

Planning Committee Report LA01/2016/0162/F – Approx 35m NW of No 11 Drumnagee Road, Lisnagunogue	23rd August 2017
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	Principal Planning Officer/Development Management Manager
Cost: (If applicable)	N/a

**Approx 35m N W of No 11
Drumnagee Road
Lisnagunogue**

**LA01/2016/0162/F
Full Planning**

23rd August 2017

<u>App No:</u>	LA01/2016/0162/F	<u>Ward:</u>	Giants Causeway
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Approx 35m N W of No 11 Drumnagee Road Lisnagunogue		
<u>Proposal:</u>	Proposed farm dwelling and garage.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	08 February 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Mr Brian McVicker		
Agent:	D.M Kearney Design, 2A Coleraine Road, Maghera BT46 5BN		
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 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 application site is located 85m south of Drumnagee Road, Lisnagunogue and comprises agricultural land which rises gradually from north to south. Boundaries comprise a semi-mature hedge to the north-east boundary; wall and agricultural buildings to the south-east boundary; undefined north-west boundary; a few semi-mature trees and post and wire fence to the south-west boundary.
- 2.2 The site is located in an open landscape, essentially rural in character, characterised by single storey and agricultural buildings. 11 Drumnagee Road is a single storey detached dwelling finished in dry dash and slate roof. 13 Drumnagee Road is a single storey detached dwelling finished in dry dash and slate roof. The new building is visually linked or sited to cluster with an established group of buildings on the farm. There are existing slurry tanks (not within

the applicant's control) at the southern end of the adjacent farm grouping. There are filtered views of the site from Drumnagee Road. Further views are available from the existing private laneway adjoining the proposed laneway.

- 2.3 The site is located within countryside, as per the Northern Area Plan 2016, but outside the Distinctive Setting of the Giants Causeway World Heritage Site. Drumnagee Road is part of the existing cycle network.

3 RELEVANT HISTORY

- 3.1 There is no relevant planning history.

4 THE APPLICATION

- 4.1 Proposed farm dwelling and garage. Proposed access is from a new laneway. The proposal is for a single storey detached dwelling finished in render and basalt stone finish to the walls and dark grey / black non-profiled roof tiles / dark natural slates. A detached double garage is to be located to the rear of the proposed dwelling.
- 4.2 This application was previously presented to the Planning Committee on 25th January 2017 and the application was deferred seeking further information from the applicant in relation to a new access. The applicant submitted further information on 22nd June 2017. The further information included minor changes to the proposed access arrangements. DfI Roads was consulted with the further information and has no objection to the proposal.

5 PUBLICITY & CONSULTATIONS

External

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

Internal

- 5.2 **NIEA:** Has no objection.

NI Water: Has no objection.

Environmental Health: Has no objection.

DETI: Has no objection.

DAERA: Advises that the Farm Business ID has been in existence for more than 6 years and the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

TransportNI: Has no objection.

6.0 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)

PPS 3 Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

8 CONSIDERATIONS & ASSESSMENT

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

Principle of the Development

- 8.1 As set out in the Northern Area Plan, the site is located within the countryside.
- 8.2 The principle of this proposed development must be considered having regard to the PPS policy documents specified above and the supplementary guidance.
- 8.3 Policy CTY1 of PPS 21 states that there is a range of types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a farm dwelling, in accordance with Policy CTY10. Therefore the proposal must be assessed against Policy CTY10.

Policy CTY10 sets out three criteria which proposals for farm dwellings must satisfy:

Criterion (a) requires the farm business to be currently active and established for at least 6 years.

DAERA advise that the Farm Business ID has been in existence for more than 6 years and the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. The proposal satisfies this test of the policy.

Criterion (b) requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application; this provision applying after 25 November 2008.

Having considered the land associated with the farm holding, it is considered that no opportunities have been sold off and the proposal satisfies criterion (b) of Policy CTY10.

Criterion (c) requires that the new buildings are visually linked or sited to cluster with an established group of buildings on the farm and, where practicable, access should be obtained from an existing lane.

While the proposed buildings cluster with existing development on the farm, the proposed new access is not obtained from an existing lane, but proposes a new access. DfI Roads raises no objection to this access.

The applicant considers that the existing lane is narrow in nature and the left hand side field entering the laneway is not within the applicant's control. As such, the applicant considers it impractical to use the existing laneway and therefore requires a new access.

However, the existing laneway has historically accommodated agricultural vehicles and it is therefore considered that this is not too narrow. Notwithstanding this, the existing laneway could be widened if necessary on the applicant's side (to the west). As such, the reasons presented to justify a new access do not outweigh the policy requirements of using an existing laneway.

The applicant also considers there is an issue with visibility. However, it has not been demonstrated how a visibility splay to the east side of the proposed access could not be achieved through negotiation.

The applicant's solicitor advises that due to the age of the title deeds, it is not possible to confirm that the applicant would have a

right of access or egress over the existing laneway to the application site. The applicant's solicitor advises that even though the applicant presently enjoys a right of way over the laneway, this may not be sufficient to satisfy solicitors acting for a lender, if his client were to seek a mortgage. In consideration of the further information, officials are not persuaded that there is a lending moratorium on farm dwellings that access from a shared farm lane and therefore given this argument limited weight.

Even though DfI Roads is satisfied that a new access can be achieved, this does not outweigh the harm of the visual impact or a new access, and the policy need to use an existing laneway. It is considered that it is practicable to access the dwelling from an existing lane and therefore the proposal fails to satisfy the requirement of this policy test. The proposal fails to meet the requirements as set out in CTY 10.

Design

- 8.4 The application site is considered acceptable in terms of integration when assessed from the critical views. This is on the basis that the proposed building will integrate with the farm buildings. The design comprises a single storey dwelling with a render finish and black concrete tile roof. This is considered appropriate to the locality.

Rural Character

- 8.5 Under Policy CTY14, the proposed access and laneway, would, if permitted, create an adverse impact on the character of the area when added to the existing accesses and laneway in the vicinity. This would result in a detrimental change to the rural character of this area of the countryside. Scaling dimensions from the proposed plans, the new access combined with the existing access will have a width of 10 metres. This will result in the proposed development having a heavily engineered appearance which will appear incongruous in this countryside location. Critical views are from either direction along the public road.

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. By providing insufficient justification for a new lane, it fails to meet the principle policy requirements of Policy CTY10 of PPS21 for a dwelling on a farm.

Having regard to the specifics of the site, the proposed access would cause harm to rural character through its heavily engineered appearance which would simply look out of place in this countryside location. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for NI and Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it has not been demonstrated that a new access and laneway are required.

10.2 The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for NI and Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposed access and laneway, would, if permitted create an adverse impact on the character of the area when added to the existing accesses and laneway in the vicinity, resulting in a detrimental change to the rural character of this area of countryside.

Site Location

