

Title of Report:	Planning Committee Report – LA01/2024/0060/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th March 2025
For Decision or For Information	For Decision – Referred Application by Alderman John McAuley

Linkage to Council Strategy (2021-25)	
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

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

Screening Requirements	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: LA01/2024/0060/O **Ward:** Torr Head and Rathlin

App Type: Outline

Address: 28m South East of 39 Drones Road, Armoy

Proposal: Site of Dwelling and Garage on a farm

Con Area: N/A

Valid Date: 15.01.2024

Listed Building Grade: N/A

Agent: Simpson Design (NI) Ltd, 42 Semicock Road Ballymoney, BT53 6PY

Applicant: L Devlin, 107 Glenshesk Road, Armoy, BT53 8RZ

Objections: 0

Petitions of Objection: 0

Support: 0

Petitions of Support: 0

EXECUTIVE SUMMARY

- Outline planning sought for a dwelling and garage on a farm, on land approximately 228metres South East of No. 39 Drones Road, Armoy.
- The proposal is contrary to Policies AMP2 and AMP3 of Planning Policy Statement 3, Movement and Parking in that the proposal fails to meet the exception under AMP3; Protected Routes.
- The proposal is contrary to 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.
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling would fail to visually link or cluster with existing buildings on the farm, and it has not been demonstrated that this alternative site is an exception to the policy.
- The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would fail to visually integrate with existing buildings on the farm.
- 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 approximately 228m South East of 39 Drones Road, Armoy.
- 2.2 The site is accessed via an existing laneway that also serves a cattle crush and surrounding fields. The topography between the public road and the site falls slightly, however the site itself rises towards the north east. The south eastern and south western boundaries are defined by existing mature vegetation and trees, while the remaining boundaries are physically undefined. The existing laneway is lined with mature vegetation from the roadside.

3 RELEVANT HISTORY

- 3.1 No Relevant History

4 THE APPLICATION

- 4.1 This is an outline application for a dwelling and garage on a farm located on land approximately 228metres south east of No. 39 Drones Road, Armoy.

5 PUBLICITY & CONSULTATIONS

- 5.1 **External**

No neighbouring properties were notified as no properties abut the application site. No letters of representation have been received.

5.2 Internal

NIEA (Water Management Unit) – Content

Council Environmental Health Section – Content

Northern Ireland Water - Content

Department for Infrastructure (Roads) – Content

Northern Ireland Environment Agency: DEARA – Content

Historic Environment Division – Content

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

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, access and character of the rural area.

PPS 21: Sustainable Development in the Countryside

- 8.2 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

- 8.3 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.
- 8.4 Policy CTY 1 of PPS21 identifies a number of instances when an individual dwelling house will be granted permission. These include a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY10

- 8.5 Policy CTY 10 states that all of the following criteria must be met:
- (a) The farm business is currently active and has been established for at least 6 years;
 - (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
 - (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 8.6 The Department for Agriculture Environment and Rural Affairs (DEARA) were consulted on the proposal with regards to the Farm ID submitted as part of the application. DEARA responded stating the farm business ID has been in existence for the last 6 years (since 01/01/2017). DEARA goes on to verify that the farm business has been claiming payments through the Basic Payment Scheme or Agri Environment schemes for each of the last 6 years; and the application site is on land currently associated with the farm business.
- 8.7 Criteria (b) of this policy states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The maps submitted as part of this application are dated 16th June 2023. A history search has been carried out on the lands identified on, and around the farm holding. An application was approved for a dwelling under LA01/2016/0360/F (Change of house type from E/2009/0266/F) on Drumavoley Road. Ariel photography show the dwelling built since 2018 and the applicant has the same surname as the applicant for this application. The agent was contacted to verify and responded stating the land in question belongs to a far-out relation, and the does not belong to the applicant. The agent clarifies they have not sold anything off in the last 10 years.
- 8.8 The third criteria laid out in Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. The policy goes on to say that in exceptional circumstances, consideration may be given to an alternative site provided that there are no other sites available at another group of

buildings on the farm or out-farm and where there are either; demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group.

- 8.9 The Planning Statement submitted on 15th January 2024 states that the application site is located next to a cattle crush, but not buildings. The rationale behind the proposed siting is health and safety reasons. The applicant's farm buildings and existing dwelling are located at No. 107 Glenshesk Road, some 5.1km north east of the application site. DFI Roads were asked to provide comment on the existing access at No. 107 and confirmed the visibility splays are sub-standard and it would not be suitable for increased use. It is noted that the applicant lives at 107 Glenshesk Road and the supporting statement says the access is substandard and intensification would be a health hazard. DFI Roads were asked for comment on this and advised that due to the sub-standard sight visibility splays, it would not be suitable for increased use. However, the case officer further contacted DFI Roads who have said that the required sight visibility splays for the existing vehicular access on Glenshesk Road would be 2.4m x 80.0m; which could be achievable. Ownership issues is a third party issue and visibility splays/access is not exceptional circumstance under criterion (c) of CTY10.
- 8.10 The agent referred to a recently decided application LA01/2023/0117/O which was approved at the Council's Planning Committee. This application was for a dwelling on a farm where visibility splays were over 3rd party lands and the applicant was not in control of these lands. The Planning Committee accepted there were health and safety reasons and there was no other alternative for a dwelling on a farm. In this case, there is an alternative for the dwelling at No. 107 Glenshesk Road and DFI Roads have advised that this is possible.
- 8.11 Farm maps show the applicant has land on Drumavoley Road where other buildings are located. There has been no information submitted as to why the farm dwelling cannot be sited to cluster with these buildings. The 'cattle crush' in which the proposal relies on to cluster with, is not a building under criterion (c). Appeal ref: 2020/A0042 clarifies "Section 250 of the Planning (Northern Ireland) Act 2011 (The Act), states that in the act, the word 'building' includes any structure or

erection and any part of a building, as so defined. However, for the purposes of policy interpretation as opposed to 'in the act', the word should be given its natural, everyday meaning. It is a matter of fact and degree whether a wall or a partially complete structure ought to be regarded as a building." A cattle crush is not considered to be a building and the proposal fails criterion (c).

- 8.12 The agent was contacted regarding the above concerns and responded stating that where this application is submitted, it is on a large block of land where the applicant will require a son or daughter to look after the animals (as per animal welfare legislation). This however has not been supported by evidence. The agent clarifies that it is the closest place to the farm holding, and most suitable place for a proposed site. It will be screened by the existing vegetation and will also visually link into the countryside with the existing vegetation.
- 8.13 There has been no other supporting evidence to justify why this alternative site is an exception to the policy. As noted above, visibility splays and ownership issues are not deemed an exception. The proposal fails criterion (c) of CTY10.

Policy CTY 13

- 8.14 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.
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.

- 8.15 As outlined above, the proposed development is not visually linked or sited to cluster with an established group of buildings on the farm and as such does not meet criterion g of CTY 13.

Policy CTY14

- 8.16 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.
- 8.17 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.
- 8.18 The application site is accessed off a tree lined laneway and located some 180metres south east of the public road. The boundaries to the south west and south east of the site are defined by mature vegetation, as are the boundaries of the wider agricultural field. Given the distance from the public road, and the existing mature vegetation it is considered a dwelling would be screened from critical views.
- 8.19 The topography of the site rises from the west towards the northeast. It would be necessary that existing and proposed site levels are submitted at Reserved Matters stage. Provided the existing vegetation is permanently retained, it is considered that a dwelling with a ridge height of no more than 7.5metres would integrate and would not be a prominent feature in the landscape. If approved, the existing vegetation would need to be conditioned to be retained as a minimum height of 6metres for trees and 2 metres for hedging, and a further

detailed landscaping plan should be submitted as Reserved Matters stage.

PPS 3: Policy AMP 2 - Access to Public Roads

- 8.20 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.

Policy AMP3: Access onto Protected Routes

- 8.21 The Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:
- 8.22 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:
- (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.
 - (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
 - (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
 - (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.
- 8.23 The proposal aims to create a new access onto the protected route by utilising an existing farm access. DFI Roads were consulted on the

proposal and states that if the Local Planning Authority consider the proposal to meet the requirements of Annex 1 of PPS 21 'Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking' in respect of a new vehicular access onto the Protected Route, then DfI Roads recommend conditions.

- 8.24 Criterion (b) states it would be an exception where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.
- 8.25 The proposal fails to meet Policy CTY10 and therefore fails this aspect of the policy.

PPS6: Planning, Archaeology and the Built Heritage

- 8.26 Policy BH2; The Protection of Archaeological Remains of Local Importance and their Setting states that development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.
- 8.27 The application site is within the consultation zone of ANT013:087 – A Neolithic Monument. Historic Environment Division were consulted on the proposal and responded with no concerns.

Habitat Regulations Assessment

- 8.28 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.

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, CTY10 and CTY13; in that in that a dwelling would fail visually link or cluster with existing buildings on the farm, and it has not been demonstrated that this alternative site is an exception to the policy.

10.0 Reasons for Refusal

- 10.1 The proposal is contrary to Policies AMP2 and AMP3 of Planning Policy Statement 3, Movement and Parking in that the proposal fails to meet the exception under AMP3; Protected Routes.
- 10.2 The proposal is contrary to 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.
- 10.3 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling would fail visually link or cluster with existing buildings on the farm, and it has not been demonstrated that this alternative site is an exception to the policy.
- 10.4 The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would fail to visually integrate with existing buildings on the farm.

Site location Map



Mr. L. Devlin

1-2580 Dec. 25

PROPOSED Location Plan

FLP-01

A

Referral Request by Ald J McAuley

I wish to request 5 minutes speaking rights for the above application.

Refusal Reasons

1. 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.

The proposed site can't be located in a settlement as the applicants farm holding is in the countryside.

2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling would fail visually link or cluster with existing buildings on the farm, and it has not been demonstrated that this alternative site is an exception to the policy.

The proposed dwelling is located at this site for health and safety reasons and to provide the efficient functioning on the existing farm holding. There has been a recent approval in Causeway Coast and Glens for health and safety reasons- LA01/2023/0117/O. There is a large number of acres of ground at this application site and there needs to be a dwelling located here so the applicant can provide and care for his animals as requested by DARD. The proposed dwelling will have existing mature hedging and trees around the site. There is limited views of this site.

3. The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would fail to visually integrate with existing buildings on the farm

The proposed site is located beside a cattle crush which is a structure.