

Planning Committee Report – LA01/2016/0299/O	26th October 2016
Address: Lands approx.30m West of 51 Coolnashillagh Road, Garvagh	
PLANNING COMMITTEE	FOR DECISION

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

<u>App No:</u>	LA01/2016/0299/O	<u>Ward:</u>	AGHADOWEY
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Lands approx.30m West of 51 Coolnasillagh Road Garvagh.		
<u>Proposal:</u>	Proposed detached dwelling with associated site works.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	25th February 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Darren McGill 357 Craigmore Terrace Ringsend Coleraine		
Agent:	www.niplanningpermission.co.uk 31 Grange Park Dunmurry BT17 0AN		
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 subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The subject site is a roadside site located on the northern side of Coolnasillagh Road. The land rises from east to west. The application site comprises an open and elevated agricultural field, with what appears to be an animal shelter located in the north-western corner of the application site. – the structure is of modest size (approximately 3m x 2m x 2m high); close boarded

construction, on a wooden frame, with 4 wooden posts sunk into the ground, one at each corner; no foundations. Two roadside detached dwellings, Nos. 51 and No.49 Coolnasillagh Road are located to the east of the site. The site is a cut-out of a field. Post and wire fencing defines the site boundaries with recently planted saplings on the inside of the SE and SW boundaries. A 2m wide grass verge is located between the site frontage and the edge of the carriageway. A ditch runs along the roadside boundary. No horses were evident on site at the time of the site inspection. 3 No. horses were evident in the strip of land between the application site and 51 Coolnasillagh Road. The site offers panoramic views to the south.

- 2.2 The area is rural / agricultural in character with a dispersed settlement pattern. The site is located in an elevated and open landscape. The ground levels of the application site are higher than the levels at 51 Coolnasillagh Road. The site is surrounded by agricultural land to the north-west, south-west and to the south-east (on the other side of Coolnasillagh Road).
- 2.3 The site is located within the rural area as defined within the Northern Area Plan 2016.

3 RELEVANT HISTORY

C/2015/0024/O Proposed farm dwelling on equine business and detached stable block, adjacent to 51 Coolnasillagh Road, Garvagh. Withdrawn 18 June 2015

C/2012/0289/O Proposed Site for Dwelling and Garage Immediately SE of 51 Coolnasillagh Road, Garvagh, Coleraine. Refused 5 April 2013

4 THE APPLICATION

- 4.1 Planning permission is sought for a detached dwelling with associated site works.
- 4.2 When the application was initially submitted it was described as a proposal for detached managers dwelling and stable yard area for existing equine business. However, while the location

of the proposed dwelling was shown, no stable yard or accommodation for the horses was shown on the submitted plans. The agent was contacted on this matter and has revised the description to detached dwelling and associated site works.

- 4.3 The agent submitted a supporting statement to justify the proposal. The parts of the statement relating to the stable yard area are no longer applicable, given that the stable yard has been removed from the proposal.
- 4.4 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the conservation objectives/features of any European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal.

5.2 Internal

Transport NI: Has no objection to the proposal.

NIEA Natural Heritage: note from a desk top study of its GIS and aerial photography records that the application site is located within an area of sensitivity for Northern Ireland priority habitat or priority species, in a broad area known for Breeding Waders, and refer the Planning Authority to NIEA's Standing Advice.

NIEA Water management: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

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.

7.0 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

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to planning history, principle of development, visual integration and rural character and nature conservation.

Planning Policy

- 8.2 The site is located within the rural area as defined by Northern Area Plan 2016.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Planning History

- 8.4 The applicant has previously applied for a dwelling on this land. The first application (C/2012/0289/O) was refused planning permission as the proposal failed to meet the policy requirements of CTY 10 of PPS21 and had an unacceptable impact on visual amenity and rural character. The second application (C/2015/0024/O) was withdrawn on the 18th June 2015, after a recommendation to refuse for similar reasons as the 2012 application.
- 8.5 The subject application was then submitted on 25 February 2016. Both the SPPS and the Northern Area Plan 2016 have been published since the 2015 withdrawal. However, neither of these documents change the policy context in assessing the application. Accordingly, an assessment is set out in this report.

Principle of Development

- 8.6 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. Although the applicant is not seeking a farm dwelling, a proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes is assessed under the criteria set out in CTY 10 as an equine business is afforded the same benefits as an established and active farm.

8.7 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.

For the purposes of this part of the policy (a) when the proposal involves an equine business, applicants will be required to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years. The policy goes on to state that such information should include:

- A statement of commercial rateable history for the business;
- Copies of appropriate insurances;
- Copies of 'Horse Passports ' (if applicable);
- Any other information considered relevant to the particular case.

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 and;

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.

8.8 In relation to criterion (a), the agent has submitted the following documentation:

A written statement from Seaview Forge farrier service stating that they have provided services to the applicant for the past 12 years.

A number of vets bills (from Garvagh Vets; Auburn Equine Clinic; Caddy Vets; Millburn Vets Practice; and Coleraine Veterinary Practice).

A letter from Millburn Vets Practice saying that they have provided regular vet care for the applicants horses dating back to 1996.

Horse equipment orders / invoices (a number of harness invoices dating back to 2011).
Standardbred and Trotting Horse Association of GB and Ireland receipts.
Roe Valley Feeds details dating back to 2010.
Farrier invoices (from David Wilson Farriers).
Insurance Services details (Snowflake 2014; Shark Attack 2014; NIP & Stich 2015; and Hangover 2015)
A Horse Passport Agency letter dated 2012 (relating to Snowflake).
British Horse Driving Trials Association details (liability insurance 2002; liability insurance 2004; membership card 2011, 2012 and 2013; affiliation letter dated 2012).
NFU Mutual Insurance details (2012 policy) regarding a charity horse trotting event for Ringsend Pony Club.
NI Standardbred Association membership card (expired 2005)
Standardbred and Trotting Horse Association of GB & Ireland details (membership card – expires 2016); receipt for new registration and passport for 2 horses in 2014 (Teenage Dream & Apache Babe); an import letter (2012); receipts (2012); new horse registration in 2010 (Shark Attack and DNA of Above); transfer of horse ownership in 2012 (Florida IT, Hangover & High Heel Pearl); and a new registration and passport application 2008 (incomplete); transfer of ownership of Miss Commander details 10.12.2014.
Graham Quigley Equine Dental Technician document dated 2009.
Irish Horse Racing Club membership card (expired 2006).
Derry & Antrim Driving Club Registration (2009).
Equine Genetic Testing Report letter (2011) for The Hulk.
IHRC / STA photocopy (2011).
Microchip & DNA return form letter (2011).
Drenagh Sawmills invoices 2013.
C. Richmond receipts dating back to 2013; *many of the receipts are illegible*.
J. Bradley & Sons receipts dated 2013.
British Horse Driving Association Employers Liability Insurance (2002 & 2004).
Horse Passport Agency letter dated 04.12.2012.
DETI receipt dated 26.01.2009 re registration of companies.

Horse Passports / registration

Flash owner Richard McGill; date of issue 11.04.2005

Raque Force owned by the applicant on 06.07.2006
Hangover owned by the applicant; date of issue 31.12.2009
Classic Boy owned by applicant on 16.04.2013
Miss Commander certificate of registered ownership
27.11.2014
Brywins Lauryn owned by the applicant on 15.10.2015
Skip N Jump owned by the applicant on 15.10.2015
Country Jasmine owned by the applicant on 15.10.2015
Teenage Dream breeder is the applicant; registered 31.12.2015
High Heel Pearl shown on other documentation to be owned by
the applicant
Cheiff Boss owned by the applicant on 02.01.2016

Certification of Mating

One horse owned by the applicant (served 05.07.2009 to
05.07.2009)
One horse owned by the applicant (served 17.05.2010 to
20.05.2010)
Two horses owned by the applicant (served 01.06.2012 to
04.06.2012)
Two horses owned by the applicant (served 01.07.2013 to
05.07.2013)
Two horses owned by the applicant (served 09.07.2013 to
13.07.2013)
Two horses owned by the applicant (served 16.07.2014 to
20.07.2014)
Two horses owned by the applicant (served 02.07.2014 to
07.07.2014)
Two horses owned by the applicant (served 16.07.2015 to
19.07.2015)
Two horses owned by the applicant (served 08.07.2015 to
12.07.2015)
Two horses owned by the applicant (served 25.05.2015 to
27.05.2015)

Foaling Return

ULID No. 826056UK10472 – incomplete
ULID No. 826056UK111897 - incomplete

Certificate of Registered Ownership

High Heel Pearl owned by the applicant; 2012
Florida IT owned by the applicant; 2012

Seller & Purchasers Form
Applicant purchased Skip N Jump on 19.09.2015

- 8.9 Farm maps are not available for equine businesses. None of the supporting information, as set out in Paragraph 8.7, is linked to the application site. The information indicates that generally there were no more than three horses present at any one time. The scale of the operation does not suggest that it is a commercial business in its own right. Rather it demonstrates the applicant is involved in the keeping of horses. The policy states that those keeping horses and / or ponies for hobby purposes will not satisfy the requirements of this policy.
- 8.10 The policy says that a statement of commercial rateable history for the business should be included. No statement of commercial rateable history has been provided for the business. The supporting information is insufficient evidence to demonstrate that a commercial equine business has been established 'at this site'. While the applicant has provided comprehensive information, no evidence has been provided to demonstrate that there is a commercial equine business at this site such as the breeding of horses, training and the operating of livery yards, a trekking centre or riding schools. Furthermore there is nothing anecdotal or evidence at the application site, such as signage to indicate the presence of an equine business or a business premise or as stables on site, that would suggest there is a commercial equine business at this location. As such it has not been demonstrated that an equine business is currently active and established at the site. Therefore the proposal fails to meet this test.
- 8.11 No dwellings have been sold off since November 2008 and would therefore meet this policy test.
- 8.12 The applicant lives at 357 Craigmore Terrace, Ringsend. The proposal is not visually linked or sited to cluster with an established group of buildings related to the equine business as there are no buildings in the applicants ownership at Coolnasillagh Road. The existing animal structure in the north-west corner of the site which has only been constructed recently, since the C/2015/0024/O site inspection on 20.02.2015, is not considered to be a building. This structure is unauthorised. As

there are no buildings in which to group or cluster with, the proposal fails to meet this policy test.

8.13 The proposal fails to meet policy tests (a) and (c) and is therefore contrary to policy CTY 10 of PPS 21.

Visual Integration and Rural Character

8.14 Policy CTY1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. Policy CTY 13 Integration and Design of Buildings in the countryside provides the policy basis on integration. The site is roadside with little vegetation surrounding it. The site is extremely open with uninterrupted views from the Coolnasillagh Road. The proposed dwelling is unacceptable in terms of integration and is not capable of accommodating a dwelling. The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The planting around the perimeter of the site will take time to mature and would not mitigate the impact of the development in the shorter term. The large front garden is unacceptable.

8.15 The proposal is also contrary to CTY 13 as the proposed dwelling is not visually linked or sited to cluster with an established group of buildings.

8.16 The proposal represents ribbon development along Coolnasillagh Road, being the third roadside dwelling in a row. It is therefore contrary to Policy CTY 8 (Ribbon Development) of PPS 21 which resists this form of development. The proposal is therefore contrary to CTY 8 of PPS21.

8.17 As the a dwelling would be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings and adds to a ribbon of development it has an unacceptable impact on rural character. Therefore the proposal is also contrary to Policy CTY 14 (Rural Character) of PPS 21.

Nature Conservation

8.18 The application site is located 280m east of Coolnasillagh ASSI.

NIEA NED advises that the site is located in an area of sensitivity for Northern Ireland priority Habitat or Priority Species. NED has records of peatland habitat occurring within or adjacent to the application site and the site is also in a broad area known for Breeding Waders. No information has been submitted to ensure there is no adverse impact on the peatland habitat or Breeding Waders.

9.0 CONCLUSION

9.1 This proposal is contrary to PPS 21 and the SPPS. The proposal fails to meet a type of development which is considered to be acceptable in principle in the countryside. The applicant has failed to demonstrate that there is an active and established equine business on this site. Furthermore, there are no buildings in which to visually link or cluster with. The site is unduly prominent and a dwelling would be unable to integrate into the landscape. A dwelling would also result in adding to a ribbon of development along the Coolnasillagh Road. The applicant has failed to submit any information in relation to the peatland habitat and breeding waders which are within this area. As this proposal fails to meet the relevant policy, refusal is recommended.

10 Refusal Reasons

- 10.1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for NI 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 an established and active equine business has not been demonstrated at this site and there are no overriding reasons why this development is essential in this rural location.
- 10.2 The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for NI and Policies CTY8 and CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would, if permitted, be unduly prominent in the landscape and create an unacceptable ribbon of development along Coolnasillagh Road and would therefore result in a detrimental change to the rural character of the countryside.
- 10.3 The proposal is contrary to paragraphs 6.70 and 6.77 of the Strategic Planning Policy Statement for NI 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.
- 10.4 The proposal is contrary to paragraphs 6.192 and 6.193 of the Strategic Planning Policy Statement for NI and Policy NH5 of Planning Policy Statement 2: Natural Heritage as the applicant has failed to demonstrate that this proposal, if permitted, would not result in an adverse impact on the peatland habitat or Breeding Waders.