



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item F	23rd March 2016
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	Shane Mathers
Cost: (If applicable)	N/a

ITEM F

**Site approximately 185m South
of Lisnakilly Farm, 16 Seacoast
Road, Limavady**

**LA01/2015/0053/F
Full Planning**

23rd March 2016

<u>App No:</u>	LA01/2015/0053/F	<u>Ward:</u>	Ballykelly
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site approximately 185m south of Lisnakilly Farm, 16 Seacoast Road, Limavady		
<u>Proposal:</u>	New pitched roof agricultural barn (12m x 9m)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	17 th April 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	23 rd July 2015
Applicant:	Mr David Forgie		
Agent:	Mr W J Dickson, 76 Seacoast Road, Limavady, BT49 9DW		
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

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 section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to land located approximately 185m south of Lisnakilly Farm at 16 Seacoast Road Limavady. The site is currently an agricultural field which is separated from the main farm dwelling and the remainder of the farm land by the Ballykelly Road. Ballykelly Road is a protected Route.
- 2.2 The northern boundary of the site is defined by semi mature trees and the Ballykelly Road and the southern boundary is defined by a small hedgerow and field boundary. The eastern

boundary is defined by a small access point onto the Lisnakilly Road and the western site boundary is defined by a field boundary with hedgerow. The site is flat but is elevated above the Ballykelly Road to the north by approximately 3 – 4 metres and from Lisnakilly Road by approximately 3 metres.

- 2.3 The site is located within the rural area and is partly within the consultation area for a Scheduled Archaeological Site / Monument.

3 RELEVANT HISTORY

B/2014/0265/O - Traditional two storey rural dwelling with detached garage/store - Adjacent to Lisnakilly Farm 16 Seacoast Road, Lisnakilly, Limavady – Approved 27.04.2015

B/2012/0336/F - Installation of a 250kw wind turbine with tower height of 30m, and a blade span of 30m accessed via existing laneway - Land 150m West of 16 Seacoast Road Limavady – Allowed on Appeal 16.06.2014

B/1994/0252 - Change of use from vacant/redundant agricultural buildings to agricultural machinery sales/storage complex and alterations to same – To rear of Lisnakilly Cottage, Limavady – Approved 28.11.1994

B/1995/0147 – Retention of Agricultural shed – Lisnakilly farm, Limavady – Approved 11.08.1995

B/1994/0137/F - change of use of buildings and land from agriculture to repair, storage, display and sales of agricultural machinery and site for new shed for similar uses - To rear of Lisnakilly cottage Lisnakilly Limavady – Withdrawn 07.07.1994

4 THE APPLICATION

- 4.1 The proposal is for the erection of a new Agricultural Barn with a pitched roof to measure (12m X 9M) which comprises an animal shed and a store and machinery shed. The shed is finished in dark grey / green corrugated metal cladding to the roof and walls

and plastered blockwork to the walls with two roller shutter doors on the northern elevation.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** There are no objections to the proposal.

Internal

5.2 **Transport NI:** No objection

DARDNI: No objection

Environmental Health: No objection

NIEA Archaeology and Built Heritage: No objection

6 MATERIAL CONSIDERATIONS

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- Northern Area Plan 2016

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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

Guidance

DCAN 15

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of agricultural development; whether the proposal is necessary for the efficient use of the agricultural holding; other suitable buildings; siting beside existing farm buildings; health and safety and; impact on archaeology and Local Landscape Policy Area designation.

Planning Policy

- 8.2 The site is located within the rural area of the Northern Area Plan 2016.
- 8.3 The principle of the proposed development must be considered having regard to the PPS policy documents specified above and the supplementary guidance.
- 8.4 A transitional period operates until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. This policy should be read in conjunction with PPS 21 Sustainable Development in the Countryside.

Principle of agricultural development

- 8.5 Policy CTY1 details the types of development which are considered to be acceptable in principle in the countryside and states that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement.
- 8.6 It states that planning permission will be granted for non-residential development in the countryside in certain cases, one of which is for agricultural and forestry development in accordance with Policy CTY12.
- 8.7 Policy CTY12 supports agricultural and forestry development on an active and established holding where it is demonstrated that five criteria can be met. In addition, the headnote policy also states that in cases where a new building is proposed, applicants will be required to provide sufficient information to confirm that:
- there are no suitable existing buildings on the holding that can be used;
 - that the design and materials are sympathetic to the locality and adjacent buildings; and
 - the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm buildings provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business; or there are demonstrable health and safety reasons.

- 8.8 DARD have confirmed that the farm business has been in existence for more than 6 years and that subsidies have been claimed therefore the Planning Authority is satisfied that the holding is active and has been established for the required period. Assessment of the proposal against criteria (a) of Policy CTY12 is as follows;

Whether the proposal necessary for the efficient use of the agricultural holding

- 8.9 The applicants farm comprises 4 fields amounting to 4.38 hectares in total. Field numbers 3, 4A and 4c are clustered around the main farm dwelling, yard and agricultural buildings on the northern side of Ballykelly Road. The application site covers the entirety of field 4B and is 0.83 hectares in area and is located on the southern side of Ballykelly Road (A2). As the majority of the farm land, farm dwelling, yard and buildings are located on the northern side of Ballykelly Road, it has not been demonstrated that a shed located on the small field on the southern side of Ballykelly Road is necessary for the efficient use of the entire agricultural holding.
- 8.10 In addition, the entirety of Field 4C which comprises 0.18ha has previously been granted outline planning permission for a dwelling and field 3 which comprises 0.23 ha has previously gained permission for a wind turbine which has recently been installed. These developments have reduced useable farm land thereby making a building less necessary for the efficient use of the holding.
- 8.11 The largest field (4A) comprising 3.14 ha is located adjacent to the existing farm buildings and offers the best potential for any new agricultural operation or building, should one be necessary.
- 8.12 The supporting document that accompanied the application states that the building is required to reintroduce stock to the farm business. DARD has confirmed that the applicant had a herd number but that it was archived in July 2014 and is no longer active as the last held stock in 2009. There is no flock number currently allocated to this applicant. It is unclear which building was used pre 2009 to house animals and equipment and what the change in circumstances are that require a new building to now be erected in order to reintroduce stock.
- 8.13 The agent asserts that the best grazing land is located in field 4B (the application site) but no firm evidence has been provided to support this statement. Given the small size of this field, the stock numbers would necessarily have to be low. Reference is also made about the danger of herding livestock across the main Ballykelly Road (A2). In addition, the supporting

information has stated that recent regulations to prevent diseases to include foot and mouth no longer permit the movement of animals along a public highway. No details of this have been provided. However, moving livestock along a main road is commonplace throughout Northern Ireland. Notwithstanding that, both these issues could be resolved by trailering livestock across the road. Such movements are likely to be limited.

Other suitable buildings

- 8.14 It is accepted that there are no other suitable buildings that can be used in this case. However, at issue is the location of the proposed building.

Siting beside existing farm buildings

- 8.15 If a new agricultural shed is required for the efficient use of the agricultural holding it could be erected in field 4A to site beside the existing farm buildings as required by policy CTY12. The agent has stated that it is not practical to erect a shed close to the dwelling at 16 Seacoast Road and the commercial premises. However, the remaining fields are large enough to accommodate a new agricultural shed without causing detriment to the commercial premises or residential property. Appropriate siting could ensure that the noise from the commercial premises would not have a significant detrimental impact on the proposal.

Health and safety

- 8.16 The only health and safety reasons provided for the development are the health and safety of the animals and road users during movement from the application site (field 4B) to the main farm. This matter has been dealt with in detail at paragraph 8.12 and can be completely resolved by trailering livestock. As no overriding reasons have been forthcoming, the proposal fails to meet policy CTY1 and CTY12 of PPS21.

Archaeology and LLPA

- 8.17 The site is located within a consultation area of an archaeological monument. NIEA Historic Monuments Unit were

consulted and they have not raised any issues with the proposal. The proposed site is also located within a Local Landscape Policy Area as identified in the Northern Area Plan. This LLPA relates to the feature of the River Roe floodplain and its associated slopes. This proposal will have no negative impact on the defined Local Landscape Policy Area and would not lead to the removal or harm to landscape features.

9 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. It fails to meet the principle policy requirement of PPS 21 for agricultural and forestry development. It has not been demonstrated that the shed is necessary at this location away from an established group of buildings on the farm. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are exceptional circumstances to site away from existing farm buildings; that it is essential for the efficient functioning of the business at this location and; that there are demonstrable health and safety reasons requiring this location.