stock currently held, the location of these flock at present and no evidence of the keeping of sheep or goats were identified at the time of the site visit. Sufficient information has not been submitted to demonstrate that the proposal is necessary for the efficient functioning of the farm holding. There is no substantive evidence submitted that they currently have stock of agricultural livestock other than they hope to increase their stock to include goats and poultry as outlined in the submitted P1C Form. Policy CTY 12 does not include provision for the erection of buildings to meet aspirational or future needs. The proposal fails to comply with criterion (a) of policy CTY12.

**8.10 • *in terms of character and scale it is appropriate to its location;***

There are no existing agricultural buildings on the holding with the exception of a small shelter. The proposed development comprises two agricultural buildings within a rural area. The buildings have a low ridge height and the scale of the overall development is quite modest given the relatively small number of animals to be kept. Given the agricultural nature and small scale of the development, the proposal would not appear out of character in the surrounding rural area.

**8.11 • *it visually integrates into the local landscape and additional landscaping is provided as necessary;***

The proposed sheds are of similar size. Shed 1 measures 8m in length and 3.2m in height. Shed 2 measures 7.5m in length and 3.5m in height. Both sheds have walls finished in brown cladding with brown profiled sheeting to the roof. The existing roadside vegetation filters views of the site and given the low ridge height and agricultural nature of the development, the sheds could visually integrate into the local landscape.

**8.12 • *it will not have an adverse impact on the natural or built heritage;***

The application site is within 7.5km of Altikeeragh ASSI, Gortcobbies ASSI, River Roe and Tributaries ASSI, Gortycavan ASSI Ban Estuary ASSI/SAC, Magilligan ASSI/SAC, Binevenagh ASSI/SAC, Ticreven ASSI and Aghanloo Wood ASSI and may be hydrologically connected to the Bann Estuary ASSI/SAC. Natural Environment Division is content that the proposal is in line with DAERA's operational protocol on nitrogen emissions.

NED is content that the proposal is unlikely to have an adverse impact on non-designated sites within the consultation area. The Air Quality Modelling Report indicates that the process contribution at this site is <50%, in line with the current policy for habitats outside designated sites.

Water Management Unit was consulted and were unable to determine whether the proposal will have a significant adverse impact on the water environment. Further information was submitted by the agent to clarify the points raised by Water Management Unit. A Nutrient Management Plan was requested however this was not submitted. The agent confirmed that no more than 10 poultry and 6 ponies will be introduced to the holding and that nutrients are to be returned to the soil in small amounts. WMU was re-consulted following this information and have no concerns.

**8.13 • *it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution;***

The proposed development is located approximately 130m from the nearest unconnected receptor. The Environmental Health

department was consulted and have no objections to the proposal.

- 8.14 In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following;
- there, are no suitable existing buildings on the holding or enterprise that can be used.
  - the design and materials to be used are sympathetic to the locality and adjacent buildings; and
  - the proposal is sited beside existing farm or forestry buildings.
- 8.15 The applicants own a small holding of approximately 2.5 hectares. The farm business was established in May 2019. There are no existing buildings on the holding with the exception of a small shelter. The proposed sheds are of typical agricultural design and therefore would be sympathetic to the locality. The proposed development is not sited beside existing farm buildings.
- 8.16 A proposal located away from existing agricultural or forestry buildings will only be acceptable, in exceptional circumstances, where it is shown to be essential for the efficient functioning of the holding or enterprise or there are demonstrable health and safety reasons. In such cases the applicant will be required to provide sufficient information to demonstrate that this is the case. The applicant has stated in the submitted P1c form that they purchased the land in August 2017 and have extensively drained the fields and divided into 4 paddocks and a sand arena with a shelter. A letter was submitted on 10<sup>th</sup> December 2018 containing details of farm expenditure including hedge cutting, fencing, drainage, labour, machinery hire, ploughing, seeding & rolling and haylage harvesting. Whilst information has been submitted to indicate the extent of works carried out on the land, this appears to have been carried out on one occasion and has not been substantiated with evidence, such as receipts, to demonstrate that this has been carried out over the requisite number of years. No demonstrable health and safety reasons have been provided. Therefore, insufficient information has been submitted to demonstrate how the proposal is essential for the efficient functioning of the holding.

- 8.17 Notwithstanding this, the farm business has not been established for the required period of 6 years and therefore the proposal is unacceptable under Policy CTY 1 & CTY 12 of PPS 21.

### **Integration and Impact on Rural Character**

- 8.18 Policy CTY 13 of PPS 21 states that planning 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. The proposed sheds will not be a prominent feature in the landscape given the small scale and limited views due to existing roadside vegetation. Travelling east on Knocknougher Road, there is a backdrop of mature trees and existing buildings which will assist with integration. The design of the building is agricultural and therefore appropriate for the site and its locality.
- 8.19 Policy CTY 14 of PPS 21 states that 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. The proposed sheds are agricultural in nature. The proposal will not result in a suburban style build-up of development and will not create or add to a ribbon of development. It will not cause a detrimental change to the rural character of the area given its nature and scale.

### **Natural Heritage**

- 8.20 The application site is within 7.5km of Altikeeragh ASSI, Gortcobbies ASSI, River Roe and Tributaries ASSI, Gortycavan ASSI Ban Estuary ASSI/SAC, Magilligan ASSI/SAC, Binevenagh ASSI/SAC, Ticreven ASSI and Aghanloo Wood ASSI and may be hydrologically connected to the Bann Estuary ASSI/SAC. Natural Environment Division is content that the proposal is in line with DAERA's operational protocol on nitrogen emissions.
- 8.21 NED is content that the proposal is unlikely to have an adverse impact on non-designated sites within the consultation area. The Air Quality Modelling Report indicates that the process

contribution at this site is <50%, in line with the current policy for habitats outside designated sites.

- 8.22 The development comprises a small sand arena and two sheds surrounded by agricultural land used for grazing animals. There is a hedgerow to the front of the site along the roadside which has been retained. The proposal does not involve removal of any vegetation, it is unlikely to have an adverse impact on natural heritage.

### **Access**

- 8.23 The proposal involves the use of an existing, unaltered access to a public road. Policy AMP 2 of PPS 3 Access, Movement & Parking applies. Planning permission will only be granted for a development proposal involving direct access, or the intensification of use of an existing access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3, Access to Protected Routes.
- 8.24 DfI Roads was consulted and have no objection to the proposed development due to its agricultural nature.

### **Planning & Flood Risk**

- 8.25 The Strategic Flood Map for Northern Ireland indicates that the site outline lies just outside of the 1 in 100 year fluvial flood plain. DfI Rivers recommends that the floor level is set a minimum of 600m above the current ground level.
- 8.26 The eastern boundary of the site is within close proximity of a watercourse that is undesignated flowing towards the Articlave River. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained. The site layout drawing shows space for access and DfI Rivers would recommend that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

## **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 and Planning Policy Statement 21. The farm business has not been established for at least 6 years and it has not been demonstrated that the development is necessary and essential for the efficient use of the farm holding. The proposal is contrary to paragraph 6.73 of the SPPS and Policies CTY 1 & CTY 12 of PPS 21. Refusal is recommended.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.73 of the SPPS and Policies CTY 1 & CTY 12 of PPS 21, Sustainable Development in the Countryside, in that the farm business has not been established for at least 6 years and it has not been demonstrated that it is necessary and essential for the efficient use of the agricultural holding.

## Site Location Map



## Site Plan

