

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0582/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>26<sup>th</sup> February 2025</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Ald Mark Fielding</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

<b>Estimated Timescale for Completion</b>	
Date to be Completed	

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Legal Considerations</b>	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<b><u>No:</u></b>	<b>LA01/2023/0582/O</b>	<b><u>Ward:</u></b>	<b>Macosquin</b>
<b><u>App Type:</u></b>	<b>Outline</b>		
<b><u>Address:</u></b>	<b>Land 25m East of 62 Ballywoodock Road, Castlerock</b>		
<b><u>Proposal:</u></b>	<b>Proposed 1no. infill dwelling.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>06.06.2023</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Agent:</b>	<b>Birney Architects, Building 104, Hill Avenue, Ebrington, Derry, BT47 6HF</b>		
<b>Applicant:</b>	<b>David Stewart, 8 Culmanan Road, Garvagh, BT51 5JR</b>		
<b>Objections:</b>	<b>1</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for an infill dwelling and garage in accordance with Policy CTY 8 (Ribbon Development).
- The application site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016. The site is not subject to any specific environmental designations.
- The principle of development is considered unacceptable having regard to Policy CTY8 as the proposal fails to meet with the provisions for an infill dwelling as the application site is not sited within a small gap site within an otherwise substantial and continuously built-up frontage.
- The principle of development is also not considered acceptable under Policy CTY 13 in that the proposal lacks long established natural boundaries for enclosure and the proposal relies primarily on the use of new landscaping for integration.
- The proposal also fails policy CTY14 in that approving a dwelling on this site would result the creation of ribbon development and does not respect the established pattern of development of the area.
- NIEA, NI Water, DFI Roads, Environmental Health and City of Derry Airport were consulted on the application and raise no objection.
- There is one objection to the proposal.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

**Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk>**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located on lands 25m East of 62 Ballywoodock Road, Castlerock.
- 2.2 The site comprises an irregular shaped plot which form the south-western corner of a wider agricultural field. The western boundary of the site is defined by hedgerow whilst the southern boundary is delineated by post and wire fencing and a low level bank. The remaining boundaries are undefined. An existing agricultural access point is located to the south-west.
- 2.3 The surrounding area is rural in nature and characterised by agricultural lands and single rural dwellings and farm holdings.
- 2.4 The application site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016. The site is not subject to any specific environmental designations.

## **3 RELEVANT HISTORY**

LA01/2023/0583/O – Proposed 1no. Infill dwelling - Land 30m West of 68 Ballywoodock Road, Castlerock – Current Application

## **4 THE APPLICATION**

- 4.1 Outline Planning Permission is sought for a proposed infill dwelling and garage. The application site is located within an agricultural field. An indicative block plan has been submitted which shows proposed siting, however details relating to design and finish are not available at this outline stage.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** One objection has been received in relation to the application.

The representation contends that the proposal is not compliant with Policies CTY 8 and CTY14 as it does not respect the infilling of a small gap site or respect the existing development pattern in terms of size, scale, siting and plot size. The proposal will also result in ribbon development and erode rural character through sub-urban style build up. This has been further assessed below.

### **5.2 Internal**

**DAERA: No objection**

**City of Derry Airport: No objections**

**DFI Roads: No objection**

**Environmental Health: No objection**

**NI Water: No objection**

## **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 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 both 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 application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

### **Supplementary Planning Guidance**

Building on Tradition: A Sustainable Design guide for Northern Ireland.

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main consideration in the determination of this application relate to the Principle of Development, Integration and Rural Character, HRA, Sewerage Disposal and Access Movement and Parking.

## **Principle of Development**

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted for a dwelling and garage within a gap, and therefore falls to be assessed under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.
- 8.3 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception within this policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided these respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
- 8.4 Paragraph 5.34 of PPS21 outlines that the gap to be considered is between buildings (building to building). To be acceptable under Policy CTY8 four specific elements are required to be met: the gap must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.
- 8.5 To the west of the application site is a dwelling with outbuildings to the rear at No. 62 Ballywoodock Rd. To the east of the application site are the dwellings at Nos. 68 and 70, which are

separated from the application site by the remainder of the agricultural field frontage which comprises the extent of planning application LA01/2023/0583/O. All of the aforementioned plots have a direct frontage onto Ballywoodock Rd. A further dwelling sits immediately to the north east of No. 70 (No. 17 Dunboe Rd). However, this property does not have a direct frontage onto Ballywoodock Rd and does not form part of the substantial and continuously built up frontage along Ballywoodock Rd. It is therefore accepted that there is a substantial and continuously built-up frontage at this location. The key issue is whether the application site forms part of a small gap site, when considered against the surrounding pattern of development within the built-up frontage.

- 8.6 To the west, No. 62 Ballywoodock Road has a frontage of approximately 19 metres while to the east Nos. 66 and 70 Ballywoodock Road have frontages of 26.7 metres and 53 metres. The average frontage measurement along this stretch of Ballywoodock Road is 32.9m. The application site and adjacent application site (LA01/2023/0582/O) both have frontage widths of approximately 71m.
- 8.7 The gap (building to building) between the dwellings at No. 62 and No. 68 is approximately 152m. When assessed against the average plot widths along the frontage, the gap is 4.6 times the average plot width and therefore capable of accommodating 4 dwellings. The gap in which the application site is sited is excessive in size when assessed against the existing character/pattern of development in the area. The application site would not, when considered with the adjacent site (LA01/2023/0583/O), represent a small gap site capable of accommodating a maximum of two dwellings when respecting the other properties in the built-up frontage, and would therefore fail to comply with Paragraph 6.73 of the SPPS and Policy CTY8.
- 8.8 With regards to plot size, the aforementioned neighbouring dwellings have an average plot size of 1880 square metres, while



the application site has an area of 2900 square metres which is significantly larger. The proposal is not reflective of the established pattern of development within the frontage and again fails to comply with Paragraph 6.73 of the SPPS and Policy CTY8.

- 8.9 Having considered the existing pattern of development along the row in terms of plot size, frontage length and character of the area it is concluded that the gap is not a 'small' gap site sufficient to only accommodate up to a maximum of two dwellings and is therefore not suitable for infilling under prevailing policy. The infilling of this site and adjacent site (LA01/2023/0583/O) would add to existing development along the road frontage, resulting in the creation of ribbon development, which is detrimental to the character, appearance and amenity of the countryside.

#### **Integration & Rural Character.**

- 8.10 Policy CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
- 8.11 As this is an outline application no detailed plans have been submitted regarding the design of the dwelling. The western boundary of the site is defined by hedgerow whilst the southern boundary is delineated by post and wire fencing and a low level bank, most of which is likely to have to be removed to facilitate access, which will further open views into the site when passing the site frontage. The remaining boundaries are undefined. The site lacks long established natural boundaries and would rely primarily on the use of new landscaping for enclosure and integration. The proposal fails to comply with Paragraph 6.70 of the SPPS and Policy CTY13 of PPS21.
- 8.12 CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental

change to, or further erode the rural character of an area. A new building will be unacceptable where:

- a) It is unduly prominent in the landscape
- b) It results in a suburban style build up of development when viewed with existing and approved buildings
- c) It does not respect the traditional pattern of settlement exhibited in that area
- d) It creates a ribbon of development
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

8.13 As outlined above at Paragraphs 8.2 – 8.9 the proposal does not represent the infilling of a small gap site. The application site is significantly larger in terms of frontage width and site area than the surrounding properties which define the built-up frontage and therefore fails to respect the traditional pattern of development within the area and consequently the proposal fails criterion (c) of CTY14.

8.14 The infilling of this gap which exists between the dwelling to the west of the site and the buildings to the east of the site would remove an important visual break which provides visual relief and maintains the rural character of the area. The infilling of this gap would result in the proposal adding to development along this stretch of the road resulting in the creation of ribbon development. The proposal is fails criterion (d) of CTY14.

### **Habitat Regulations Assessment**

8.15 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas 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 features, conservation objectives or status of any of these sites.

## **Sewerage Disposal**

- 8.16 Policy CTY 16 of PPS 21 – Development relying on non-mains sewerage, applies; Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.
- 8.17 The applicant proposes to discharge to a package treatment plant. Environmental Health and Water Management Unit have been consulted and are content therefore the proposal complies with CTY 16 of PPS 21.

## **Access Movement and Parking**

- 8.18 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
  - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.19 The indicative site plan (Drawing 03B) indicates the construction of a new access onto Ballywoodock Rd, which is not a Protected Route. DFI Roads were consulted on the proposal and responded with no concerns. The proposal meets with Policy AMP2 of PPS3.

## **9 CONCLUSION**

- 9.1 The application site fails to meet with the principle planning policies as the application site is located within a gap which is capable of accommodation more than two dwellings of a

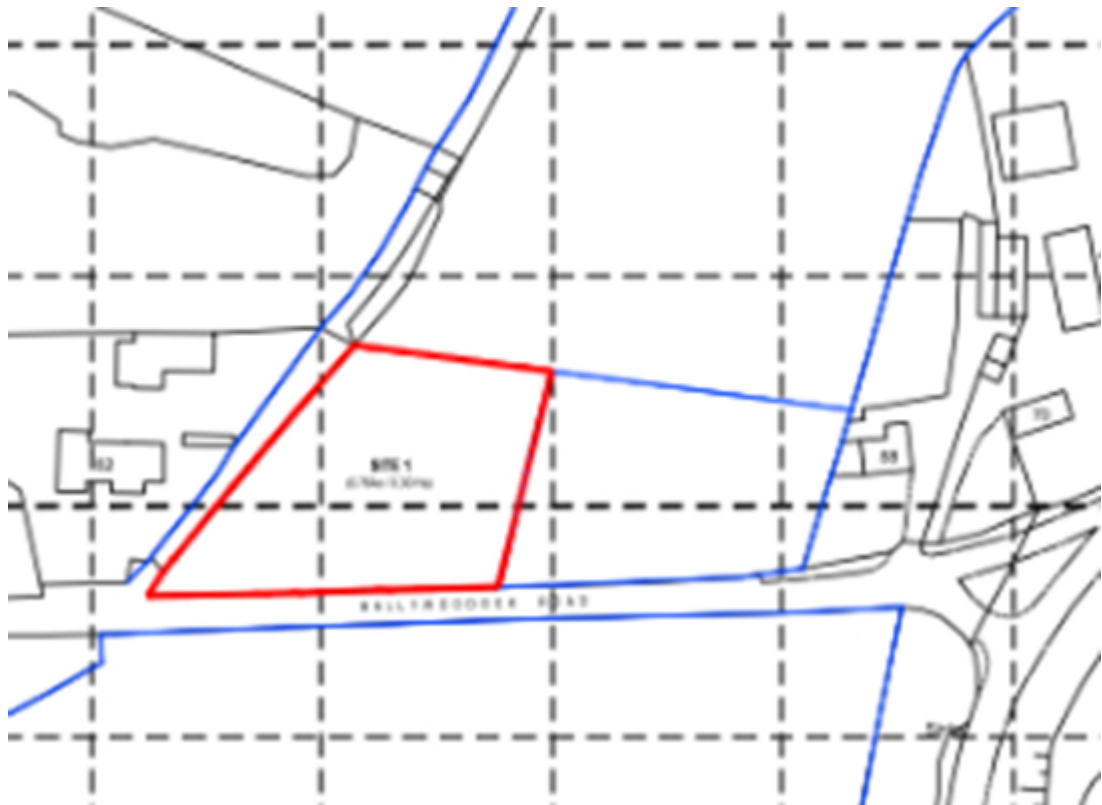
comparable size to the surrounding pattern of development, and is therefore not a 'small gap site' within a substantial and continuously built-up frontage. The proposal does not meet with any of the permissive circumstances for development in the countryside, and no over-riding reasons have been provided as to why development is necessary at this location. The application proposal fails to respect to adjacent pattern of development of the surrounding area and will result in the creation of ribbon development along Ballywoodock Rd. The site lacks a sufficient level of screening and integration in order to allow a dwelling to integrate satisfactorily. The proposal is subsequently contrary to Paragraphs 6.70, and 6.73, of the SPPS and Policies CTY1, CTY8, CTY13, and CTY14 of PPS21. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY 1 of the 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.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that the application site is not sited within a small gap site within an otherwise substantial and continuously built-up frontage and would result in the addition to ribbon development.
3. The proposal is contrary to Paragraphs 6.70 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure; and relies primarily on the use of new landscaping for integration.

4. The proposal is contrary to the Paragraph 6.70 of the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would be detrimental to the rural character of the area as it does not respect the traditional pattern of settlement exhibited in the area would result in the creation of ribbon development.

# Site Location Plan



## Referral Request

Planning Reference LA01/2023/0582/O

Elected Member Name Mark Fielding

### Refusal Reason 1

The dwelling proposed infill do not erode the character of the area. As there is it no backdrop land to impact while travelling on the ballywoodock road.

### Refusal Reason 2

There is no set criteria of size of the sites in policy, however the site areas vary and are not larger than the dwelling plot 62 ballywoodock on the left. They are larger that the dwelling plot on the right no 68, but not more keeping in size with no 70 ballywoodock.

### Refusal Reason 3

Panning department said the site frontage to the road were not in keeping with plot frontage widths of the neighbours, however the road hedges would not enable a passerby to evidently see the plot size on the ground. The proposal should be considered on the relations between the dwelling / building on the landscape. The distance from building to building is acceptable and the frontage hedge length has no planning merit to decide the application.

### Refusal 4

The application is outline and site plan layouts are based on the hence planning house size of 8m gable and 16m frontage. Which is modest and acceptable and in keeping with its neighbours.