



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0043/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> January 2025</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Alderman John McAuley</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.		
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:

**No:** LA01/2023/0043/F      **Ward:** Route

**App Type:** Full

**Address:** Lands Approx. 55m South East Of 36 Seacon Park, Ballymoney. Co Antrim. BT53 6QB

**Proposal:** Erection Of Agricultural Storage Shed For Storage Of Machinery, Materials And Equipment Used In Connection With Cow Hoof Trimming Services And All Associated Works. Main Farm Dwelling Approved Under LA01/2020/0524/F Currently Under Construction.

**Con Area:** N/A      **Valid Date:** 19.01.2023

**Listed Building Grade:** N/A

**Agent:** Bell Architects Ltd. 65 Main Street, Ballymoney. BT53 6AN

**Applicant:** Mr James Chartres 36 Seacon Park. Ballymoney. BT53 6QB

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

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

## EXECUTIVE SUMMARY

- Full planning permission is sought for the erection of an agricultural storage shed which is described as being for the storage of machinery, materials and equipment used in connection with cow hoof trimming services and all associated works.
- DAERA has confirmed claims in the years 2019, 2020 and 2024 and the applicant has confirmed the lands were leased to a third party in the intervening period. The applicant has not demonstrated the level of farming activity over the previous six years and the farm holding is not considered active and established for the necessary period.
- The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years or that the proposal is necessary for the efficient use of the agricultural holding.
- 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** outline planning permission subject to the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The subject site comprises a fairly large, rectangular plot extending to approximately 0.57 ha, consisting of the south-western half of a large agricultural field. The subject site is set back approximately 8.5 metres from the public road, due to an existing wide grass verge which incorporates a stone track providing access to the field via a field gate.
- 2.2 The subject site currently consists of agricultural land which appears to be generally used for pasture and slopes gently from the south-western boundary towards the centre of the existing field as well as towards the south-eastern corner. The south-western and eastern (rear) boundaries are quite well defined by a combination of native species hedgerow and individual mature trees. A small watercourse exists along these boundaries. The north-western (roadside) boundary is more poorly defined, consisting of a combination of post and wire fencing with a much sparser native species hedgerow.
- 2.3 To the immediate south-west of the site is a one and a half storey dwelling under construction during site inspection. The identified red line includes a small rectangular area indicating an access link between the subject site and the proposed residential curtilage which includes a number of small stone buildings. Existing telegraph poles and overhead cable extends along the front of the subject site while

overhead power lines traverse the site from the road frontage through to the southern corner.

- 2.4 Although within the rural countryside, the character is partially defined by a small group of dwellings and buildings in close proximity which extend from No 30 to 36 Seacon Park which comprise small farm groupings and individual rural dwellings on the opposite side of the public road. A further small group of agricultural buildings exists opposite No 30.
- 2.5 The subject site is located approximately 1.5km from Garry Bog which is a European Designated site (Special Area of Conservation and Ramsar Site). There are no listed buildings or archaeological sites within the immediate to wider site context.

### **3 RELEVANT HISTORY**

- 3.1 LA01/2017/0637/F - New agricultural shed, underground tank and silo pit. 142m South East of 36 Seacon Park. Ballymoney. Permission Refused 27/04/2018.
- 3.2 LA01/2020/0524/F - Replacement dwelling application, with original buildings retained as agricultural storage to the new dwelling and to preserve attractive vernacular countryside structures which might otherwise be lost. 55m Southeast of 32 Seacon Park Ballymoney. Permission Granted 23/04/2021.

### **4 THE APPLICATION**

- 4.1 The current application seeks full planning permission for the erection of an agricultural storage shed which is described as being for the storage of machinery, materials and equipment used in connection with a cow hoof trimming services business and all associated works. The description also identifies the main farm dwelling as that approved under LA01/2020/0524/F which is described as currently under construction.
- 4.2 The original submission proposed a shed comprising a pitched roof structure extending to approximately 30.5m x 18.3m x 6.5m high (approx. 558sqm), constructed in steel framework with the walls constructed from blockwork and profiled metal sheeting. The roof is similarly finished in metal sheeting with additional translucent roof

panels. A large roller door is proposed to the front (north-western) elevation with an additional pedestrian door on the south-western elevation.

- 4.3 The shed has been reduced in scale as per amended plans dated 15/10/24. The building remains as described above, but extends to 24.6m x 18.1m x 6.5m high.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 15.02.2023.

Neighbours: 01/02/2023.

No representations received.

### **5.2 Internal**

Roads: No Objection

NIW: No Objection.

EHD: No Objection subject to conditions.

NIEA WMU: No objection subject to restrictions.

DFI Rivers: No Objection.

NIE: No Objection

DAERA: The farm business has claimed payments in only three of the last 6 years (2019, 2020 & 2024) with no claims made 2021, 2022, & 2023.

## **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 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**

Regional Development Strategy (RDS) 2035  
Northern Area Plan 2016.  
Strategic Planning Policy Statement (SPPS).

Planning Policy Statement 2: Natural Heritage.

Planning Policy Statement 3: Access, Movement and Parking  
Policy AMP 2: Access to Public Roads.

Planning Policy Statement 15 (Revised): Planning and Flood Risk.

Planning Policy Statement 21: Sustainable Development in the Countryside.

Policy CTY 1: Development in the Countryside.

Policy CTY 12: Agriculture and Forestry Development.

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

Policy CTY 14: Rural Character.

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main consideration in the determination of this application relates to the principle of development, character, integration, design, access natural heritage and drainage /flooding.

### **Principle of development**

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 The Strategic Planning Policy Statement for N. Ireland (SPPS) promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between the protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.
- 8.4 The SPPS was introduced in September 2015 and is a material consideration in determining planning applications and appeals. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During this transitional period existing policy contained within identified policy documents will be applied together with the SPPS. PPS 21 is a retained policy document under the SPPS and provides the relevant policy context.
- 8.5 Paragraph 6.73 of the SPPS outlines the policy context for development in the countryside and includes agriculture and forestry development. The strategic policy in relation to agriculture and forestry development states that provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only be acceptable in exceptional circumstances.



- 8.6 The SPPS also states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.
- 8.7 Policy CTY1 'Development in the Countryside' of PPS21 sets out the types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. These include agriculture and forestry development on an active and established agricultural and forestry holding in accordance with Policy CTY12 where it is demonstrated that the development proposed complies with specified criteria.
- 8.8 Paragraph 5.56 of the J&A text of Policy CTY12 advises that for the purposes of this policy the determining criteria for an active and established business is that set out under Policy CTY10. The policy text of CTY12 refers to permission being granted for development on an active and established agricultural or forestry holding. Paragraph 6.73 of the SPPS provides clarity, it states that 'provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.'
- 8.9 The proposal is for the storage of machinery, materials and equipment used in connection with cow hoof trimming services (including vehicle and crush). Submitted information (email 17/10/24), states that:
- The proposed shed is required urgently to store hoof trimming crush & associated equipment associated with the applicant's mobile hoof trimming business.
  - The crush is towed by a 4x4 pick-up which needs to be washed down after each use (daily) and needs to have adequate wash space & wash equipment.
  - The 4x4 pick-up also needs to be stored inside (supporting photos provided).
  - There is associated equipment with the farm business/mobile hoof trimming business such as chemicals, washes, bandages etc which need to be stored inside.
  - There is a tractor for the farm generally, trailer and associated equipment including a mini-digger, etc.(supporting docs including photos).

- 8.10 Additional comments from the agent state that it is the applicant's intention to keep animals in the future in order to sustain the farm business, but the current priority is to have adequate storage for his equipment and materials.
- 8.11 Although the provision of services as described is associated with the agricultural sector, it is not considered an agricultural use and is likely to fall outside any defined use class (*sui generis*) of the Planning (Use Classes) Order (NI) 2015. The primary use is not agricultural and the storage of equipment associated with a business of this nature is considered commercial. However, the proposal is described as an agricultural shed and reference is made to a "main farm dwelling" adjacent. As the supporting information indicates that it will also be used for the storage of agricultural equipment and materials the proposed description as an agricultural storage shed is considered accurate and the proposal falls to be considered under Policy CTY12.
- 8.12 The submitted P1 form indicates the applicant's address is 36 Seacon Park, Seacon, which is a farm grouping located on the opposite side of the road from the subject site comprising a detached two storey dwelling and a small number of outbuildings. The submitted description identifies the main farm dwelling as that approved under LA01/2020/0524/F (confirmed as under construction during site inspection). This dwelling was approved as a replacement under policy CTY3 but incorporated retention of surrounding original buildings which were described as retained for the purposes of agricultural storage.
- 8.13 In support of the application, the applicant has submitted a P1C form which identifies the farm business ID number as well as a DAERA screenshot of the land related to the business and additional correspondence from DAERA including a copy of a Summary of Single Application 2024 (SSA). The SSA indicates that the farm business currently comprises an area of 5.21 ha incorporating 5 identified field numbers. The supplied map includes only one of these fields (1/024/053/1) which extends to 0.87 ha, comprising the subject site. The remaining fields have not been identified. A herd number for cattle as well as a separate flock number for goats and sheep has been provided (P1C Form), but no herd or flock lists provided.
- 8.14 DAERA has been consulted on two occasions in relation to the current proposal.

- 8.15 The first response (10 May 2023), indicates that the identified farm business has been in existence more than 6 years (allocated 28/04/2015) and is a Category 1 Business, but has not claimed farm business payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. DAERA identified that claims were made in the years 2017-2020 and point out that the application site is not on land for which payments are currently being claimed by the applicant as the land is associated with another farm business.
- 8.16 A second consultation with DAERA was carried out at the request of the applicant (response received 19/06/2024). This response indicates a change in circumstances with a revised response from DAERA now confirming that claims in relation to the identified farm business have been made in 2019, 2020 and 2024. DAERA also confirm that the application site is on land for which payments are now currently being claimed by the farm business.
- 8.17 To summarise:
- The farm business ID has been in existence for more than 6 years (allocated 28/04/2015).
  - The farm business is Category 1,
  - The farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in only three of the last 6 years (2019, 2020 & 2024) with no claims made 2021, 2022, or 2023.
  - The application site is on land for which payments are currently claimed by the farm business.
- 8.18 As noted above the determining criteria for an active and established business is that set out under Policy CTY10. Paragraph 6.73 of the SPSS provides clarity, stating that 'provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.'
- 8.19 Supporting information from the agent (16/8/2024) states that claiming payments each year alone does not determine whether a farm business is active or not and that a farm can be active without claiming any payments. This position is in keeping with paragraph 5.38 of the J & A of Policy CTY10 which states that the applicant will be required to provide the farm's business ID number along with other

evidence to prove farming activity over the required period. While claims made in relation to the farm business ID are the most obvious and useful way of identifying farming activity, these are by no means the only method.

- 8.20 Additional supporting information (email 17/10/24) states that the farm business and hoof trimming business are intrinsically linked and is the case for any farm diversification project. The current application is not described as a farm diversification project under CTY 11 but rather as an agricultural storage shed. Regardless, the threshold for “agricultural activity” applicable to both Policies CTY11 and CTY12 is laid out in paragraph 5.39 of Policy CTY10 which states that this includes the production, rearing or growing of agricultural products, keeping animals for farming purposes or maintaining the land in good agricultural and environmental condition.
- 8.21 Supporting information (25-10-24) indicates that lands associated with the farm holding were rented out to a neighbouring farmer while the applicant established the hoof trimming business to ensure their upkeep. This information is provided to explain the gaps in claiming payments associated with the business but also demonstrates that the identified lands were actively farmed under a separate business which appears to be at odds with the assertion that the farm business remained active during this time.
- 8.22 Additional information reiterates that the farmlands were rented out to a third party but states that the applicant continued to maintain the land through ploughing, re-seeding and drainage works with fences erected, repaired, and replaced where necessary. Photographs have been submitted indicating activities of this nature but are not dated and do not provide demonstrable evidence of activity associated with the farm business over the relevant years. The additional information states that the applicant had kept 6 No. heifer calves, 6 bullocks and 50 No. sheep for fattening purposes with the cattle being sold off due to a lack of suitable buildings for shelter. The applicant has also stated that he is currently reliant upon his parent’s adjacent yard for space and storage but this cannot be relied upon as this house is to be sold in due course.

- 8.23 In addition, supporting information includes details of farm claims, insurance / finance agreements for machinery and details of the hoof trimming business including public liability insurance. The documents include:
- Finance agreement for a mini-digger / excavator noted as commenced in 24/05/2021.
  - Agricultural vehicle insurance for mini-digger dated 04-07-2024.
  - Agricultural vehicle insurance for a tractor dated 7-02-2024.
  - Hire / Purchase agreement for dump trailer dated 16-03-2023.
- The remaining agreements relate to the hoof trimming business which is not an agricultural use.
- 8.24 While some of these documents relate specifically to a tractor, a digger and a dump trailer which appear to be the subject of agricultural insurance, there is no verifiable information submitted which indicates farming activity over this period, with Google images from 2023 indicating the tractor and trailer used in building works associated with the applicants dwelling.
- 8.25 Regardless, gaps still exist within the relevant six-year period and given that DAERA has confirmed claims in the years 2019, 2020 and 2024, and the applicant has confirmed the lands were leased to a third party over this period, there is insufficient information to demonstrate that the business has been active for the requisite period. On this basis the applicant has not demonstrated the level of farming activity over the previous six years and the farm holding is not considered active and established for the necessary period. It therefore fails policy CTY12 and the relevant parts of the SPPS.
- 8.26 In addition to the primary policy provision of CTY12, a number of additional criteria are required to be met. Criterion (a) of Policy CTY12 requires that the proposed development is necessary for the efficient use of the agricultural holding. In the case of new buildings Policy CTY12 also requires that it be demonstrated that there are no suitable existing buildings that can be used, the design and materials are sympathetic, and the proposal is sited beside existing farm or forestry buildings. Exceptionally consideration may be given to an alternative site away from existing buildings providing there are no other sites available at another group of buildings and where;
- It is essential for the efficient functioning of the business; or
  - There are demonstrable health and safety reasons.

- 8.27 Paragraph 5.54 states that where such a proposal is justified it will still be required to visually integrate into the landscape and be of an appropriate design and materials.
- 8.28 The existing holding is fairly small, extending to 5.21 ha as noted on the submitted claim “Summary of Single Application 2024” which indicates that the farm holding comprises five identified fields. However, the supporting farm map identifies only a single field (subject field). The application description and supporting information included on the site location plan indicates that the proposal relates to the erection of an agricultural shed for the storage of machinery associated with the applicant’s business which provides a hoof trimming service. The agent has also indicated that the building is agricultural and will be used for the storage of other machinery and materials associated with the farm business.
- 8.29 Supporting photographic evidence in association with agreement documents includes images of the mobile cattle crush associated with the hoof trimming business as well as some other pieces of equipment including a tractor, a dumping trailer and a small excavator.
- 8.30 Information regarding farming activities is limited and no supporting evidence been provided which indicates that the proposal is necessary for the efficient use of the agricultural holding as it primarily relates to a commercial business. The applicant does appear to be in ownership of additional machinery although no information has been provided as to its current storage location.
- 8.31 Application LA01/2020/0524/F (replacement dwelling) is indicated as providing the main farm dwelling in association with the identified farm business. This permission included retention of original buildings on site, described as retained for agricultural storage in association with the new dwelling. Supporting information from the agent indicates that existing buildings adjacent to the approved dwelling are within the garden/yard space and with young children and it is not desirable to have heavy machinery and vehicles around the yard. These buildings are noted as being retained and preserved for future use, the largest of which is indicated on the stamped approved plan as retained as an agricultural store and conditioned to this effect. Although these buildings may provide some storage opportunities, they are fairly modest in scale and are unlikely to be capable of housing larger pieces of modern machinery.

- 8.32 Evidential gaps exist in relation to the extent of the farm holding as well as farming activity with no justification provided that the proposed building is necessary for the efficient use of the holding. On this basis the proposal fails criterion a) of Policy CTY12.
- 8.33 Criterion (b) requires that the proposal is appropriate to its location in terms of character and scale. Paragraph 5.54 of the J & A of Policy CTY12 states that such proposals will also be required to be of appropriate design and materials. The proposed shed comprises a pitched roof structure extending to approximately 24.6m x 18.1m x 6.5m high (approx. 445sqm), constructed in a steel framework with the walls constructed from blockwork and profiled metal sheeting which is green in colour. The roof is similarly finished in metal sheeting with additional translucent roof panels. A large roller door is proposed to the front (north-western) elevation with an additional pedestrian door on the south-western elevation.
- 8.34 The building is typical of many agricultural buildings found in the countryside and is not of a scale generally considered excessive for a modern, functioning farm. As noted above, the site is located in close proximity to the applicants dwelling and associated buildings and is also within an area characterised locally by the development described above, including nearby farm buildings. Given the siting position and context, a building of the scale and character of that proposed will not appear prominent or incongruous within the existing surrounding rural area. The proposal is considered to meet the requirements of criterion (b) and Policy CTY14.
- 8.35 Criterion (c) requires the proposal to visually integrate and additional landscaping to be provided where necessary.
- 8.36 The site is not located within any designations or policy areas and comprises the south-western half of a large existing agricultural field. The subject site currently consists of agricultural land generally used for pasture which slopes gently from the south-western boundary towards the centre of the existing field and towards the south-eastern corner.
- 8.37 The south-western and eastern (rear) boundaries are generally well defined by a combination of native species hedgerow and individual mature trees. Although the north-western (roadside) boundary is more poorly defined, it does comprise a combination of post and wire

fencing with a fairly sparse native species hedgerow which can be retained due to the existing wide verge.

- 8.38 The proposed access is taken from the existing field access which will require further formalisation but does respect the existing access arrangement and field boundary.
- 8.39 The proposed building is sited towards the rear of the subject site approximately 62m from the public road and comprises a finished floor level almost three metres below that of the adjacent public road with a small concrete yard to the front.
- 8.40 Critical views are restricted to Seacon park Road to the north-west and Seacon Road to the northeast. Views of the site from Secon Road are fairly restricted due to existing roadside vegetation. Although from here the site is positioned a field length back from the road, the intervening internal boundary hedge is fairly low and provides limited screening. However, the site is much lower than the level of the public road and is read against the backdrop of mature vegetation on the site boundaries.
- 8.41 From Seacon Park Road the roadside vegetation is of reasonable quality extending to approximately 1.5m in height becoming more sparse as you approach, and traverses along the existing field frontage. Again, the subject site is set at a lower level than the public road and is read against the backdrop of mature trees and hedgerows. Travelling in the opposite direction, the proposal is visible with views partially obscured as you approach the agricultural buildings opposite No 30. From here the proposal does not appear prominent, is reasonably integrated and is read in the context of nearby agricultural buildings.
- 8.42 Additional landscaping planting is proposed to define the site within the existing field and given the surrounding context the proposal is considered to satisfactorily integrate and meets the requirements of criterion (c) and Policy CTY13. The additional formalisation of access arrangements is not considered to result in a significant increased visual impact.



- 8.43 Criterion (d) requires that the proposal will not have an adverse impact on the natural or built heritage.
- 8.44 The site is not located within any designations nor is it within proximity of known archaeological sites or listed buildings.
- 8.45 The proposal relates to agricultural development within the countryside and comprises part of an existing agricultural field consisting of reclaimed grassland. A watercourse exists along the south-western boundary with all existing mature hedgerows and trees retained. A 5m maintenance strip is provided along the watercourse and although a small section appears to be proposed to be culverted this is proposed to provide access to the existing buildings and dwelling under construction. No additional artificial lighting is indicated as part of the proposal (which could be satisfactorily conditioned) and although a biodiversity checklist has not been completed it is unlikely that the proposal will impact on natural heritage or biodiversity given the existing use, lack of artificial lighting, retention of existing vegetation and protection of the watercourse.
- 8.46 Agricultural sheds do have the potential to impact on natural heritage and designated sites further afield due to ammonia depending on the nature / extent of the operations. Dirty water or slurry is created by the movement of animals across any concrete areas and all concrete areas trafficked by animals or where areas where feeding takes place are required to have adequate collection facilities. Under the Nutrient Action Programme (NAP) Regulations 2019, any run-off meeting the definition of slurry must be collected in a slurry tank. Run-off meeting the definition of dirty water as described in the NAP Regulations 2019 must be collected with the slurry or in a separate dirty water tank.
- 8.47 The submitted application makes no reference to the keeping of animals within the description which is clearly indicated as for the storage of machinery. Within additional supporting information (including that dated 17/10/24) the agent makes reference to the possible future keeping of animals. The application assessment is carried out on the basis of the current description and comments from consultees reiterate this. The proposal can be satisfactorily conditioned restricting the keeping of animals to prevent unacceptable impact on natural heritage without proper consideration. Any future changes would require an application and ensure proper assessment in the future.

- 8.48 Consultation has been carried out with NIEA (Water Management Unit) who are generally content with the proposal as described, provided the applicant refers and adheres to relevant standing advice and subject to:
- Any feed materials being stored are dry / compound feeds and not silage.
  - No animals are to be housed
  - Any farm machinery is for storage and the premises are not being used as a commercial repair / end of life facility.
- 8.49 The subject site is located approximately 1.5km from Garry Bog which is a European Designated site (Special Area of Conservation and Ramsar Site). The application has been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project it is concluded that it could not have any conceivable effect on a European site.
- 8.50 Criterion (e) requires that the proposal will not result in detrimental impact on the amenity of residential dwellings outside the holding, including potential problems arising from noise, smell and pollution, a list which is not exhaustive.
- 8.51 The SPPS states that there are a wide range of environmental and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. Other amenity considerations arising from development, which may have potential health and well-being implications are noted as including design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.
- 8.52 The subject building is located approximately 98m from the nearest unrelated residential property, does not propose the housing of animals, and no slats / tanks facilities are proposed for slurry collection. The supporting information (Design Statement on Site Location Plan) indicates that the building will not be used outside the hours of 8am – 6pm and no night-time operations are proposed. While it may be possible to condition the hoof trimming business in this manner it is unlikely that agricultural activity could be similarly restricted. The potential for significant residential amenity issues due

to noise, odour or pollution is limited, particularly given the proposed use and separation from existing residential properties.

- 8.53 The local Environmental Health Department (EHD) has been consulted regarding potential impact on existing residential amenity as a result of the proposal. EHD has no objections subject to conditions restricting the use to prevent the housing of animals. The proposal will not significantly impact on residential amenity on the basis of the current description and meets criterion (e).
- 8.54 In cases where new buildings are proposed, Policy CTY12 requires applicants to provide sufficient information to confirm three additional points.
- 8.55 Firstly, that there are no suitable existing buildings on the holding that can be used. Paragraph 5.52 of Policy CTY12 states that where permission is sought for a new building the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist. The submitted information does not identify the extent of the existing holding and therefore existing buildings cannot be confirmed, nor does it provide clarity on how the existing farm business has operated until now.
- 8.56 The supporting information does reference the approved replacement dwelling to act as the main farm dwelling. As noted above, this permission incorporated retention of existing buildings for agricultural storage. Supporting information states that these existing buildings are unsuitable for agricultural use due to proximity to the residential property / safety which is at odds with the approved planning permission. However, given the scale of the existing buildings it is unlikely that they could accommodate larger pieces of modern agricultural machinery.
- 8.57 The limited information regarding the extent of the farm business / holding and activities limits this assessment. It has not been sufficiently demonstrated that renovation, alteration or redevelopment opportunities do not exist, and the proposal fails this additional test.
- 8.58 Secondly, the design and materials are sympathetic to the locality and adjacent buildings. The proposal is considered to comply with this test.
- 8.59 Thirdly, the proposal is sited beside existing farm or forestry buildings. While the adjacent dwelling was not fully completed during site

inspection, it was considerably complete and included additional outbuildings. While these are not indicated as being part of the farm holding on the submitted plan it is unlikely they would be included in any farm maps if available. However, they do appear to be in the applicant's ownership and would represent existing farm buildings. The proposal is located on lands to the immediate northeast approximately 15m from the dwelling under construction. On this basis the proposal is considered to be sufficiently sited beside existing farm buildings and therefore meets the third bullet point.

### **Drainage / Flooding**

- 8.60 DFI Rivers has been consulted and advise that the development does not lie within the 1 in 100-year fluvial or 1 in 200-year coastal flood plain. The proposed site layout indicates the proposed development is suitably distanced from the adjacent watercourse with the required maintenance strip in place.
- 8.61 The proposed access arrangements (including those linking to the dwelling) are to be permeable (laid in gravel) with impermeable hardstanding limited to the footprint of the building and the proposed yard area which falls below the threshold for the submission of a drainage assessment. DFI Rivers make no reference to any potential culverting / modification and advise that the proposal generally complies with Revised PPS15.

### **Access**

- 8.62 The site proposes a new vehicular access utilising the existing agricultural access taken from the public road. DFI Roads has been consulted and raise no objections to the proposal subject to conditions.

### **Other Matters**

- 8.63 Telecommunication and NIE equipment traverse the site with the proposed building located within 3m of overhead power lines. NIE Networks has been consulted and offer no objections due to the statutory clearances of 3.0m between the High Voltage (HV) overhead equipment and the proposed agricultural shed. In terms of remaining consultees, no objections have been raised and no third-party representations received.

## **Habitats Regulation Assessment**

- 8.64 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed by the competent authority 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.

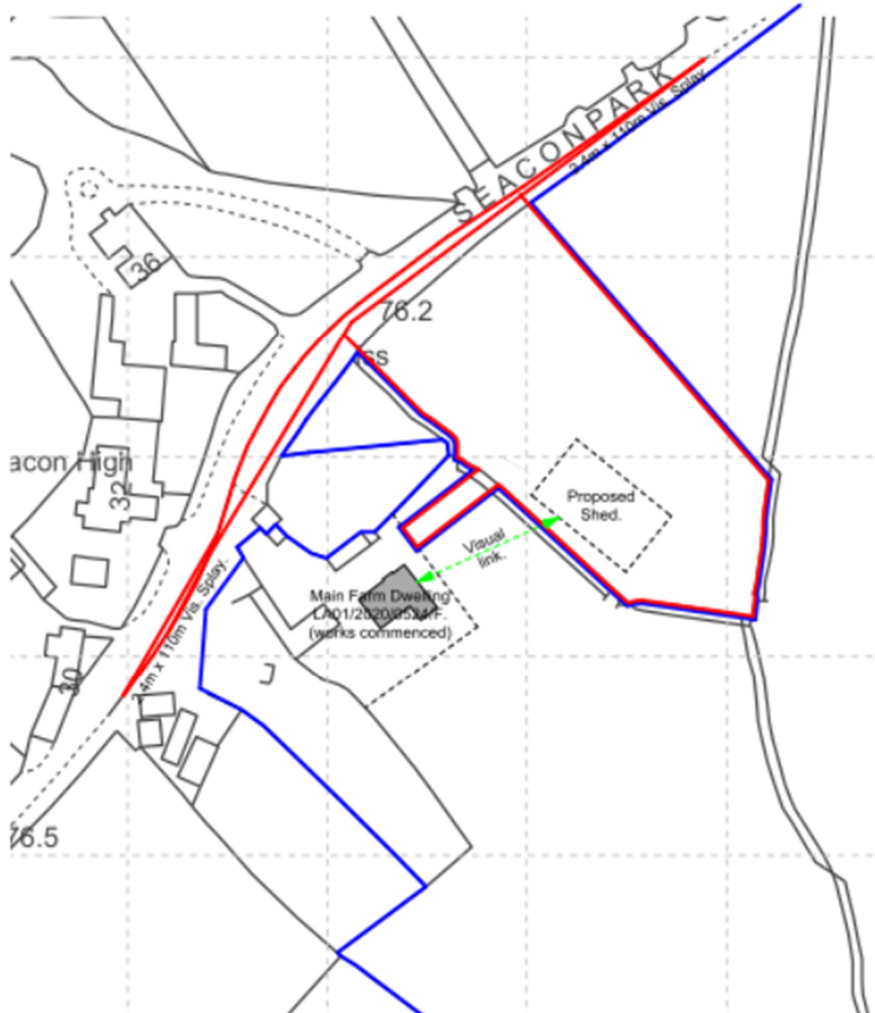
## **9 CONCLUSION**

- 9.1 Having regard to the policy context and other material considerations above, the proposal is considered unacceptable, and planning permission is recommended to be refused. The information submitted is not sufficient to demonstrate that the farm holding is active and established or that the development is necessary for the efficient use of the holding. The proposal is contrary to Policies CTY1 and CTY12 of PPS21 and the related provisions of the SPPS.

## **10 REASON FOR REFUSAL**

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years or that the proposal is necessary for the efficient use of the agricultural holding.

## Site location Map



## Referral Request

**Laura Crawford**

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**From:** John McAuley <john.mcauley.dup@gmail.com>  
**Sent:** 29 November 2024 17:21  
**To:** Planning  
**Subject:** RE: Seacon Park, Ballymoney - LA01/2023/0043/F  
**Attachments:** Chartres Seacon Call In Request.pdf

Good Evening

Please find attached, completed call in request for the following planning application;

- Seacon Park, Ballymoney - LA01/2023/0043/F

Regards

John McAuley



**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>	LA01/2023/0043/F
<b>Elected Member Name</b>	Cllr John McAuley
<b>Contact Details</b>	<a href="mailto:john.mcauley.dup@gmail.com">john.mcauley.dup@gmail.com</a> 07736474848
<b>Refusal Reasons</b>	
<p>1) The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years or that the proposal is necessary for the efficient use of the agricultural holding</p>	
<b>Responses</b>	
Reason 01	
<p>We have demonstrated that Mr James Chartres is in ownership and control of his established and growing small farm.</p> <p>We have demonstrated that his farm is active and has been established for more than 6 years in activity and engagement.</p> <p>We have in addition detailed the nature of Mr James Chartres farm support business, which is hoof trimming – this is not the kind of business that should occur in a settlement, and exactly the kind of business that should operate in and around a farm, and in the rural countryside to avoid annoyance of smell, noise and effluent.</p> <p>The planning office has stated in the planning report that the hoof trimming business is not an agricultural use, and we disagree.</p> <p>James is well known in the area and is used by multiple farmers to attend to their beasts, and the associated business and equipment are directly related to the farm and its activities, and without the hoof-trimming business, his farm would not be able to survive on its own.</p>	



Farm diversification is a well understood principle, and many of our rural farms need additional business activity to survive.

Mr & Mrs James Chartres have just invested in and built a new replacement dwelling on their farm and have recently moved in with their young child. We need to support young people as they start on their farming journey when so many young people are leaving farming.

The Chartres have now moved in to their new home at 29 Seacon Park, Ballymoney and this proposed shed is immediately beside the new dwelling.

To this end we suggest that this application is vital to support and we request full discussion at planning committee as a locally engaged discussion is needed to respond to a cold planning assessment.