

<b>Planning Committee Report LA01/2017/0263/O – Opposite 46 Corbally Road, Craigahulliar, Coleraine</b>	<b>20<sup>th</sup> December 2017</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>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/a

**Opposite 46 Corbally Road,  
Craigahulliar, Coleraine.**

**LA01/2017/0263/O**

**Outline Planning**

**20<sup>th</sup> December 2017**

**No:** LA01/2017/0263/O                      **Ward:** Dundooan  
**App Type:** Outline Application  
**Address:** Opposite 46 Corbally Road, Craigahulliar, Coleraine  
**Proposal:** Farm dwelling with detached garage.  
**Con Area:** N/A                                      **Valid Date:** 28.02.2017  
**Listed Building Grade:** N/A  
**Agent:** N/A  
**Applicant:** Mr D Alexander, 12 Castlevue, Portrush, Co Antrim, BT56 8AS

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

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located in the open countryside approximately 1.5km south east of Portrush.
- 2.2 The application site is currently the second field back from the road, 200m north from Corbally Road. There are currently no buildings on the site albeit some ruins of a previous building are present. It is accessed off a rough track which follows the western field boundary. The site is bound to the north by

Craigahulliar landfill site, to the west with a reservoir and by agricultural fields to the east and south.

- 2.3 The site is in an elevated location and the land continues to rise to the north and north east.

### **3 RELEVANT HISTORY**

- 3.1 C/2003/0658/A41 Agricultural Building- Permitted Development 13.02.2004.

### **4 THE APPLICATION**

- 4.1 This application seeks outline planning permission for the creation of a dwelling on a farm.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 Neighbours: There are no objections to the proposal

#### **Internal**

- 5.2 Environmental Health Department: No objections
- 5.3 Department of Agriculture, Environment and Rural Affairs (DAERA) Waste Management (WM) (Land and Groundwater Team): unable to advise on whether this development would have significant adverse impacts on the water environment.
- 5.4 Historic Environment Division Historic Monuments: No objections
- 5.5 NI Water: No objections
- 5.6 DAERA Countryside Management Compliance Branch: No objections
- 5.7 Department for Infrastructure (DfI): Roads: 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:

- 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

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual impact, contamination, impact on road safety, impact on archaeological site and monument and precedent.
- 8.2 The site falls outside any settlement boundary as defined in the Northern Area Plan 2016 (NAP). Neither is the site subject to any designations by NAP. NAP does not have a specific policy relating to residential development in the countryside, instead it signposts PPS21 for such development to be assessed under.
- 8.3 In terms of dwellings on farms, the Strategic Planning Policy Statement (SPPS) supports dwellings on active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with Local Development Plan policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years. Effectively the SPPS reiterates the requirements of Policy CTY10 of PPS21.

### **Principle of Development**

- 8.4 PPS21 – Sustainable Development in the Open Countryside: Policy CTY1 of PPS21 supports dwellings on farms where this is in accordance with Policy CTY10 – Dwellings on farms.
- 8.5 Policy CTY10 Dwellings on Farms: Planning 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. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:*
- i. demonstrable health and safety reasons; or*
  - ii. verifiable plans to expand the farm business at the existing building group(s).*

- 8.6 In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.
- 8.7 Planning permission granted under this policy will only be forthcoming once every 10 years.
- 8.8 The following is an assessment of the proposal against the above policy criteria:
- 8.9 DEARA Countryside Management Compliance Branch was consulted on the application and advised the farm business had been in existence for more than 6 years and that the business had claimed subsidies in the last six years. However, following further correspondence DEARA, it was confirmed that the farm business had not claimed single farm payment since 2013. Therefore this brings into question whether the farm business is *currently* active. The applicant provided a photo which he advised was taken 19.09.2017 showing that he had sprayed off and reseeded the lower field. However, no evidence has been provided to demonstrate that this was undertaken by the applicant's business. Therefore it has not been demonstrated that the applicant has a farm business that is currently active. Even if such information was forthcoming, such activity, in isolation, is unlikely to be considered to meet the currently active test.

- 8.10 Similar consideration of agricultural activity was undertaken in a recent appeal (Ref. 2016/A0187) relating to the retention of an agricultural shed in Seskinore, Omagh. In this appeal case, the applicant had sought to demonstrate he had maintained the land by submitting invoices for hedge cutting, tractor hire and purchase of round up. The commissioner was not persuaded that the information submitted was sufficient to demonstrate active farming.
- 8.11 Furthermore, there is another planning application under consideration (LA01/2016/1538/O) for a farm dwelling which includes this application site within its holding. DAERA Countryside Management Compliance Branch confirmed the applicant of LA01/2016/1538/O is currently claiming single farm payment on this land. Therefore while a farm business may have been established by the applicant in the past, it has not been demonstrated that it is currently active.
- 8.12 The farm holding is 7ha in size and there does not appear to be any dwelling or development opportunities out-with the settlement limits sold off from the farm holding.
- 8.13 As there are currently no buildings on the holding, the proposed farm dwelling cannot be sited to cluster with an established group of buildings on the holding. The ruinous structure on site is not considered to constitute a building. The applicant received a letter from the Planning Service dated 13.2.2004 confirming a proposed agricultural building was permitted development under the provision of the legislation Class A of Part 6 of Schedule 1 of the Planning (General Development) Order (Northern Ireland) 1993. The building subject of the above application was never constructed. The legislation has been amended on a number of occasions since 2003. The current legislation is The Planning (General Permitted Development) Order (Northern Ireland) 2015, hereafter referred to as 'The Order'. Part 7 'Agricultural buildings and operations' of The Order would not permit any building on this holding because it would be the first building on the holding which is development not permitted by Class A.1 (d).
- 8.14 Consequently as the above history is not relevant to the application currently under consideration. Any new agricultural building would necessitate planning permission.



## Visual impact of proposal

- 8.15 Policy CTY 13 – Integration and Design of Buildings in the Countryside: *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.*
- 8.16 *A new building will be unacceptable where:*
- (a) it is a prominent feature in the landscape; or*
  - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
  - (c) it relies primarily on the use of new landscaping for integration; or*
  - (d) ancillary works do not integrate with their surroundings; or*
  - (e) the design of the building is inappropriate for the site and its locality; or*
  - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
  - (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*
- 8.17 The site is visible due to the lack of road side vegetation and the elevated position of the site. It is most visible from Corbally Road between the cross roads with Craigahulliar Road (south west of the site) to outside no. 43 and 45 Corbally Road (south east of the site). As there are no buildings on site at present it is not impossible for the proposal to visually link with an established group of buildings. Furthermore, due to the lack of natural screening or landscaping, the proposal is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. As such, the proposal would appear prominent on the landscape and for those reasons the proposal does not comply with Policy CTY13.
- 8.18 Policy CTY 14 – Rural Character: 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.

8.19 *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.*

8.20 As set out above in paragraph 8.15 the proposal is considered to appear unduly prominent in the landscape due to the elevated position of the site, the lack of existing buildings on site and the lack of existing landscaping. The neighbouring properties occupy roadside sites, as such this proposal with its 230m access track in an exposed location would not integrate with the landscape or respect the traditional pattern of development in the area. This proposal does not respect the rural character of the area and would cause a detrimental change by introducing a dwelling in a position where there are no existing farm buildings.

### **Contamination**

8.21 Upon consultation with DAERA, Waste Management advised that there is potential the site could be contaminated from former activities in the surrounding area namely mineral workings and landfill operations outwith the application site. Waste Management were unable to advise if the proposal would have significant adverse impacts on the water environment and advised for the applicant to provide further data to assess the extent of contamination, the nature and extent of unacceptable risks and whether they could be managed through a remediation strategy to support the proposed development. The applicant was asked to supply further information relating to the potential risk of contamination

but no information was forthcoming. As the proposal fails to be acceptable in principle, officials have not entered into detailed discussions regarding potential contamination.

### **Road safety**

- 8.22 This application would intensify an existing access. DfI Roads were consulted on this application and raised no objection subject to an accurate site plan showing the access in accordance with an RS1 form being submitted at reserved matters stage. As such, the proposal is considered acceptable in terms of PPS 3: Access, Movement and Parking, Policy AMP2 as it would not prejudice road safety or significantly inconvenience the flow of traffic.

### **Impact on archaeological site and monument**

- 8.23 The southern part of the application site (the access track) is located on land which is an archaeological site and monument: Crannagh: Souterrain & Possible Occupation Site. Historic Monuments of HED assessed the application and is content the proposal satisfies PPS6 and SPPS archaeological policy requirements.

### **Precedent**

- 8.24 The applicant has made reference to a number of previous decisions and argues that such consents have set a precedent for similar development.
- 8.25 Application C/2013/0069/F at 39 Ballymacrea Road has been referenced by the applicant because he considers it to be of unusual contemporary design. It was approved as a replacement dwelling which has different policy considerations to the current proposed farm dwelling. It was a revision to a previous approval for a replacement dwelling C/2010/0699/F. As this application under consideration is seeking outline consent, the design has not be submitted for consideration. Consequently the above application has not set a precedent.
- 8.26 The following applications which were approved as farm dwellings have also been cited by the applicant.

- 8.27 LA01/2016/0045/O Site 75m North East of 57 Ballymacrea Road, Portrush. The proposed farm dwelling was considered to cluster with existing buildings and DAERA confirmed the applicant had a farm business which had been in existence for more than six years and had claimed subsidies in the last six years.
- 8.28 C/2014/0359/O and LA01/2016/0701/RM approx. 70m Southeast of 24 Ballymacrea Road, Portrush. Initially the outline application was recommended for refusal because it could not be sited to cluster with an established group of buildings. However following an office meeting the applicant/agent identified a small shed in the adjacent field as forming part of the existing farm building. It then appeared that there were x2 buildings visually linked/clustered with the proposed dwelling. DAERA had also confirmed the applicant had a farm business which had been in existence for more than six years and had claimed subsidies in the last six years. As such it was approved.
- 8.29 C/2011/0582/O and C/2015/0039/RM - Approx. 200m NW of 59 Ballymacrea Road, Portrush. Initially this application was recommended for refusal because of its prominence and lack of integration. However following the DC Group meeting it was agreed the proposal could be sited adjacent to a third party group of buildings based on submitted levels and the submission of sections with the RM application. DAERA had also confirmed the applicant had a farm business which had been in existence for more than six years and had claimed subsidies in the last six years. As such it was approved.

## **9 CONCLUSION**

- 9.1 Having regard to the development plan and other material considerations the proposal is unacceptable. The farm business associated with the application is not currently active. In addition, the site is not visually linked or sited to cluster with an established group of building on the farm. The proposal would fail to integrate and would harm rural character. Refusal is recommended.

## **10 REASONS FOR REFUSAL**

- 10.1 The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21: Sustainable Development in the Countryside and does not merit being considered as an exceptional case, in that it has not been demonstrated that the farm business is currently active and the proposed building would not be visually linked or sited to cluster with an established group of buildings on the farm.
- 10.2 The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for N.Ireland; 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 building to integrate into the landscape and the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 10.3 The proposal is contrary to Paragraph 6.77 of the SPPS Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would be unduly prominent in the landscape; would result in a suburban style build-up of development when viewed against the existing landscape and would therefore result in a detrimental change to the rural character of the countryside.

# Site location plan

Scale 1:2500

