

<b>Planning Committee Report LA01/2017/0691/0 - 45m NW of 40 Derrychrier Road, Feeny</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

**45m NW of 40 Derrychrier Road,  
Feeny**

**LA01/2017/0691/O**

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

<b><u>No:</u></b>	LA01/2017/0691/O	<b><u>Ward:</u></b>	Feeny
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	45m NW of 40 Derrychrier Road, Feeny		
<b><u>Proposal:</u></b>	Proposed Dwelling on a Farm		
<b><u>Con Area:</u></b>	n/a	<b><u>Valid Date:</u></b>	26.05.2017
<b><u>Listed Building Grade:</u></b>	n/a		
<b>Agent:</b>	OJQ Architecture, 89 Main Street, Garvagh, Coleraine, BT51 5AB		
<b>Applicant:</b>	Oisin McCloskey, 40 Derrychrier Road, Feeny, Dungiven, BT47 4PS		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	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 subject to the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 This site is located on the Derrychrier Road and comprises the south-eastern corner of an existing agricultural field. The eastern site boundary is defined by a timber post and wire fence and occasional patches of native species hedgerow. The northern and western site boundaries are currently undefined. The southern boundary is defined by a timber post and wire fence, mature native species hedgerow and mature trees, with a grass bank onto the Derrychrier Road.

- 2.2 An electricity pole with wire stays is located close to the south-eastern corner of the site. Electricity lines traverse the site in three directions from the pole. The site can be accessed from an existing field gate with pillars which is located in the south-western corner of the site. The site itself is relatively flat, sitting at a noticeably higher level than Derrychrier Road.
- 2.3 The character of the surrounding area is rural. The existing farm buildings are located to the south of the application site, on the other side of the Derrychrier Road. The northern side of the Derrychrier Road is characterised by agricultural fields.
- 2.4 In the Northern Area Plan the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site.

### **3 RELEVANT HISTORY**

LA01/2016/1066/F

Proposed Infill Dwelling and Garage at lands adjacent to 48

Derrychrier Road, Feeny.

Approved 24.02.2017

### **4 THE APPLICATION**

- 4.1 Outline Planning Permission is sought for a dwelling on a farm at a site 45m NW of 40 Derrychrier Road, Feeny.
- 4.2 The application was referred to the Planning Committee and presented on the 22<sup>nd</sup> November 2017. The Committee deferred the application for a site visit to consider the visual impact and the impact on rural character.

### **5 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

Neighbours: There are no objections to the proposal

## 5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DFI Roads: No objections

DAERA: No objections

Loughs Agency: 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.

## 7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

**8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: the principle of development; integration; impact on rural character; and other material considerations.

**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 a proposed dwelling on a farm and therefore falls to be assessed against Policy CTY 10.

8.3 Policy CTY 10 states that 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.

8.4 In the consultation response from DAERA dated 2<sup>nd</sup> June 2017 it was indicated that the farm business identified on the P1C Form has been in existence for more than 6 years. DAERA has also confirmed that the farm business has claimed SFP, LFACA or AES in the last 6

years. As the farm business has been active and established for the required period the proposal complies with criteria (a) of CTY 10.

- 8.5 The applicant has stated on the P1C that no dwellings or development opportunities have been sold off from the farm holding since 25 November 2008. A planning history search against the applicant's farm business ID number has not indicated any other planning applications. A search of farm lands identified on the associated farm maps has not revealed any previous planning histories which would suggest any previous approvals for farm dwellings.
- 8.6 However, the search of the farm maps did show a recent approval for a proposed infill dwelling and garage adjacent to 48 Derrychrier Road, Feeny under Planning Ref: LA01/2016/1066/F for Ruairi and Bridin McCloskey. Clarification was sought from the Agent who confirmed that no land has been sold-off or transferred from the farm holding. This information has been verified therefore the proposal complies with criteria (b) of CTY 10.
- 8.7 The application site comprises the south-eastern corner of an existing agricultural field identified on the farm maps. The existing farm buildings, as identified on the site location map, are located to the south of the application site on the other side of the Derrychrier Road. For the purposes of Policy CTY 10 the proposal can visually link with an established group of buildings on the farm. Given the location of the site and its roadside position, access via an existing lane would not be practicable on this site. The proposal complies with criteria (c) of CTY 10.
- 8.8 Policy CTY 10 also states that proposals for a dwelling on a farm must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY 16. These refer to the ability of the proposal to integrate into the surrounding landscape and the effect which a proposal may have on rural character. The SPPS also states in paragraph 6.70 that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Paragraph 6.73 states that dwellings on farms must also comply with LDP policies regarding integration and rural character. The requirements of policies CTY 13 and CTY 14 were considered by the Planning Appeals Commission in appeal ref: 2017/A0005. The Commissioner concluded that whilst the proposal complied with CTY10, this did not outweigh the failure to meet Policies CTY 8, CTY 13 and CTY 14 of PPS 21. Policies CTY 13 and CTY 14 are covered in the following paragraphs.

## **Integration**

- 8.9 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate sympathetically with their surroundings.
- 8.10 The proposal would be contrary to the SPPS and Policy CTY 13 of PPS 21 as a new dwelling on the site would be a prominent feature in the landscape. The topography of the site would mean that any building would sit in an elevated position in relation to Derrychrier Road. While the site itself is relatively flat, the change in level between the Derrychrier Road and the site is approx. 1m and would render the site prominent.
- 8.11 Given the lack of built form on the northern side of the road and the physical separation between the site and the existing farm buildings, from an integration perspective the proposal would result in an incongruous form of development on the northern side of the road.
- 8.12 There is an existing natural boundary along the southern, roadside boundary of the application site. However, the northern and western site boundaries are undefined and the eastern boundary is defined by a timber post and wire fence with sparse patches of hedgerow. The site lacks a sense of enclosure. A new dwelling on the site will rely on new landscaping in order to integrate comfortably into the landscape. Given the lack of existing vegetation, views of the site are achievable when travelling in both directions along the Derrychrier Road.
- 8.13 The provision of the access and visibility splays will require the removal of the mature hedge, several trees and the lowering of grass banking along the southern, roadside boundary. The loss of this boundary vegetation has a further detrimental impact on the ability of the site to provide suitable integration for a dwelling. For the above reasons the proposal is contrary to policy CTY 13 of PPS 21 and paragraph 6.70 of the SPPS.

## **Impact on Rural Character**

- 8.14 The application site comprises the south-eastern corner of an existing agricultural field. The rural character of the surrounding area is characterised by development located along the southern side of the Derrychrier Road, with agricultural fields to the northern side. The siting of a new dwelling on the northern side of the road would

therefore fail to respect the existing pattern of development in the surrounding area.

- 8.15 The elevated topography of the site in relation to Derrychrier Road is considered in more detail in the report above. A dwelling on this site would be unduly prominent given the existing pattern of development and the elevated position of the site.
- 8.16 Given the lack of existing boundaries, the removal of mature roadside hedge, several trees and the lowering of grass banking along the southern, roadside boundary to facilitate the access to the site, the proposal would result in unacceptable damage to the rural character of the surrounding area. The proposal is considered to be contrary to policy CTY 14 and paragraph 6.70 of the SPPS.

### **Other Material Considerations**

- 8.17 At the Planning Committee Meeting of the 22<sup>nd</sup> November 2017 the speaker on behalf of the applicant referred to LA01/2016/1322/O as a comparable example which sets a precedent. This application was for a site for a farm dwelling and garage. Permission was granted on the 29<sup>th</sup> March 2017.
- 8.18 This application is not considered comparable. LA01/2016/1322/O visually linked and clustered with the established group of buildings on the farm as well as complying with integration and rural character policies. The site was located up a long lane with existing development on both sides of the lane. Views of the site from the public road were limited. The outline approval conditions a single storey dwelling on the site with a ridge height not exceeding 5.7m from finished floor level.
- 8.19 The distinction between Application LA01/2016/1322/O and this application is that the application site on the Derrychrier Road is situated in a roadside location on a prominent site which lacks existing natural boundaries or buildings and which fails to integrate into the surrounding area. The topography of the site and the character of the surrounding area would result in a dwelling on this site being prominent which erodes rural character. Each site must be assessed on its own merits, the application site as presented is considered unacceptable.

## **9.0 CONCLUSION**

- 9.1 While the proposal meets the tests of Policy CTY 10 of PPS 21 for a dwelling on a farm, it fails to comply with the policy provisions of the SPPS and Policies CTY 13 and CTY 14 of PPS 21 in terms of integration and rural character. The proposal would fail to integrate into the surrounding landscape and would be unduly prominent in this location. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape.

2. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape; and would therefore result in a detrimental change to the rural character of the countryside.

Site location

