

<b>Title of Report:</b>	<b>Planning Committee Report - LA01/2024/0525/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>26<sup>th</sup> March 2025</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Alderman Fielding</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</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>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>App No:</u></b>	<b>LA01/2024/0525/O</b>	<b><u>Ward:</u></b>	<b>Greysteel</b>
<b><u>App Type:</u></b>	<b>Outline</b>		
<b><u>Address:</u></b>	<b>Site Adjacent to 67 Killylane Road, Eglinton</b>		
<b><u>Proposal:</u></b>	<b>Proposed site for dwelling on a farm</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>07.05.2024</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>AQB Architectural Workshop, 12a Ebrington Terracem Waterside, Derry, BT47 6JS</b>		
<b><u>Applicant:</u></b>	<b>Kevin Jude Bryson, 68 Killylane Road, Eglinton, Derry, BT47 3BT</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>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for dwelling on a farm under Planning Policy Statement 21: Sustainable Development in the Countryside.
- The site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.
- The proposal is not sited to cluster with the established group of buildings on the farm and development opportunities have been sold off from the farm holding within 10 years of the date of this application. As such the proposal does not comply with Policy CTY 10 and CTY 13.
- The proposal is considered to be ribbon development and therefore fails to comply with Policy CTY 8 and Policy CTY 14.
- 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.
- City of Derry Airport, DAERA, NI Water, DFI Roads, Environmental Health, NIEA, DFI Rivers, NIE, HSE NI and GNI were consulted in relation to the application and raised no concerns.
- There have been no representations.
- The application is recommended for refusal.

**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 reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

The application site is located adjacent to 67 Killylane Road, Eglinton. The site comprises a rectangular shaped plot which forms the north-western corner of a wider agricultural field.

- 2.1 The site is accessed via an agricultural gate to the north-west and a private access lane runs parallel to the western boundary of the site. The topography of the site rises to the south.
- 2.2 The northern boundary of the site is bound by mature hedgerow whilst the western boundary is defined by post and wire fencing some 1m in height. The remaining boundaries are undefined as this is where the site meets the wider field.
- 2.3 The application site is located outside of any settlement development limits as identified in The Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.

## **3 RELEVANT HISTORY**

- 3.1 Proposal: Site for dwelling  
Application Number: B/1991/0298  
Decision: Permission Granted  
Decision Date: 19 November 1991
- 3.2 Proposal: Erection of bungalow with integral domestic garage  
Application Number: B/1992/0196  
Decision: Permission Granted  
Decision Date: 03 November 1992

## **4 THE APPLICATION**

- 4.1 Proposed site for dwelling on a farm.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** One neighbour was notified. No letters of representation have been received.

### **5.2 Internal**

**City of Derry Airport:** No objection

**DAERA:** No objections

**NI Water:** No objection

**DFI Roads:** No objection

**Environmental Health:** No objection

**NIEA:** No objection

**DFI Rivers:** No objections

**NIE:** No objection

**Health & Safety Executive for NI:** No objection

**GNI:** 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 the 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**

7.1 The application has been assessed against the following planning policy and guidance:

- Regional Development Strategy (RDS) 2035.
- Northern Area Plan (NAP) 2016
- Strategic Planning Policy Statement (SPPS) 2015
- PPS 3: Access, Movement and Parking.
- PPS 21: Sustainable Development in the Countryside.

7.2 Supplementary Planning Guidance

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

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development, integration/impact on rural character, access, Habitats Regulation Assessment and sewage disposal.

### **Principle of Development**

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.

8.3 Policy CTY1 of PPS21 sets out 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.

- 8.4 Policy CTY 10 of PPS 21 notes planning permission will be granted for a dwelling house on a farm where all of the following criteria can 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 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 and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, 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:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group(s).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

- 8.5 DAERA (formerly DARD) have been consulted and advised that the farm business ID provided has been active and established for at least the past 6 years. Criteria (a) has been met.

- 8.6 The application form has advised that there have been three planning approvals (LA01/2018/1371/O, LA01/2018/0579/O & LA01/2021/0366/RM) on the farm holding lands within the past ten years. Additionally, the applicant has advised that two sites have been sold off from the farm holding just west of the application site within the past ten years. Consequently, the proposal fails to comply with criterion B of CTY 10.

- 8.7 The application site is not visually linked or sited to cluster with an established group of buildings on the farm. Rather the site is located across the road from the principal farm dwelling, adjacent to existing dwellings which have no association with the farm holding.
- 8.8 The main grouping of farm buildings lies west of the Killylane Road and Craigback Road junction, approximately 500m west of the application site. There is no visually or physical linkage between the application site and farm grouping. The agent argues that it not practicable to site the dwelling near these farm buildings due to nuisance associated with odours from cattle and would lead to greater integration concerns. The supporting information states that the proposed dwelling cannot be sited adjacent to the principal farm dwelling as a dwelling at this location would protrude into the open countryside. It is noted that the proposed dwelling is for a farm worker. However, the agent has not provided any evidence to demonstrate that there would be unacceptable impacts from agricultural activities upon a dwelling in close proximity to the existing farm building. It has therefore, not been demonstrated that a dwelling could not be sited sensitively to cluster or visually link with the group of farm buildings. Additionally, no verifiable plans to expand the farm business at the existing grouping have been submitted to demonstrate that a dwelling at that location would prejudice any expansion.
- 8.9 The applicant/agent advise that the application site has been chosen to be sited close to the primary farm dwelling at No. 68 Killylane Rd. The agent refers to the Building on Tradition Design Guidance in terms of the siting of farm dwellings and contends that the proposal falls in line with Option 1 ,2 or 3 (page 84).
- 8.10 The application site at its closest point is approximately 80m from No. 68, with any dwelling on the site further separated again. The siting examples highlighted on page 84 of Building on Tradition illustrates linkage to an established group of buildings on the farm when viewed from critical view points. Given the siting on opposite sides of the road, the setback distance of No. 68 from the road and dense roadside vegetation and the proposed site would fail to be visually or physically associated with the principal farm dwelling and would appear as a separate entity and would not be comparable to the siting options outlined in Building on Tradition.



8.11 As the proposal is not sited to cluster or visually link with an established group of buildings on the farm the proposal fails criteria c of CTY 10.

8.12 The application fails CTY 10 criteria (b) and (c) in that development opportunities have been sold off from the farm holding within 10 years of the date of the application and that the site is not visually linked or sited to cluster with an established group of buildings on the farm. As no overriding reasons have been forthcoming to demonstrate that the site is essential in this location and could not be located within the development limit the proposal also fails to comply with policy CTY 1 of PPS 21.

### **Integration/Impact on Rural character**

8.13 Policy CTY13 of PPS21 states 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.

8.14 The application site lacks established boundaries to the east and south while a large section of the northern roadside boundary is likely to be required to be removed to facilitate the required access arrangements. The application site is sited on rising land and is elevated above Killylane Rd and at a similar level to the adjacent No. 67. Development at this location would be clearly visible when travelling west on Killylane Road. The applicant has expressed a

desire for a one and a half storey dwelling. A dwelling of the scale proposed on the application site would have the potential to appear as a prominent feature and would rely primarily on the use of new landscaping for integration. Any dwelling on the site would be required to be sited on the lower level of the site and would be required to be of a modest scale in line with the adjacent roadside dwellings in the immediate vicinity to avoid being unacceptably prominent. Regardless, the application site would be primarily reliant of new landscaping to provide satisfactorily integration. The proposal fails to comply with Policy CTY 13, criteria (b) & (c)

8.15 As the proposal is not sited to visually link or cluster with the established group of buildings on the farm the proposal also fails to comply with Policy CTY 13, criteria (g).

8.16 Policy 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; 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.

8.17 As above at para 8.14 With appropriate siting on the lower level of the site and set against a backdrop of existing development a dwelling at this location would not be an unduly prominent feature in the landscape.

8.18 Ribbon development is detrimental to the character, appearance and amenity of the countryside. Development of the application site would add to an existing ribbon of development along the Killylane Road. Furthermore, the proposed siting would potentially result in the creation of further infill opportunities to the east of the site which would further erode the rural character along the road.

8.19 The proposal will add to a ribbon of development and therefore fails to comply with Policy CTY 14 (d) and Policy CTY 8 of PPS 21.

## **Access**

8.20 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 notes 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.

8.21 DFI Roads were consulted in relation to the proposal and offered no objection. The application as proposed is unlikely to prejudice road safety or significantly inconvenience the flow of traffic at this location.

## **Habitats Regulation Assessment**

8.22 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**

8.23 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.

8.24 The applicant proposes to discharge to a package treatment tank. Environmental Health and Water Management Unit have been consulted and are content therefore the proposal complies with CTY 16 of PPS 21.

## **9 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS. The proposal fails to meet the criteria for a dwelling on a farm in that the proposed dwelling is not sited to visually link or cluster with an established group of buildings on the farm. Additionally, development opportunities have been sold off from the farm holding within 10 years of the date of application. The proposed dwelling is located on a site which fails to provide satisfactory integration for the proposed dwelling and is reliant on new landscaping to provide screening and integration and will add to ribbon development along Killylane Rd. The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY 8, CTY 10, CTY 13 and CTY14 of PPS 21. As there are no other over-riding reasons as to why the development is essential in this rural location the proposal is also contrary to Paragraphs 6.73 of the SPPS and Policy CTY1 of PPS 21. Refusal is recommended.

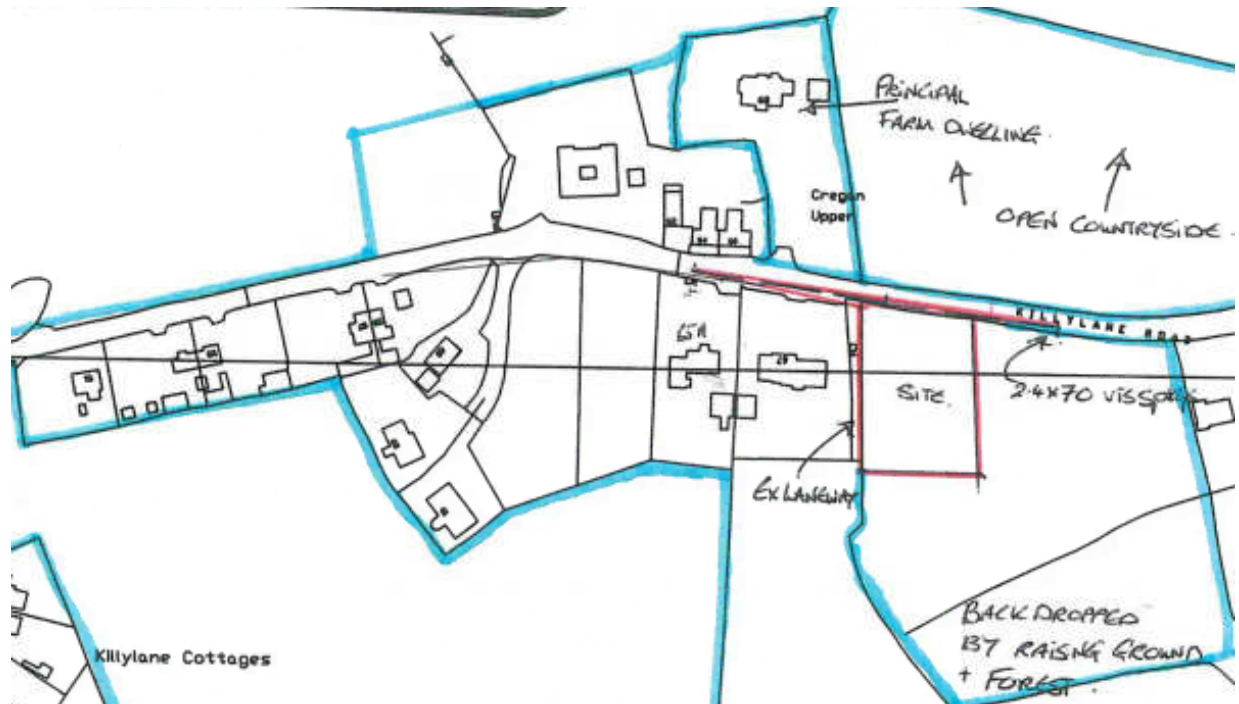
## **10 Refusal Reasons**

1. The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21: Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential and could not be located within a settlement;
2. The proposal is contrary to paragraphs 6.70 and 6.73 of the SPPS and Policy CTY 8 of PPS 21: Sustainable Development in the Countryside in that a new building sited at this location would add to an existing ribbon of development along Killylane Rd;
3. The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 10 of PPS 21: Sustainable Development in the Countryside in

that the proposed development is not visually linked or sited to cluster with an established group of buildings on the farm; and dwellings/development opportunities have been sold off from the farm holding within ten years of the date of application.

4. The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 13 of PPS 21: Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure; relies primarily on the use of new landscaping for integration and a dwelling at this location would not be visually linked or sited to cluster with an established group of buildings on the farm.
5. The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 14 of PPS 21: Sustainable Development in the Countryside in that the proposal would add to an existing ribbon of development along Killylane Rd, further eroding the rural character of the area.

## Site Location Plan



## Appendix 1

### Referral Request

**From:** Mark Fielding  
**Sent:** 14 October 2024 09:25  
**To:** Planning; Sandra Hunter; Denise Dickson  
**Subject:** Planning Referral - LA01/2024/0525/O  
**Attachments:** planning referral - site adjacent to 67 Killylane Road.docx

Dear Chair / Planning Manager

I wish to refer Application LA01/2024/0525/O to the Planning Committee - proposed site for dwelling on a farm at Site adjacent to 67 Killylane Road Eglinton.

See attached.

Yours,

Mark  
Ald M Fielding



Development Management  
Information Note 07  
January 2024

#### Annex 1

#### Template for Requesting Referral of a Contentious Delegated Decision to Issue\* List Planning Application to Planning Committee for Determination

The Protocol for the Operation of the Planning Committee provides for an Elected Member to request a planning application listed on the weekly list of 'contentious delegated decisions ready' to be referred to Planning Committee for determination. This request must be received by the Planning Department no later than 10am on the Monday following the issuing of the contentious list and submitted via email to

[planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk)

<b>Planning Reference</b>	LA01/2024/0525/O
<b>Elected Member Name</b>	Mark Fielding
<b>Contact Details</b>	Tel: Email:
<p>Reasons to refer application site for dwelling on a farm at site adjacent to 67 Killylane Road Eglinton.</p> <p><b>CTY 10</b></p> <p>DAERA have validated it is an active farm. There <u>have</u> been no planning application for a dwelling on the farm in the last 10 years.</p> <p>The application is for a dwelling on a Farm CTY 10 for the farmer's son and is the best available option for the dwelling on this farm.</p> <p>The application is as close as possible to the main Farm Dwelling with its ancillary buildings. The land immediately beside the Farm Dwelling is much more exposed and intrudes into the open countryside.</p> <p><b>Integration</b></p> <p>The selected application site nestles into the landscape with a substantial wooded area to the South (rear) and mature tree lined boundary to the west, with mature hedging to frontage along public carriageway to the north.</p> <p>The frontage hedging obscures long range views from the east.</p> <p>The application site does not affect the character of area.</p>	