

Planning Committee Report LA01/2019/1029/F	25th November 2020
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>	LA01/2019/1029/F	<u>Ward:</u>	Route
<u>App Type:</u>	Full Planning		
<u>Address:</u>	114 Seacon Road Ballymoney		
<u>Proposal:</u>	Proposed conversion of existing domestic workshop to a cattery		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	20.09.2019
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr & Mrs Warke. 114 Seacon Road, Ballymoney.		
Agent:	2020 Architects 49 Main Street, Ballymoney.		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

EXECUTIVE SUMMARY

- Full planning permission is sought for the conversion of an existing domestic workshop to a cattery with alterations to the existing domestic access and provision of car parking.
- Building alterations are internal
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy CTY 4 of PPS21 and the SPPS as the building to be converted is not a locally important building of special character or interest.
- The principle of development is considered unacceptable having regard to PPS4 as it does not meet any of the relevant policy tests in Policies PED, 2, PED6 and PED9 and is not considered an exception under Policy PED2.
- DFI Roads, Environmental Health, NI Water and DAERA (Water Management Unit) were consulted on the application and raise no objections.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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

1.0 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 114 Seacon Road, Ballymoney which comprises a road-side residential property. The site is set to the rear of an existing roadside verge which extends to approximately 1m with a 2m coniferous hedge defining the property boundary. The site incorporates a fairly large residential curtilage extending to approximately 0.4 ha. The property comprises a single storey detached dwelling and detached garage located to the north western half of the site which are finished in pebble dash with brown concrete interlocking roof tiles. The garage includes an additional mono-pitch lean-to which appears to be a later addition comprising a fairly low structure extending from the below the garage soffit and sloping towards the communal boundary with No 112. The lean-to is of a more temporary wooden structure with fabricated metal roof.
- 2.2 The south-eastern extent of the site incorporates a single access point with the remainder of the site laid out in garden although works had begun in relation to the granted certificate of lawfulness referenced below. The topography of the site is relatively flat with boundaries defined by a variety of blockwork wall between the rear of Nos 114 and 112, 2m wooden fencing and mature trees on the communal boundary to the front of the property and a timber post and rail fence on the remaining boundaries. The rear of the property has been partially subdivided into smaller pens and garden areas.

- 2.3 The site is located within the rural area as identified by Map 2 of the Northern Area Plan 2016. The character of the area is quite rural comprising a small number of individual dwellings and small farm holdings accessed off a minor road. The northern side of Seacon Road is generally defined by a small number of detached roadside dwellings and agricultural land.

3.0 RELEVANT HISTORY

- 3.1 LA01/2019/1030/LDP - Proposed domestic workshop & storage within curtilage of existing dwelling. Granted 16.10.2019.
- 3.2 D/2005/0630/F - Extension to dwelling. Granted 08.12.2005.
- 3.3 D/1989/0196 – Detached Double Garage and Stores. Granted 23.08.1989

4.0 THE APPLICATION

- 4.1 Planning permission is sought for the Conversion of an Existing Domestic Workshop to a Cattery within the curtilage of No 114 Seacon Road. The building to be converted is identified as the lean-to structure adjoining the existing domestic garage but also includes three additional car parking spaces to serve the proposal to the rear of the dwelling and within the existing residential curtilage. The application also proposes the improvement of the existing access arrangements. The remainder of the site is proposed to remain in use as part of the existing residential property.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There are no objections to the proposal.

5.2 Internal:

DFI Roads: No objections subject to conditions.

Environmental Health: No objections subject to conditions and informatives.

NI Water: No objections.

NIEA WMU: No objections.

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 3: Access, Movement and Parking

PPS 4 – Planning and Economic Development

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposal 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 residential amenity.

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 the conversion of an existing domestic workshop to a cattery business located at a private residential premises and therefore falls to be assessed against Policy CTY 4 – The conversion and Reuse of Existing Buildings.

- 8.3 Policy CTY 4 states that planning permission will be granted for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses. Paragraph 6.73 of the SPPS goes further and states that provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest for a variety of alternative uses where this would secure its up keep and retention and where the nature and scale of the use would be appropriate to its countryside location.
- 8.4 Paragraph 1.12 of the SPPS is clear that where there is any conflict between the SPPS and any policy retained under the transitional arrangements, these must be resolved in favour of the provisions of the SPPS. The more stringent policy test must therefore be applied.
- 8.5 The application relates to a small mono-pitch building within a residential curtilage which is attached to the western elevation of an existing detached garage located to the rear of the dwelling. The subject building comprises a low, linear blockwork and wooden structure approximately 3m at the highest point which extends from just below the garage soffit and slopes towards the communal boundary with No 112, to which it is attached. The existing building extends to approximately 5.7m x 10.3m, is currently used as a domestic store and would appear to be a later addition to the detached garage. The mono-pitch roof is comprised of pre-fabricated metal sheeting and overhangs the party wall.
- 8.6 Both CTY4 and the SPPS are silent on the definition of a “suitable” building although CTY4 does require that it be of permanent construction and also indicates that buildings of a temporary construction will be ineligible for conversion under this policy. Although the building appears to be mostly timber framed and reliant on the boundary wall structure, it also includes a purpose built blockwork element projecting from the detached garage which lends a greater degree of permanency to the building. The definition of suitable also implies that the building is capable of accommodating the use as proposed. The current application indicates the internal sub-division of the building to create seven individual animal pens with access to the front and rear. Individual pens include both sleeping and exercise areas

and would be required to meet the relevant minimum licensing requirements for animal welfare for such a proposal. As such the building would appear to be suitable for the purpose as proposed.

- 8.7 In terms of the additional policy test within the SPPS which also requires the building to be locally important, of special character or interest, a number of examples are provided. These include former school houses, churches and older traditional barns and outbuildings. Although the list is not exhaustive it clearly indicates that in order for a building to be considered eligible for conversion under this policy it must comprise some inherent local historical or social value or display a degree of architectural merit in keeping with the policy objective which is to secure the upkeep and retention of such buildings. The subject building consists of a simple domestic store which is not a locally important building of special character or interest and is therefore not eligible for conversion under this policy.
- 8.8 PPS4 Planning and Economic Development allows for economic development in the countryside under policy PED2 which refers to such development being permissible under four identified policies within PPS4 as well as farm diversification schemes in line with CTY 11 of PPS21.
- 8.9 Of the four identified policies within PED 2 only that relating to small rural projects (PED 6) is relevant as the proposal does not relate to an established economic development use nor is it considered major industrial development.
- 8.10 Policy PED 6 allows for the development of a firm proposal for a small, community enterprise-park / centre or a small rural industrial enterprise on land outside a village or smaller rural settlement where it is demonstrated that all of the three outlined criteria are met. No evidence has been submitted which indicates that the proposal would be considered as either of the two acceptable types of development within the policy or that any of the three criteria would be suitably met. Additionally, no information has been submitted which indicates that the proposal relates to a farm diversification project therefore Policy CTY11 of PPS21 is not engaged. Consequently the application does not comply with any policies relevant to appropriate rural development of the nature proposed.

8.11 In addition to those policies above, Policy PED 2 of PPS4 allows for other proposals for economic development in the countryside in exceptional circumstances. Supporting comments have been submitted by the agent identifying the proposal as being exceptional and describing it as providing a much needed service in an extremely suitable location. The supporting comments also state that the rural location is appropriate for a proposal of this nature and will limit potential impacts. Policy PED 2 does not define what is considered “exceptional” but the common understanding would be that the proposal is extremely unusual or out of the ordinary. The agent has indicated a number of examples outside Causeway Coast and Glens Council area for similar proposals which would indicate that the current application could not be considered unusual or “exceptional” and therefore would not fall within the additional provision of PED2. Additionally provisions exist within current policy for proposals of this nature where the requisite policy provisions are met.

Residential Amenity

8.12 The subject building is located immediately adjacent the boundary of the neighbouring property at No 112 and approximately 10m from the neighbouring dwelling. The application incorporates sufficient accommodation for seven cats and has the potential to impact on neighbouring residential amenity as a result of noise and odour associated with the animals as well as maintenance works such as cleaning out the building and pick-up and drop-off of animals.

8.13 A proposal of this nature will be required to be managed to remove litter / faeces to prevent unacceptable levels of odour, control hours of use and vehicle movements as well as ensuring that noise from the animals does not create unacceptable noise disturbance, especially at night. The local Environmental Health Department (EHD) has been consulted and originally raised queries in relation to the extent of operations including hours of operation, vehicle movements and the maximum number of cats which the proposal will accommodate. The agent has submitted additional information in relation to proposed days/hours of operation/vehicle movements and the number of cats to be housed per pen/compartment (which is restricted to one per pen).

8.14 EHD has advised that the proposal will be subject to licensing and pollution prevention requirements regulated by DAERA. Informatives have also been proposed in relation to a number of issues including noise, waste disposal and management of the proposal. EHD has confirmed that subject to suitable restrictions relating to proposed hours of operation (drop offs/collections) (09:00 – 18:00) and the number of vehicles per day as detailed (2), no further comment is necessary. Subject to acquiring and operating in accordance with the necessary licensing agreements, as well as adhering to relevant conditions, the proposal is unlikely to significantly impact on residential amenity.

Design / Character

8.15 The existing building is set back approximately 29m from the public road and adjoins the larger garage building both of which are set on the north-western site boundary. The road frontage of Nos 112 and 114 are defined by a formal coniferous hedgerow which screens the site and adjacent property. Views of the subject building are negligible from the public road and alterations proposed to facilitate the development are internal. The application proposes alterations to the existing domestic vehicular access which requires facing back over 50m of hedgerow but does not indicate that removal is necessary. The visual impact of the proposal and impact on the character of the area is acceptable.

Access

8.16 The application proposes alterations to upgrade the existing access arrangements which will serve both the commercial and residential property. Additionally three designated in-curtilage car parking spaces are provided to the rear of the dwelling. The intensification of the access associated with the development requires the provision of visibility splays of 2.4m x 110m achieved by repositioning of fence posts and clearing the area within the visibility splays (including reducing the roadside verge and facing back existing hedgerows). Proposed access and parking arrangements do not impact on the existing property due to the remaining parking area and limited number of

patrons. DFI Roads has been consulted and raise no objections in relation to the proposed access and parking arrangements.

Non mains Sewerage

- 8.17 Surface water is to be disposed of via soakaways and foul sewage is indicated as being disposed of via utilisation of the existing septic tank. Any alterations to existing arrangements may require additional consent from DAERA. The proposal is subject to licensing and regulation by DAERA in terms of operation and waste management. DAERA (Water management Unit) has been consulted and raise no objection to the proposal but do refer the applicant to guidance in relation to the operations of stables, kennels and catteries.

Habitats Regulations Assessment

- 8.18 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of any European site.

9.0 CONCLUSION

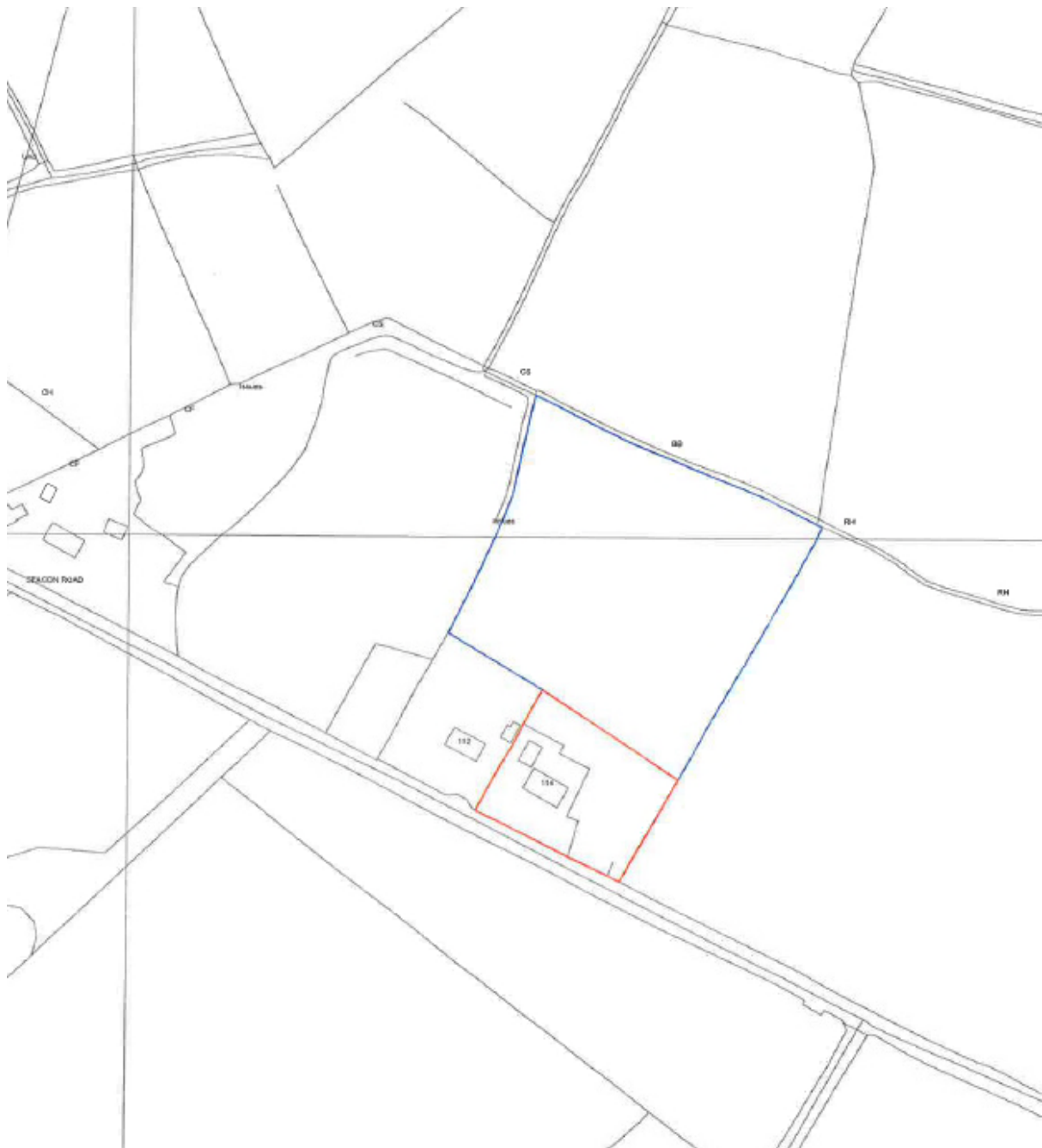
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The development fails to comply with the SPPS, PPS 4 and PPS 21 in that the proposed conversion of an existing domestic workshop to a cattery which is subject of the application is an unacceptable form of development that has no policy support and no exceptional circumstances have been put forward in support of the application. Planning policies exist to facilitate this type of development in the countryside in appropriate circumstances as outlined above and the proposal does not meet the relevant policy tests. Approval of this application would set a precedent for catteries and dog kennels in other countryside locations

without compliance with the policy requirements identified above. As the proposal is unacceptable, refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 4 of PPS 21, Sustainable Development in the Countryside, in that the building to be converted is not deemed to be a locally important building of special character or interest.
3. The proposal is contrary to the paragraph 6.87 of the Strategic Planning Policy Statement for Northern Ireland and Policies PED 2, PED 6 and PED 9 of Planning Policy Statement 4, Planning and Economic Development, in that the site is located within a rural countryside area and no exceptional circumstances have been demonstrated to justify relaxation of the planning controls exercised in this area.

Site Location Plan



Block Plan

