



<b>Planning Committee Report LA01/2016/1303/F</b>	<b>25 October 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/Development Management Manager
<b>Cost: (If applicable)</b>	N/a

**Killunaght House B&B**  
**80 Killunaght Road**  
**Dungiven**

**LA01/2016/1303/F**

**25<sup>th</sup> October 2017**

**No:** LA01/2016/1303/F                      **Ward:** Feeny  
**App Type:** Full Application  
**Address:** Killunaght House B&B, 80 Killunaght Road, Dungiven  
**Proposal:** Proposed change of use from existing detached garage to a self contained 'flat let' for seasonal occupation, to enhance the current B&B business  
**Con Area:** N/A    **Valid Date:** 26.10.2016  
**Listed Building Grade:** N/A  
**Agent:** T B McBride Architectural Services , 3 O'Cahan Place, Dungiven, BT47 4SX  
**Applicant:** Mrs Dolores Deighan, Killunaght House B & B, 80 Killunaght Road, Dungiven

**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 reason set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 This site faces Killunaght Road which is accessed off the A6 to the south west of Dungiven.
- 2.2 The site currently hosts a 4 bedroom bungalow with detached garage which was granted planning permission under planning

reference B/2005/0527/F. The property has operated a bed and breakfast for over five years.

- 2.3 The access is opposite an access to the neighbouring property. The site is bound to the north with mature trees and open agricultural land to the west and south. The front of the site is enclosed with a wooden picket fence and intermittent vegetation.

### **3 RELEVANT HISTORY**

- 3.1 B/2003/0280/O Site for dwelling and garage – Approved 8.3.2003
- 3.2 B/2005/0527/F Erection of dwelling and domestic garage – Approved 4.11.2005.
- 3.3 The full application granted consent for a garage to be located to the south west of the dwelling. The approved garage was not constructed in its approved position. Instead it was constructed to the north east of the dwelling. From aerial images it would appear the garage has been in position for more than 5 years and as such is immune from any enforcement action.
- 3.4 The bed and breakfast has been in operation in excess of five years according to reviews on Tripadvisor website and information provided by the applicant. The business provides two bedrooms (one which caters for two persons and one which caters for up to four persons) for rent. Due to the business currently only using 50% of the bedrooms in the house, a material change of use from a dwelling to a guest house has not occurred.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought to convert the detached garage in order to create a self-contained unit of accommodation.
- 4.2 During the processing of the application, the applicant has decided to include additional parking and amendments to the access. Both elements are considered under this application and as a result the description has been amended to include all elements.

- 4.3 The proposal would result in the removal of the existing roller door in order to install folding aluminium colour coated doors. The proposal would also result in the loss of one window on the side elevation and the relocation of the existing door on the side elevation.
- 4.4 The converted garage would provide a bedroom, living space, kitchen and wet room. The proposed self-contained flat is intended to accommodate families or individuals on a self-catering basis.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 Neighbours: There are no objections to the proposal

### **Internal**

- 5.2 Loughs Agency: No objections.  
5.3 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 development 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 16: Tourism

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The application site is located in the rural area outside any defined settlement development limit and is located within the Ovil SLNCI. The main considerations in the determination of this application relate to the principle of development, the impact on amenity, suitability of access and parking and the impact on the SLCNI.
- 8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for the change of use of a garage to self-contained flat let for seasonal occupation to enhance the existing B&B, the main policy considerations are paragraphs 6.260 and 6.73 of the SPPS, CTY 1 and 4 of PPS21 and Policy TSM 3 and 5 of PPS16.

## **Principle of development**

- 8.3 The principle of development must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 Paragraph 6.260 of the SPPS highlights the need for the Planning Authority to carefully manage tourism development to protect rural amenity, wider sustainability objectives and the long-term health of the tourism industry. It states that the guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside (such as appropriate farm diversification schemes, the re-use of rural buildings and appropriate redevelopment and expansion proposals for tourism purposes) where this supports rural communities and promotes a healthy rural economy and tourism sector. The proposal is not a farm diversification scheme. Consideration of the reuse of the building will be considered under paragraph 6.73 of the SPPS and PPS21.
- 8.5 Planning Policy Statement 21, Policy CTY1 sets out the range of types of development which in principle are considered to be acceptable in the countryside. CTY1 refers the reader to policy CTY4 for the conversion and reuse of existing buildings. In addition to the criteria required to be met by policy CTY4, Paragraph 6.73 of the SPPS permits only the sympathetic conversion and reuse of a locally important building.
- 8.6 Paragraph 6.73 provides the strategic policy for residential and non- residential development in the countryside and includes the conversion and re-use of existing buildings for both residential and non-residential use. Under this paragraph, provision is made for the sympathetic conversion and reuse of a locally important building. The building which is subject to the change of use is a modern domestic garage and is not considered to be a locally important building. The proposal therefore fails to comply with Paragraph 6.73 of the SPPS and policy CTY4 of PPS21.
- 8.7 For the same reason, the existing dwelling is unlikely to be considered favourably for conversion to a guest house. However for a definitive position, a separate planning application for this change of use would be required.

- 8.8 Planning Policy Statement 21, Policy CTY1 sets out the range of types of development which in principle are considered to be acceptable in the countryside. CTY1 states that planning permission will be granted for tourism development in accordance with the TOU Policies of the Planning Strategy for Rural Northern Ireland. Planning Policy 16: Tourism, superseded the tourism Policies contained within the PSRNI.
- 8.9 Policy TSM 3 of PPS16 entitled Hotels, Guest Houses and Tourist Hostels in the Countryside includes a section about the expansion of existing establishments. However as the existing property is a B&B and does not fall within the definition of a Guest House as defined by the Tourism (NI) Order 1992, Policy TSM 3 is not a relevant consideration.
- 8.10 Policy TSM 5 of PPS16 entitled Self Catering Accommodation in the Countryside provides the policy basis for self catering units of tourist accommodation in three circumstances. The proposal fails to meet any of the three circumstances in that the proposal does not propose one or more units within the grounds of an existing approved hotel, self catering complex, guest house or holiday park. The proposal does not propose a cluster of 3 or more units at or close to an existing or approved tourist amenity and the proposal does not restore an existing clachan.
- 8.11 As there is no policy basis for the change of use of the existing garage to a self contained flat let for seasonal occupation under the Tourism Policy the proposal fails to comply with the SPPS and PPS21 and therefore is recommended for refusal.

### **Impact on Amenity**

- 8.12 Section 4.12 of the SPPS requires Councils to consider amenity issues arising from development that may have potential health and wellbeing implications, including design considerations, impacts relating to visual intrusion, general nuisance, and loss of light and overshadowing.
- 8.13 Visual amenity: This proposal involves conversion of an existing building therefore the visual impact of the changes is minimal in context with the house and surrounding countryside. The proposed additional car parking area is considered ancillary in appearance to the surrounding curtilage. It is therefore

considered to meet the objectives of Policy CTY13 - Integration and design of buildings in the countryside and Policy CTY14 Rural Character of PPS21

- 8.14 Residential amenity: Paragraphs 4.11 and 4.12 of the SPSS protects the amenity of people in both work and residential environments. This proposal would not be within close proximity of any residential properties, other than the applicant's own property. As the applicant could control use of the proposed, there are no amenity concerns.

### **Suitability of access and parking arrangements**

- 8.15 Transport NI advised that the access and visibility splays as approved under planning permission B/2005/0527/F have not been provided. The original consent approved a 'layby' type access and splays of 2.4m x 80m, however only splays of 2.4m x approx. 15m are provided. As noted in paragraph 3.3, the existing development including the access is already immune from enforcement action. As part of this application the proposal includes extending the visibility splays to provide a safe access. It also includes the creation of five additional parking spaces for guests.
- 8.16 The proposed access and additional parking is supported by Transport NI. The parking would be provided within the existing site and given its scale would be in accordance with the parking standards which is a supplementary piece of guidance attached to PPS3 Access, Movement and Parking. The parking standards requires one space per room, therefore as this property would provide three serviced rooms, the level of parking is adequate.

### **Impact on SLNCI**

- 8.17 Site of Local Nature conservation Importance (SLNCI). The site is within the Ovil SLNCI which has been designated in the Northern Area Plan as mixture of wet grassland grading into scrub on what previously has been fen. The proposal by reason of its nature (conversion of a building as opposed to a new building) is not considered to have any significant adverse effect on the intrinsic nature conservation interest of the SLNCI. As

such the proposal would not be contrary to Policy ENV2 of the Northern Area Plan.

## **9 CONCLUSION**

- 9.1 The proposed development is considered unacceptable having regard to the area plan and other material considerations. The development fails to comply with the SPPS and PPS21 in that the modern building which is subject to the change of use and conversion is not considered to be locally important. As there is no other policy basis to allow the proposal, refusal is recommended.

## **10 REASONS FOR REFUSAL**

- 10.1 Reasons:  
The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building is not a locally important building and as such does not merit conversion and reuse.



Site location plan