



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/1164/F</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 Councillor Ciaran McQuillan</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>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>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
	Screening Completed:	N/A	Date:

Section 75 Screening			
	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:

**No:** LA01/2023/1164/F **Ward:** Rasharkin

**App Type:** Full

**Address:** Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin

**Proposal:** Realignment and extension of existing laneway

**Con Area:** N/A **Valid Date:** 21.11.2023

**Listed Building Grade:** N/A

**Agent:** Manor Architects, Stable Buildings, 30A High Street, Moneymore, BT45 7PD

**Applicant:** Scott Homes (NI) ltd 80 Ballycregagh Road, Clough, Ballymena, BT44 9RG

**Objections:** 2 **Petitions of Objection:** 0

**Support:** 0 **Petitions of Support:** 0

## **EXECUTIVE SUMMARY**

- Full planning sought for the realignment and extension of existing laneway on land adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin.
- The proposal is contrary to SPPS Para 6.73 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.
- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, in that the proposed ancillary works do not integrate with their surroundings.
- This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the impact of ancillary works would damage rural character.
- Refusal is recommended.

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

## **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** full planning permission subject to the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located on land adjacent to No's 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin.
- 2.2 The site incorporates an existing access and laneway, and a linear agricultural field. The topography falls steadily from the public road towards the south west where it begins to even out. The existing laneway to the east is defined by safety barriers. The agricultural field is defined by existing mature hedging and trees, while the red line to the north indicating the proposed laneway, is physically undefined

## **3 RELEVANT HISTORY**

- 3.1 Application Number: D/1999/0518/O  
Decision: Permission Granted  
Decision Date: 24 March 2000  
Proposal: Site for dwelling
- 3.2 Application Number: D/2000/0442/O  
Decision: Permission Granted  
Decision Date: 11 April 2001  
Proposal: Site for dwelling and garage.

- 3.3 Application Number: D/2002/0037/O  
Decision: Approval  
Decision Date: 22 April 2002  
Proposal: Site of dwelling & garage
- 3.4 Application Number: D/2002/0639/F  
Decision: Permission Granted  
Decision Date: 22 May 2003  
Proposal: Erection of two storey dwelling and detached garage.
- 3.5 Application Number: D/2003/0444/O  
Decision: Allowed  
Decision Date: 15 January 2004  
Proposal: Site for two storey dwelling & garage
- 3.6 Application Number: D/2004/0128/O  
Decision: Allowed  
Decision Date: 25 October 2004  
Proposal: Site for 2 storey dwelling and garage
- 3.7 Application Number: D/2004/0262/F  
Decision: Withdrawal  
Decision Date: 14 February 2005  
Proposal: New dwelling and garage
- 3.8 Application Number: D/2005/0117/F  
Decision: Permission Granted  
Decision Date: 20 September 2005  
Proposal: New Dwelling and Garage
- 3.9 Application Number: D/2006/0115/RM  
Decision: Permission Granted  
Decision Date: 22 August 2006  
Proposal: Proposed dwelling and detached garage

- 3.10 Application Number: D/2006/0359/RM  
Decision: Permission Granted  
Decision Date: 25 October 2006  
Proposal: Proposed dwelling and garage
- 3.11 Application Number: D/2006/0362/RM  
Decision: Permission Granted  
Decision Date: 21 November 2006  
Proposal: Proposed dwelling and garage
- 3.12 Application Number: D/2007/0502/O  
Decision: Withdrawal  
Decision Date: 14 November 2007  
Proposal: Proposed site for 2 storey dwelling and detached garage.
- 3.13 Application Number: D/2008/0214/F  
Decision: Permission Granted  
Decision Date: 04 August 2008  
Proposal: Proposed double garage.
- 3.14 Application Number: LA01/2022/0960/F  
Decision: Application Withdrawn  
Decision Date: 27 June 2023  
Proposal: Proposed 2 Storey Infill Dwelling and Double Garage

## **4 THE APPLICATION**

- 4.1 This is a full application for the realignment and extension of existing laneway on land adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Five (5) neighbouring properties were notified. Two (2) letters of objection were received from two (2) neighbouring properties. The key issues are:

- Encroachment on neighbouring land
- Loss of amenity
- Excessive use of Laneway
- Overdevelopment
- Change of Character

## 5.2 Internal

Department for Infrastructure (Roads) – Content

DFI Rivers – Content

NI Water – Content (consulted in error)

## 6 MATERIAL CONSIDERATIONS

6.1 Section 45(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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

- 7.1 The application has been assessed against the following planning policy and 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 2: Natural Heritage.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

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

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **PPS 3: Policy AMP 2 - Access to Public Roads**

- 8.1 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. 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.



8.2 DFI Roads were consulted on the proposal and were content subject to conditions.

### **PPS 21: Sustainable Development in the Countryside**

8.3 Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

### **Policy CTY 1**

8.4 There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. 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. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

8.5 Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential development in the countryside.

8.6 Paragraph 5.6 of the submitted Planning Statement indicates that the new access will improve traffic flow to and from the site to prevent accidents and reduce the risk of injury to pedestrians and drivers.

- 8.7 The existing laneway runs from the public road, towards the south west to serve No's 1 and 2 Drumack Hollow, and continues along the northern boundary of this application site before it breaks into a 'T' shape junction to serve the remaining dwellings at No's 3, 4 and 5 Drumack Hollow. From site inspection, it would appear the existing laneway is of high quality construction, appropriate in width and there were no safety concerns.
- 8.8 A letter received from the agent stated the case officer's statement "that the proposal is unnecessary and excessive" is not within the remit of planning policy and is superfluous to any assessment.
- 8.9 It is noted within Policy CTY1 that "development will only be permitted where there are overriding reasons why that development is essential". Based on the information provided, it has not been demonstrated that this proposal is essential. As mentioned above, the existing laneway is more than adequate to serve the existing dwellings.

### **Policy CTY 13: Integration and Design of Buildings in the Countryside**

- 8.10 Policy CTY 13 states that planning 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 A new building will be unacceptable where:
- (a) it is a prominent feature in the landscape; or
  - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
  - (c) it relies primarily on the use of new landscaping for integration; or
  - (d) ancillary works do not integrate with their surroundings; or
  - (e) the design of the building is inappropriate for the site and its locality; or

- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

#### **Policy CTY14: Rural Character**

- 8.12 Policy CTY14 of PPS21 states 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.
  
- 8.13 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; or
  - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
  - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
  - (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
  - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
  
- 8.14 Paragraph 5.60 of PPS21 clarifies that sweeping driveways which create a suburban emphasis and access arrangements, will not be acceptable. The proposed laneway sweeps off south from the existing laneway and curves through the agricultural field, before it re-joins the existing laneway to the west. It is considered the proposed ancillary works are excessive, would fail to integrate and if approved would damage rural character.
  
- 8.15 The agent was updated of our concerns via email. A “Landscape Visual Assessment Statement” was submitted on 16th April, which considered the distance from the public road, existing mature

vegetation and the existing dwellings that the proposed development would integrate into the wider landscape - Paragraph 5.60 of PPS21 states where a site cannot be readily identified from critical viewpoints, it does not obviate the need for careful site selection to ensure the proposal blends into its surroundings and is of a high standard of design. In this case, the proposal is inappropriate for the site and will detract from the character of this rural area by creating a suburban emphasis.

- 8.16 A letter from the agent, submitted 18th April 2024, refers to a previous application LA01/2022/0960/F which was withdrawn. The letter quoted a paragraph from the report that was completed before it's withdrawal in which it considered that the proposed dwelling "would not be a prominent feature in the landscape, especially when viewed from the private laneway". Generally, applications that have been withdrawn do not form material considerations to other applications, however as it has been raised within correspondence it can form part of this assessment. The quote that has been used refers specifically to 'prominence' which has not been raised as an issue in this application. Further, the above application was a proposal for infill, which was recommended refusal based on the assessment that the dwellings along this laneway did not have a direct frontage to the laneway. Therefore, there are concerns that this proposed laneway is to create an infill opportunity.
- 8.17 It is considered the proposal fails CTY13 and CTY14 in that the proposed ancillary works do not integrate with their surroundings and if approved would further damage the rural character of this area.

### **Other Matters**

- 8.18 Two objection letters were received from neighbouring dwellings. One of the letters refers to the original submission which included a disused lane to the north of the site. This has since been removed from the proposal, therefore the issues can be considered resolved.

8.19 Both letters also refer to land ownership. It is noted that a P2A form has been served to these objectors, however, this does not denote ownership or right of way. Ownership is a third-party issue and outside of the remits of planning.

### **Habitat Regulations Assessment**

8.20 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. This policy sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

## **9.0 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1, CTY13 and CTY 14 in that it has not been demonstrated that this proposal is essential at this location, the proposed ancillary works do not integrate with their surroundings and would detract from rural character.

## **10.0 Reasons for Refusal**

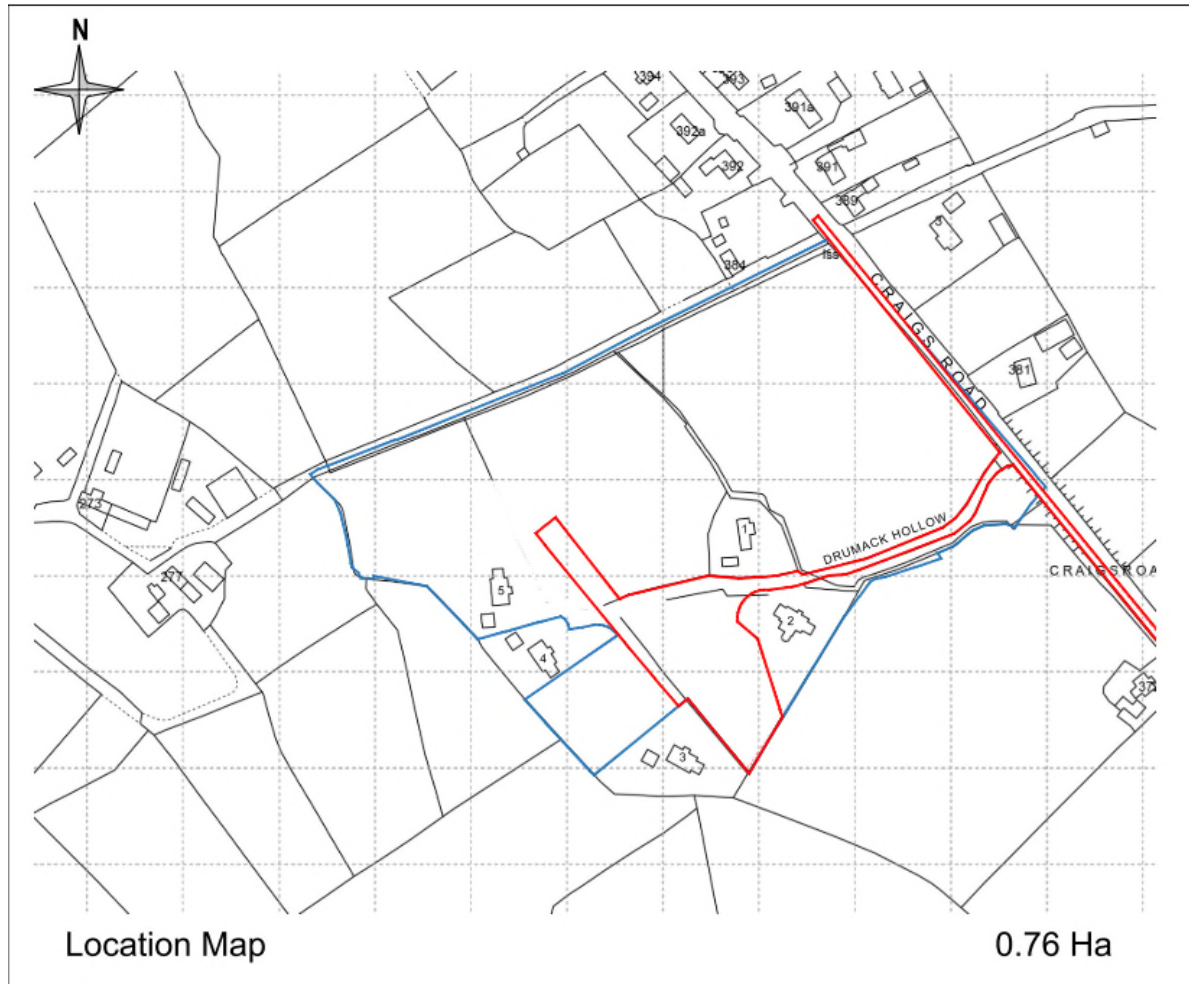
10.1 The proposal is contrary to SPPS Para 6.73 and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

10.2 The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy

Statement 21, in that the proposed ancillary works do not integrate with their surroundings.

- 10.3 This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the impact of ancillary works would damage rural character.

# Site location Map



250226

# Proposed Block Plan.1





# Proposed Block Plan.1



250226

## Referral Request

From: Ciaran McQuillan <c.mcquillan@outlook.com>

Sent: 31 May 2024 14:59

To: Planning; Denise Dickson

Subject: Drumack Hollow, Rasharkin LA01/2023/1164/F

Attachments: Development Management Information Note - Annex 1 1.docx

A chara,

Please find attached template for requesting referral of contentious delegates decision to issue' list

planning application to planning committee for determination.

Le meas

Ciarán

Planning Reference LA01/2023/1164/F

Elected Member Name Ciaran McQuillan

**Refusal Reasons 1. The proposal is contrary to SPPS Para 6.73 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.**

#### Consideration

- This application relates to realignment and extension of a private laneway to serve existing dwellinghouses. It is essential in this location as it is ancillary to the existing dwellinghouses at Drumack Hollow.
- The extension is a minor development, the scale of the proposal is minor and does not contain any new buildings.
- Access arrangements are in accordance with the Department's published guidance.
- There is no intensification of use of the existing access and the access arrangements to Craig's Road remains unchanged.
- The proposed upgrade to the access road includes widening the access road to 4-4.8m wide to allow 2 cars to pass which is necessary as the lane provides access to 3 private dwellings. The existing lane narrows to 2.8m-3m which would be appropriate if it was only providing access to a single dwelling.

**2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, in that the proposed ancillary works do not integrate with their surroundings. The case officer contends that "the proposed ancillary works are excessive, would fail to integrate and if approved would damage rural character"**

The case officer contends that "the proposed ancillary works are excessive, would fail to integrate and if approved would damage rural character"

#### Consideration

- The realignment of the access road traverses low quality pastureland, the proposed access road will run along the frontage of No. 3, 4 and 5 Drumack Hollow which offers a typical rural arrangement with each dwelling fronting the road. The proposed access road is connected to the existing lane which is connected to Craigs Road.
- There has been an existing lane in this location to serve the existing dwellings. The existing lane is 329m in length.
- The proposed lane is 345m in length representing a minor increase in length of 16m. Therefore, the scale and nature of the proposal is in keeping with the existing environment, landscape and setting of Drumack Hollow.
- The access road is bounded by existing development/private dwellings.

- The site is not considered to be a pristine rural environment and the proposed native species copse planning with integrate the existing dwellings within the landscape.
- The surrounding landscape is intensively used as an agricultural resource, for housing and for roads. Moderate increases in these will not substantially alter the character of the area of threaten landscape character.

**3. This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the impact of ancillary works would damage rural character. The case officer contends that “the proposal is inappropriate for the site and will detract from the character of this rural area by creating suburban emphasis”.**

The case officer contends that “the proposal is inappropriate for the site and will detract from the character of this rural area by creating suburban emphasis”.

#### Consideration

- The proposal has no environmental impact, no impact on traffic or road safety, no impact on neighbouring properties and privacy.
- The proposal offers planning gain as native species are being introduced as part of the new landscaping scheme which improves the foreground setting of the existing dwellings when viewed from Craig’s Road.
- Drumack Hollow is an established rural cluster of 5 existing 2 storey dwellings. The setting/character of the area is defined by the existing cluster of dwellings.
- It is evident that access roads are components of the existing landscape and form part of the character of the area.
- The scale of the proposal is minor and does not include any new buildings.

#### **Additional Supporting Information:**

- Every application must be treated on its own merit, considering the existing legislation and planning policy framework.
- The proposal will not impact the character of the surrounding area.
- The proposal is for a realignment and slight extension on an existing private lane. DfI Roads were consulted and have no objection subject to conditions.
- It complies with the relevant policies.
- There have been no objections to the revised proposals.

# Addendum

## LA01/2023/1164/F

### 1.0 Update

- 1.1 On 21<sup>st</sup> February 2025 the agent submitted a letter from the applicant outlining that the proposal is to ensure proper access to the dwellings that have been erected in recent years, which remains unadopted. They state the realignment is necessary for the following key reasons:
- 1.2 Agricultural Land Consolidation & Drainage: Consolidation of agricultural land and to facilitate drainage to ensuring the land remains usable and productive.
- 1.3 Health & Safety of Access: The current access arrangement requires crossing the laneway, shared by multiple dwellings. Realigning the laneway will improve safety and functionality.
- 1.4 Environmental Considerations & Tree Planting: The consolidation of lands will provide an opportunity to plant indigenous trees, enhancing biodiversity and contributing positively to the local environment. The applicant states they have been engaging with the Woodland Trust who seek a minimum of 0.5 hectares to allow engagement to deliver advice/possible funding/delivery. The applicant states it would assist with a reduction in carbon footprints, provide a betterment in relation to the overall countryside character and it also will have no visual impact.
- 1.5 An illustrative plan was submitted with the letter identifying areas in colour.
- 1.6 A second correspondence from the agent was also received on 21<sup>st</sup> February. The email referenced the office meeting which took place in relation to the application and highlights comments made in a case officers report from a different application for infill development.

### 2.0 Consideration

- 2.1 There are provisions within permitted development for the improvement of agricultural land, there is no need to apply for permission and it is unclear how the amendment would improve land.
- 2.2 The plan indicates the portion of ground either side of the laneway is to be planted and as such is not consolidated with agricultural land. It would also not be necessary to cross the lane if the area is wooded.
- 2.3 Planning has not received any correspondence from the Woodland Trust, but the existing field is 1.0Ha and would be eligible for consideration by the Woodland trust irrespective of the consolidation.
- 2.4 In relation to the second correspondence, Planning would confirm that we raised concerns in relation to the suburban appearance of the site and area, resulting in the recommendation to refuse on grounds of detrimental impact on the character of the rural area.
- 2.5 The site referenced in the case officers report, was for an entirely different site and the proposal was for a single dwelling under CTY8. The comments are of no relevance to the current application.

### **3.0 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.