

<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

**Adjacent to 9 Glenlough Road  
Ballymoney**

**LA01/2016/0710/O**

**Outline Planning**

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

<b><u>No:</u></b>	LA01/2016/0710/O	<b><u>Ward:</u></b>	Dunloy
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	Adjacent to 9 Glenlough Road, Ballymoney		
<b><u>Proposal:</u></b>	Proposed replacement dwelling		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	14th June 2016
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	George Irwin, 9 Glenlough Road, Ballymoney, BT53 7EL		
<b>Agent:</b>	OJQ Architecture, 89 Main Street, Garvagh, BT51 5AB		
<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 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 at 9 Glenlough road 3 km South-East of the settlement limits of Ballymoney. It is a roadside farmyard holding with various agricultural outhouses in situ. A similar farmyard and dwelling is located across the road. The site is afforded access directly onto Glenlough road between

the proposed replacement and the footprint of an outbuilding that had been demolished. Buildings onsite comprise of a two storey farm dwelling and a large agricultural shed is located to the rear of the site. There are large piles of wood, rubble and various farm machinery located to the north of the proposed replacement building. A cattle pen abuts the western boundary and the land rises slightly beyond this to the north where the boundaries are undefined in places and bound by hedges and semi mature trees in other parts. A second access is located to the north east of the site but is overgrown.

- 2.2 The site is defined as rural remainder as designated within the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

None

### **4 THE APPLICATION**

- 4.1 This is a planning application for a proposed replacement dwelling.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

None

#### **Internal**

- 5.2 **Transport NI:** Objects to the proposal

**NIEA Natural Environment Division:** Has no objection.

**NI Water:** Has 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 21 (PPS 21) Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, proposed siting and access.

## **Planning Policy**

- 8.2 The site is located within the rural area as identified in the Northern Area Plan 2016.
- 8.3 The principle of this development proposed must 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 Paragraph 6.73 bullet point 2 of the SPPS in relation to replacement dwellings echoes policy CTY 3 of PPS 21.

## **Principle of Development**

- 8.5 Policy CTY 3 of PPS21 is the relevant policy context for such proposals and states that planning permission will be granted for a replacement dwelling where “the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact”. Therefore, the consideration is set out below assessing the two elements of the primary criteria in that order.
- 8.6 The structure to be replaced is a low single storey road side building. On the road side elevation, 19m long, there are three window openings, one large square opening to the eastern side and to the western end, two small window openings. A large garage type door opening is located on the western gable elevation and is covered by metal sheeting held in place by a metal gate. On the Northern elevation there are an additional two large garage door type openings which are also covered by metal sheeting and held in places by gates. In between these two openings are two door openings.
- 8.7 The window openings sizes and fenestration pattern are indicative of an agricultural outbuilding. There is no uniformity in size or spacing.

- 8.8 The property is subdivided into four. On the internal wall of the middle section there is a partial red brick chimney breast. This appears to have been recently constructed/altered and stops approximately half a metre below the ridge. There is no opening in the roof or sign of openings at the ridge that can be seen internally or externally. On the balance of probability having regard to these specifics, this is not an established feature to demonstrate that the building exhibits the essential characteristics of a dwelling.
- 8.9 The Agent has also submitted additional information showing the outline of a chimney breast to the eastern part of the property. Given that the original purpose of the indentation on this wall is inconclusive, this similarly cannot be used to demonstrate that the building exhibits the essential characteristics of a dwelling.
- 8.10 There is one internal opening between two sections and a second bricked up. The internal walls, from what can be seen, are random rubble with no indication of plaster work which would be expected in a residential property. The sections are currently in use as animal pens and for storage.
- 8.11 There is no regular fenestration or openings typical of a vernacular dwelling and no evidence of any openings having been boarded up externally or internally. The building design including the scale and massing is more typical to an agricultural building. The presence of one altered chimney breast and one gable wall with an outline of a chimney breast is not sufficient to demonstrate as a minimum that the building exhibits the essential characteristics of a dwelling.
- 8.12 The second paragraph of CTY 3 states that buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not be eligible for replacement under this policy. Taken in the round, the subject building has the characteristics of a farm shed rather than a former dwelling. Appeal Ref: 2009/A0356 has similarities to this case where it was found that the subject building to be replaced had the absence of the essential characteristics of a dwelling and was redolent of a shed.

## **Siting**

- 8.13 The remainder of CTY 3 sets out 5 criteria to meet once the principle has been established. Though the principle for the development has not been met in this case it would be prudent to address the remainder of the policy for completeness.
- 8.14 Criteria 1 states that the proposed replacement is sited within the established curtilage of the existing building unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest size dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 8.15 Drawing No 02 proposes that the replacement dwelling is sited within the site and set back from the road. This would be in keeping with the rural character.
- 8.16 The second criterion seeks that the size of the new dwelling integrates into the surrounding landscape and would not have a visual impact significantly greater than the existing building. The indicative block plan shows a reduced footprint than the existing. To ensure a proposed dwelling would not be prominent, a single storey dwelling would be appropriate.

### **Access**

- 8.17 Transport NI object to the proposal. They advise that it would not be possible within the application site to provide an access with visibility splays of 2.4metres x 80metres, in accordance with the standards contained Development Control Advice Note 15 and Planning Policy Statement 3 Policy AMP 2. Given that the existing building is not occupied and not readily capable of occupation, the proposal creates intensification and the access arrangements are unacceptable.

## **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. The proposal fails to meet the primary test of Policy CTY 3, in that the building does not exhibit the essential characteristics of a dwelling. The subject



building is redolent of a shed. The proposal also fails to provide an access to the public road that will not prejudice road safety. Refusal is recommended.

## **10 Refusal Reasons:**

- 10.1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 10.2 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building does not exhibit the essential characteristics of a dwelling.
- 10.3 The proposal is contrary to Paragraph 6.303 of the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide the appropriate access and visibility splays.

## Site Location

