

<b>Planning Committee Report Item</b>	<b>23<sup>rd</sup> November 2016</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

**78m South East of Shandragh  
Knockans South Rathlin Island**

**LA01/2016/0459/O**

**Outline Planning**

**23<sup>rd</sup> November 2016**

<b><u>No:</u></b>	<b>LA01/2016/0459/O</b>	<b><u>Ward:</u></b>	<b>TORR HEAD and RATHLIN</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>		
<b><u>Address:</u></b>	<b>78m South East of Shandragh, Knockans South, Rathlin Island</b>		
<b><u>Proposal:</u></b>	<b>New House on a farm</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>13<sup>th</sup> April 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b><u>Applicant:</u></b>	<b>Benji McFaul, Brockley, Rathlin Island, Ballycastle</b>		
<b><u>Agent:</u></b>	<b>Lavery Architecture, 63a Churchfield Road, Ballycastle BT54 6PX</b>		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>7</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## **1 RECOMENDATION**

- 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 & 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located off a shared laneway and is located close to the junction with the public road which leads around to the Bird Sanctuary on the western side of the island.

The site is currently used as grazing. The NW boundary of the site is undefined apart from a small stone wall cluster located in the NW corner of this boundary. The southern and eastern boundaries of the site are defined by a low stone wall. A ridge of high ground lies to the north of the site. The site is located at a higher level than the road with the land from the roadside rising steeply in a northerly direction. A detached dwelling which shares the laneway lies to the west of the dwelling. An abandoned dwelling is located on the roadside sited to the south west of the site.

- 2.2 The site is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty. It is with the rural area as designated in the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

None

### **4 THE APPLICATION**

- 4.1 This is an outline application for a farm dwelling.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

Seven **(7)** letters of support have been submitted supporting the application. No letters of objection have been received.

Matters raised in support of the application include:

- The applicant is an employer for the area with high potential for growth;
- Island population has increased over the years leading to a housing crisis;
- Need for social housing;
- Proposed site is located close to the harbour for applicants business;
- Site is well placed for road access and services;
- A dwelling at this location would contribute to the restoration of the of the islands traditional settlement pattern which traditionally is of a dispersed manner across small plots of land;
- Proposal would support the NI Executives Rathlin Island Policy by sustaining the island population and its economy;

- May result in them seeking housing off the island;
- Rental properties and opportunities to buy properties are scarce;
- A dwelling at this location would be in keeping with Clachan tradition;
- This is the only site made available to the applicant on the farm holding;
- The area around the farm holdings are all in agricultural occupation and unsuitable for housing development;
- Planning regulations are outdated;
- Applicant's current home is in poor disrepair;
- Purchase prices around the harbour too high for islanders;
- Applicant plays a vital role in the development of a local business – Ocean Veg Ireland Ltd, Rathlin Island Kelp.
- Proposed site is below a hill and with intention to stone it would blend into the landscape;

All issues have been raised within the representations have been discussed and taken into account in the assessment of this application.

## **Internal**

### **5.2 Transport NI:** No objection to the proposal

**NIEA Archaeology and Built Heritage:** Archaeological evaluation required.

**NIEA Natural Environment Division:** Has no objection in principle and recommend a 5 m buffer zone to the north.

**NI Water:** Has no objection to the proposal.

**DARD NI:** No objection to the proposal.

**Environmental Health:** Has no objection to the proposal.

## **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
- 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**

Strategic Planning Policy Statement (SPPS)

Northern Area Plan 2016

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 6 (PPS 6) Planning Archaeology and Built Heritage

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

Supplementary Planning Documents  
Antrim Coast and Glens AONB

Other Policies and Guidance  
DRDNI Rathlin Island Policy

Rathlin Action Plan 2013-2015.

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; integration, rural character, and the Area of Outstanding Natural Beauty.

### **Planning Policy**

- 8.2 The site is located within the rural area as identified in the Northern Area Plan 2016. Policy COU 1: Rathlin Island, allows for planning permission for single dwellings for permanent residency where there are significant remnants of a traditional home/wallstead and the applicant can demonstrate either:
1. A strong island connection; or
  2. That they will make a significant contribution to the economic and social vitality of the island.
- 8.3 The principle of this development proposed must also be considered having regard to the SPPS and PPS policy documents specified above and any other material considerations. The SPPS was published 28 September 2015. In the accompanying Ministerial Statement it stated that the provisions of the SPPS are material to all decisions on individual planning applications and appeals.
- 8.4 DRD's document Rathlin Island Policy is not an operational planning policy document. However, it is still a relevant material consideration. One of the Strategic Objectives is to ensure affordable housing provision in accordance with need and budgetary provision for Islanders and people. While this is recognised, this objective if required could be achieved by further housing in the Church Bay settlement limit. The Rathlin Action Plan 2013- 2015 is silent on the specific issue of housing and is not cited specifically within any of the five key themes as set out in the document.

## **Principle of Development**

- 8.5 The application does not meet with Policy COU 1 of NAP in that the proposed site is not located in an area where there are remains of a traditional home/wallstead. There are the remains of a low stone wall adjacent to the NW boundary of the site. However, this would appear to be a field boundary/enclosure.
- 8.6 For a dwelling on a farm Policy CTY 10 of PPS21 is the relevant policy context. The policy states that planning permission will be granted for a dwelling house on a farm where all a number of criteria are met.
- 8.7 The applicant has also asked that the proposal be considered under Policy CTY 6, CTY 7 and CTY 2a of PPS 21.
- 8.8 The application submitted is for a farm dwelling on James and Liam Mc Faul's farm holding at Knockans South, Rathlin Island. The application has been made by Mr Benjamin Mc Faul. The farm holding comprises 328.71 hectares of land, which is generally confined to 3 areas across the island - the western most point on the island around the bird sanctuary, the area around the proposed site stretching towards the shore and land located around the school/church. The applicant advises that the farm has been established for over 100 years. DARD confirm the farm business is currently active, has been established for at least 6 years and that Single Farm Payments have been claimed.
- 8.9 The second criterion of the policy requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application. There is no evidence to indicate that this criterion has not been met.
- 8.10 Criterion (c) is that the proposal must be visually linked or sited to cluster with an established group of buildings on the farm holding. The existing farm grouping has been identified on drawing 02 as being approximately 1.4 miles west of the proposed site. The existing farm grouping includes 2 detached dwellings (belonging to the applicants extended family), 3 small scaled agricultural buildings and the remains of a number of small buildings to the rear of the dwellings.

- 8.11 The proposed site is not located in close proximity to the identified farm grouping nor is it located adjacent to any other agricultural buildings. A single storey dwelling (not in applicants ownership) is located approx. 60 metres west of the site and a site for replacement dwelling (not in applicants ownership) is located directly south of the site along the roadside. Therefore the site does not meet criterion (c) of the policy in that it is not clustered or visually linked to an established group of buildings on the farm. Criterion (c) goes on to state that exceptional consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either health and safety or verifiable plans to expand the farm business at the existing building group.
- 8.12 The Agent has provided justification for the alternative site stating that the farm group is surrounded by an area of high rising rock features to the east and west of the grouping limiting expansion in this direction. The northern boundary opens out into agricultural lands and is the only area in which the farm can expand in the future. It is also stated that a house in this area would adversely affect the running of the farm operation and that another dwelling cannot be accommodated at the farm grouping.
- 8.13 Para 5.42 of PPS 21 states that:  
'Where an alternative site is proposed under criteria (c) which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid planning permissions, building control approvals or contractual obligations to supply farm produce.'
- 8.14 No evidence has been provided by a competent authority to justify the siting. The agent submitted additional information on 11 August 2016 outlining justification for the alternative siting under Policy CTY 10 (C). This advised that it is proposed to construct a farm shed under permitted development to the rear of the principal group of farm buildings in the summer of 2017. The supporting information also stated that it may also be a

necessity to expand the farm yard north in the future and that building a dwelling in this location would essentially split the farm yard in 2 and cut off future expansion. However, upon inspection of the farm maps it is clear that the land north of the existing farm yard is not within the families' ownership and therefore it is not clear and no evidence has been provided to suggest that this land will be acquired in the future. Inspection of the site (19/09/16) does not show any evidence of a proposed agricultural shed being constructed at this location. Therefore we have no definitive plans for the agricultural shed including valid planning permissions, building control approvals or contractual obligations to supply farm produce.

- 8.15 It is considered there may be an opportunity to re-develop the area to the rear of the farm yard to include a dwelling and an agricultural shed of suitable scale for the needs of the farm.
- 8.16 A further possible site has been identified by the Council which clusters with existing farm buildings in the applicant's family ownership and may be acceptable under Policy CTY 10. This other group of farm buildings is located at Kinramer South, less than half a mile from the Cleggan South farm which has been discussed above. This potential site at the Kinramer south farm is adjacent to the holiday cottages (Camping Barn). However, the applicant advised the site was not available as it would affect cattle rotation, is located in a field used for silage which is essential for fodder, the site is not available, the site is unsafe/unhygienic for his children and if developed would mean a loss of SFP grant on that part of the developed land.
- 8.17 The justification offered by the applicant as to why development cannot take place at a potential site at the Kinramer South Farm includes considerations which are not included in the exceptions identified under CTY 10 (C). However, they can be considered as other material considerations in the overall assessment of the case. The area required to develop a dwelling is likely to be a little as 0.01 hectare. Such a small loss of agricultural land is unlikely to have a meaningful adverse effect on cattle rotation or silage production. With regard to Single Farm Payments, the loss would be negligible. The site availability argument is not given substantial weight as this relates to subjective preference factors. In terms of health and safety reasons, the applicant advised that the site would be

unsafe/unhygienic for his children. However, the potential site is located on a roadside location which is removed from surrounding agricultural buildings by a public road. It is also adjacent to an existing site used for residential use – the camping barn.

### **Policy CTY 2a – New dwellings in Existing Clusters**

- 8.18 Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:
- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
  - the cluster appears as a visual entity in the local landscape;
  - the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
  - the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
  - development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
  - development would not adversely impact on residential amenity.
- 8.19 The proposed site is located approximately 55 metres SE of an existing dwelling and associated outbuildings adjacent to the site and it is also approximately 30m NE from a redundant, derelict dwelling which has an expired permission (E/2009/0037/F) for restoration and extension. The proposed site does not meet this part of the policy in that it does not cluster with a group of buildings of which at least 3 are dwellings;
- 8.20 As the proposal does not meet the definition of a cluster as identified in the first bullet point it is not of relevance to address the remainder of the policy.

## **Policy CTY 6 – Personal and Domestic Circumstances**

- 8.21 The above policy permits planning permission for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:
- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
  - (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.
- 8.22 All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.
- 8.23 Additional information submitted 11/08/16 provides information outlining the applicant's personal and domestic circumstances for this dwelling. It is stated in the supporting information that:
- the applicant operates the last finishing boat from Rathlin Island;
  - The applicant is also a partner in Ocean Veg Ireland, a business specializing in Kelp production. This business is expanding, employing islanders and helping the economy of the island;
  - Lack of affordable housing on the island;
  - Mortgage lenders will not lend to refurbish an existing property;
  - It is not possible to commute regularly to and from the island due to weather conditions;
  - Other personal and domestic circumstances outlined in the supporting statement have been taken into consideration.
- 8.24 The applicant has advised that this is the only site available to them on the family farmland. The policy specifically requires compelling, site specific reasons related to the persons personal and domestic circumstances. The applicant has not

provided site specific reasons for the proposed siting other than it is the only land available to him. However, this is not tied to a specific personal reason to be located at this particular site rather it is an aspiration to have their own house at this site. The intention of the policy is aimed at those who have specific personal and domestic circumstances for the particular site and that all other alternatives should be exhausted before consideration of a new dwelling. Adequate evidence to demonstrate this has not been provided with the application.

### **CTY 7 – Dwellings for Non-Agricultural Business Enterprises**

- 8.25 Planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. Where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. Planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.
- 8.26 The applicant is a fisherman and also a partner within a local business. The applicant's businesses are based from Church Bay at the harbour. Church Bay is defined by a settlement limit as outlined in the Northern Area Plan. The policy is clear in considering sites for employees where it can be demonstrated that it is essential that they live at the site of their work. As the applicant's business is centred around Church Bay, sites that are within the settlement limit would benefit his business needs if there was a need for immediate proximity. Notwithstanding that, the applicant's selected site is located 1.7 miles from the harbour. Therefore it would appear that there is no need for immediate proximity. It has not been demonstrated why a further 0.8 or 1.1 miles to each of the alternative sites would be critical to the operation of his businesses.

### **Integration**

- 8.27 The proposed site is bounded by a ridge of ground running along the northern boundary of the site. It is proposed that the

dwelling would sit against this ridge of ground and when viewed from an easterly direction along the public road a dwelling of low elevation is likely to be viewed against this ridge. However, when viewed from a westerly direction, the site is elevated above the public road and when viewed from this approach does not have the benefit of a backdrop or intervening vegetation which would help to integrate the site. The dwelling would be skyline and prominent in the landscape.

### **Rural Character**

- 8.28 As discussed above the site has an elevated position above the public road and is likely to be prominent in the landscape. The area has an open landscape and due to the prominence of the site a dwelling at this location would be detrimental to the rural character.

### **Areas of Outstanding Natural Beauty**

- 8.29 Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
  - local architectural styles and patterns;
  - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
  - local materials, design and colour.

- 8.30 The application is for an outline permission therefore no details for the building has been provided. However, as discussed under PPS 21 CTY 13 and CTY 14 above development on this site is likely to be unsympathetic and have an adverse impact on the character of the Antrim Coast and Glens AONB.

## **Conclusion**

- 9.0 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The application does not meet with criterion (c) of CTY 10 in that it is not sited to visually link or cluster with the farm holding. In addition there are two further sites on the farm holding that would meet with the policy requirements. While Rathlin Island has been provided an additional policy for islanders seeking a dwelling in the Northern Area Plan 2016, this proposal does not meet with this. The proposal also fails to meet with other scenarios permitted under CTY 1. Refusal is recommended.

## **10.0 Reasons for Refusal**

- 10.1 The proposal is contrary to the SPPS, Paragraph 6.73 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 it has not been demonstrated that:
- the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm;
  - health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm; and
  - verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
- 10.2 The proposal is contrary to paragraph 6.77 of the SPPS and Policies CTY1 and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site does not integrate into the surrounding landscape.
- 10.3 The proposal is contrary to paragraph 6.77 of the SPPS and Policies CTY1 and CTY14 of Planning Policy Statement 21,

Sustainable Development in the Countryside, in that if approved the dwelling would be prominent in the landscape.

## Site Location

