



Title of Report:	Planning Committee Report – LA01/2021/0133/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th April 2022
For Decision or For Information	For Decision

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	Senior Planning Officer

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

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
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: LA01/2021/0133/F **Ward:** Loughguile and Stranocum

App Type: Full

Address: Approx 65 NE of 39 Friary Road, Armoy.

Proposal: Proposed 2 no. agricultural sheds

Con Area: N/A **Valid Date:** 01/02/2021

Listed Building Grade: N/A

Agent: WM Plans, 50 Crebilly Road, Ballymena, BT42 4DR

Applicant: Mr. John McKeown, 24 Altarichard Road, Armoy, BT53 8XT

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

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

EXECUTIVE SUMMARY

- The application site is located within the countryside, outside the settlement limits of Armoy. Full planning permission is sought for two agricultural sheds within a roadside field along Friary Road.
- There have been no objections received in relation to this application and no statutory consultees have raised any concerns.
- The application site has not formed part of the active and established farm holding for at least 6 years.
- It has not been demonstrated why the proposal could not be located in a settlement or that the proposal is an acceptable use in the countryside.
- The application site lacks sufficient landscaped boundaries to provide a suitable degree of integration for the proposed sheds.
- The proposal is contrary to paragraphs 6.73 and 6.77 of the SPPS and Policies CTY 1, CTY 12, CTY 13 and CTY 14 of PPS 21.
- Refusal is recommended

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 and guidance in sections 7 and 8 and resolves to **REFUSE** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located approximately 65m North East of 39 Friary Road, Armoy.
- 2.2 The application site comprises of agricultural land. The site is not located beside any established agricultural buildings associated with the farm business to which this application relates. There are agricultural buildings located across Friary Road from the application site, but these are associated with another farm business. The application site is located at the roadside and is partially bound by a hedgerow along its south western boundary, the north western boundary is defined by post and wire fencing. The site now also contains a caravan and container with a gravelled laneway which does not benefit from planning permission.
- 2.3 The site is located in the countryside outside any settlement development limit as defined within the Northern Area Plan 2016. The site is not subject to any environmental designations.

3 RELEVANT HISTORY

There is no relevant planning history on this site.

4 THE APPLICATION

4.1 This is a full application for "Proposed 2no. agricultural sheds".

5 PUBLICITY & CONSULTATIONS

5.1 External

No letters of objection were received on this application. No letters of support have been submitted.

5.2 Internal

Environmental Health: No objections

DFI Roads: No objections

NI Water: No objections

DAERA: 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:

- 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)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main considerations in the determination of this application relate to principle of development; integration & rural character; road safety and Habitats Regulation Assessment.

Principle of Development

- 8.2 The application site is located in the countryside as outlined in the Northern Area Plan 2016. Policy CTY 1 of PPS 21 sets out the types of development which can be considered acceptable in the countryside. All proposals in the countryside must be sited and designed to integrate sympathetically and to meet other planning and environmental considerations. More specifically Policy CTY 1 makes provision for agricultural and forestry development proposals in accordance with Policy CTY 12 of PPS 21.

- 8.3 Policy CTY 12 requires that the subject development is located on an active and established agricultural holding. This requirement is distinguishable from the farm business being active and established. Therefore, Policy CTY 12 does not require assessment of whether the associated farm business is active and established. The established period for the agricultural holding is a minimum of six years.
- 8.4 The agent has provided details of the extent of their farm holding. The holding comprises 3.1 acres of land north and just outside the Cargan Development Limits (approximately 12.3 miles from the application site) and 5.4 acres west of No. 61 Omerbane Road, Newtowncrommelin (approximately 8.7 miles from the application site). These lands are rented (from Mr Dermot Connelly). These farmlands near Cargan and Newtowncrommelin have no planning history. The applicant then owns 10.5 acres of land, including the application site, as identified on the submitted site location plan, Drawing No. 01D received 28th October 2021. The application site, and adjoining lands, were purchased in November 2020.
- 8.5 The only part of the farm holding which the applicant claims has been farmed for a period of more than 6 years is the rented land at Cargan and Newtowncrommelin. A letter from the landowner, submitted with supporting information, outlines that the applicant has had the use of this land for grazing purposes for the last 6-7 years. He also had permission to claim single farm payments on same, in return for upkeep and maintenance of the land. The agent has advised that the applicant has not claimed single farm payment, to date, as he has only been registered as a Category 1 farmer since 2021. The agent has submitted several receipts with the application ranging from 2016 – 2021. These receipts included confirmation of payments of cattle feed, veterinary visits and livestock medicines etc. These receipts were addressed to the applicant at his current and former address at 24 Altarichard Road and 22 Tober Road respectively. No receipts made specific reference to the application site or the rented lands at Cargan or Newtowncrommelin .
- 8.6 The agent has advised that the applicant farms a total of 19 acres of land (8.5 rented and 10.5 owned) and has 20 cattle. A DAERA herd number was indicated on the submitted receipts, with details of the number of cattle associated with the herd number confirmed by a herd list from DAERA to the applicant. This herd list makes reference to 18 cattle and is dated 30th March 2022. As such, it is considered that the

applicant has an active and established farm holding albeit it is not located at the application site, which is a requirement of CTY 12.

- 8.7 In similar circumstances to this application, the Planning Appeal Commission issued a decision, 2018/A0164. It is similar to the proposal in that the applicant had been farming for 6 years or more but the land to which the application relates to was not included in the farm holding for 6 years or more. In this appeal the commissioner refers to the restrictive opportunity to build an agricultural building on other lands but that this does not justify the erecting of a building on land that was purchased less than 6 years ago. Whilst the farm business has been active and established for at least 6 years, as the application site has not formed part of the farm holding for at least 6 years this component of the farm business is not considered to have been farmed actively for at least 6 years and was considered to be contrary to Policy CTY 12.
- 8.8 Also, planning appeal 2018/E0032, which related to an unauthorised erection of a shed, hardstanding and access at Largy Road, Limavady, defines an agricultural holding as land occupied as a unit for the purposes of agriculture. The same appeal outlines that in order to comply with Policy CTY 12 what the appellant needs to demonstrate is that the holding is active and established. The word 'established' means more than mere existence; it has the connotation of being set up and settled on a firm or permanent basis.
- 8.9 It is the longevity of the farm holding which is the key criteria to determining compliance with Policy CTY 12. In this context it is possible that a farm holding can be active and established over a period of time by different businesses, however this relates to the holding relating to the same extent / unit of land. A farm holding can comprise of agricultural land either owned or leased or a combination of both.
- 8.10 The lands at the application site, as confirmed by DAERA, are on lands associated with another farm business. Reliance upon the previous activities of another farm holding and business cannot be relied upon to justify the established nature of the applicant's farm holding, whereby those activities do not relate to the same agricultural unit. This approach is consistent with the outcome of planning appeals 2018/A0164 and 2018/E0032. It has not been demonstrated that those lands have been farmed continuously for a period of 6 years or

more and as a result do not form a holding for the purposes of the policy.

- 8.11 The application site at Friary Road would not support an application under Policy CTY 12 until the site has continuously formed part of the farm holding and was considered active and established for 6 years or more (2027 at the earliest). This assessment is in line with PAC decisions 2018/A0164 and 2018/E0032. In addition to these PAC decisions, appeal 2017/A0010, which was for a new shed at Edenreagh Road, Eglington, ruled that Policy CTY 12 requires consideration of the holding that has been in existence for 6 or more years. Policy CTY 12 therefore, requires the building to be sited on lands which has been part of the holding for at least 6 years, as opposed to the land recently being bought or rented into the holding.
- 8.12 Policy CTY 12 further clarifies that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:
- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
 - (b) in terms of character and scale it is appropriate to its location;
 - (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
 - (d) it will not have an adverse impact on the natural or built heritage; and
 - (e) 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.

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.
- 8.13 The proposal is for two new agricultural sheds. The agent has outlined that the applicant does not own any farm buildings. Consequently, there are no buildings on the holding which can be used to meet the

needs for the business and to which the new buildings can be sited beside.

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

- 8.14 The agent claims the two proposed sheds are deemed to be necessary as the applicant has nowhere to store machinery or hay / silage, claiming that without this the productivity of the farming enterprise is reduced without the reliance of third parties. The applicant currently rents an agricultural building located to the rear of No. 11 Friary Road. It has not been demonstrated that the applicant cannot maintain the current arrangement of renting sheds or find other alternative sheds to meet the needs of the farm business, and that the proposed sheds are necessary for the efficient use of the holding. The sheds currently used by the applicant are located on the same road and are just over 1.4 miles from the application site.
- 8.15 As previous stated in paragraph 8.4 above the farm land rented by the applicant, which forms part of his farm holding, is located 8.7 and 12.3 miles from the application site. In terms of the efficiency and management of the farm holding locating the sheds at such a remote distance would appear to be a less practical and efficient means of farming the holding. No information has been submitted to justify the need for the farm sheds located as such a distance from the applicants holding. Whilst it is acknowledged that this is the only land which the applicants owns it has not been demonstrated that it is necessary for the efficient use of the holding and as such fails Part (a) of Policy CTY 12.

(b) in terms of character and scale it is appropriate to its location;

- 8.16 The proposed sheds are considered to be of a scale and design typical of the local rural area and similar in scale to other agricultural sheds in the vicinity. The critical consideration would be, despite being in keeping the character and scale of other agricultural development in the vicinity, does the proposed shed have the ability to be able to integrate in the landscape. This issue is discussed at criteria c below.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

8.17 The application site is located at the roadside and sits at a higher level to the road. Regarding the integration of the two proposed agricultural buildings, it is accepted that the site has a hedgerow along its western boundary which provides some screening for road users travelling in a northern direction along Friary Road. However, the northern portion of this western boundary is defined by post and wire fencing with the remainder of the existing site open to the remaining agricultural land. For road users travelling in a southern direction along Friary Road, the open nature of the site would not permit a satisfactory level of integration with the proposed buildings protruding beyond the skyline.

8.18 With views of approximately 130m on approach from the north the sheds would appear as a prominent feature in the landscape and would fail to satisfactorily integrate with its surroundings. A significant amount of new landscaping is proposed by the applicant in an attempt to integrate the buildings into the site. However, the application site, on approach from the north, is reliant on new landscaping to provide sufficient screening and integration and will take a considerable time to become established to a level which would achieve satisfactory integration. The proposed sheds will fail to integrate with its natural surroundings and therefore, fails to meet with criteria (c) of Policy CTY 12. Consequently, as the proposal would fail to satisfactorily integrate it also fails to meet with Paragraph 6.70 of the SPPS and Policy CTY 13 of PPS 21.

(d) it will not have an adverse impact on the natural or built heritage; and

8.19 The application site is not located within the vicinity of any listed buildings or identified archaeological or other built heritage features. Nor is the site located within an environmental designated site or sensitive area. As such the proposal will not impact upon such features.

(e) 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.

8.20 The proposed sheds are located approximately 41m from the nearest non-associated residential dwelling. Environmental Health were

consulted in regards to the application and as the proposed sheds are to house hay and machinery concluded that there would be no detrimental impact on residential amenity in regards to noise, odour or pollution.

- 8.21 The proposal fails to comply with Paragraph 6.73 of the SPPS and CTY 12 of PPS21. In addition no overriding reasons have been forthcoming as to why the development is essential and is therefore contrary to CTY1 of PPS21.

Integration & Rural Character

- 8.22 Paragraph 6.70 of the SPPS states that ‘all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.’
- 8.23 This is similarly outlined within Planning Policy Statement 21: Sustainable Development in the Countryside. Policy CTY 1 states that ‘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.’
- 8.24 As referred to in paragraphs 8.17 and 8.18, the site lacks sufficient screening for road users travelling from north to south along Friary Road. The open nature of the site would not permit a satisfactory level of integration with the proposed buildings protruding beyond the skyline.
- 8.25 Plan No. 01D received 28th October 2021 outlines a proposed hedgerow along the northern boundary however, Policy CTY 13 outlines how ‘a new building will be unacceptable where it is a prominent feature in the landscape or it relies primarily on the use of new landscaping for integration’. As this proposal would require additional levels of vegetation in order to integrate it is determined that the proposal is non-compliant with Policy CTY 12 and Policy CTY 13 of PPS 21.
- 8.26 Similarly, as the proposal would be an unduly prominent feature in the landscape and does not respect the traditional pattern of settlement exhibited in the area, as the proposal is contrary to Policy CTY 12, it is determined that the proposal is also contrary to Policy CTY 14 in regards to its impact on the character of the rural area.

Access

- 8.27 Policy AMP 2 of Planning Policy Statement 3 states that planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.28 The proposed development involves the use of an existing agricultural access onto the public road. The proposal does not involve access to a Protected Route and therefore does not conflict with Policy AMP 3. DFI Roads were consulted and have no objections to the proposal.

Habitats Regulation Assessment

- 8.29 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance within 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 these sites.

Representations

- 8.30 No objections or letters of support have been received in relation to the proposal.

9 CONCLUSION

- 9.1 The proposed 2 agricultural buildings are not located on an active and established agricultural holding. Additionally, it has not been demonstrated that the shed is necessary to meet with the efficient use of the holding and that there are no available alternative buildings which could serve the needs of the farm. The application site has not formed part of the farm holding for six years or more. This element of the farm holding has not been active and established for six years or more. The application site is located in a roadside location and is devoid of sufficient vegetation or adjacent buildings which would provide sufficient screening for the proposed building meaning that the proposed building would not satisfactorily integrate into the landscape. The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY 1, CTY 12, CTY 13 and CTY 14 of PPS 21. Refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) 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.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in that it has not been demonstrated that the proposed buildings are located on the active and established farm holding; visually integrates into the landscape; and is appropriate in terms of rural character.
3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries / is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, result in a detrimental change to the rural character of the countryside.

Site Location Map

