

Item E

426 Foreglen Road, Dungiven

B/2014/0149/O

Outline Application

16th December 2015

<u>No:</u>	B/2014/0149/O	<u>Ward:</u>	Feeny
<u>App Type:</u>	Outline Application		
<u>Address:</u>	426 Foreglen Road, Dungiven		
<u>Proposal:</u>	Dwelling on a farm in keeping with the local surrounding dwellings.		
<u>Officer:</u>	Ruairi McGrath ext: 7178		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	8 th July 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	OJQ Architecture, 89 Main Street, Garvagh, BT51 5AB		
<u>Applicant:</u>	Jude McCloskey		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information is available to view on the Planning Portal- www.planningni.gov.uk

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 section 7 & 8 and resolves to **REFUSE** outline planning permission.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site is located adjacent to no. 426 Foreglen Road. The site is a small roadside field which is located on the edge of but outside the settlement limit for Denaflaw. The site and the associated dwelling are accessed from a spur road off the main Foreglen Road. As such, the main Foreglen Road abuts the northern boundary while the spur road runs along the western and southern boundaries. The western boundary of the site is defined by some hedging and a post and wire fence, the southern boundary of the site is similar but with less vegetation. The northern boundary of the site is approximately level with the

main Foreglen Road with the land falling to the south by roughly 1 - 1.5m across the width of the site.

2.2 The site is visible when travelling east along the Foreglen Road.

3 RELEVANT HISTORY

3.1 B/2011/0183/F - Adjacent to 426 Foreglen Road, Dungiven - Proposed agricultural shed for storage and cattle handling facilities for use on farm – Refused 26.03.2012

3.2 This previous application for an agricultural shed was refused on this exact site because it was found to be contrary to CTY 1, 8, 12, 13, 14 & 15 of Planning Policy Statement 21 Sustainable Development in the Countryside.

4 THE APPLICATION

4.1 The proposal is for a dwelling on a farm in keeping with the local surrounding dwellings

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:** No objections

Internal:

5.2 **TransportNI – No objections**

NIWater – No objections

Environmental Health – No objections

DARDNI – farm has been registered for 6 years and applicant claims SFP. N.B site is not located on farm holding or maps.

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material

considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016

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 and local policies plan are adopted, and found to be sound, 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

PPS 3 - Access, Movement and Parking

PPS21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this outline application for a dwelling on a farm are whether the proposal meets the requirements for a dwelling on a farm and site specific issues such as ribbon development, failure to integrate, erosion of rural character and the impact on the defined settlement development limit.

8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. The site lies within the open countryside as identified in the Northern Area Plan 2016 and as such the main policy consideration is PPS 21: Sustainable Development in the Countryside. The main

considerations within this policy are CTY 1, 8, 10, 13, 14 and 15.

- 8.3 Policy CTY1 of PPS21 states that there are a range of types of development that may be acceptable in principle in the countryside. In the case of a dwelling on a farm, Policy CTY1 refers to Policy CTY10.
- 8.4 In terms of CTY 10 there are three policy tests which proposals for a dwelling must pass in order to be acceptable on a farm.
- 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 since 25th November 2008;
 - c) The new building is visually linked to an established group of buildings on the farm and where practical utilises an existing laneway. 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).
- 8.5 DARD have confirmed that the applicant's farm business has been in existence for more than 6 years and the applicant claims subsidies. However the site which is subject to this application is not currently included on the farm holding. The land included on the DARD farm maps is located approximately 4.5miles to the west and consists of 87ha of land across a linear holding and several detached fields. No established group of buildings exist on the farm holding. The agent has indicated that the application site is in the process of being added to the farm holding but to date no confirmation has been provided. No development opportunities appear to have been sold off the holding since November 2008. In conclusion the proposed site is not situated on a farm holding and the site is not sited to cluster with an established group of buildings on the holding therefore the proposal is contrary to CTY1 and 10 of PPS21.

- 8.7 CTY 10 also states that dwellings on a farm should also comply with CTY 13 a-f, CTY 14 and CTY 16, these refer mainly to the ability of the proposal to integrate into the surrounding landscape with minimal impact and the effect which the proposal has on rural character. The proposed dwelling would occupy an elevated roadside site which would be clearly visible from the Foreglen Road, set approximately 1–1.5 metres above the ground level of No. 426, the site is not afforded any significant backdrop and the boundary vegetation does not give a sufficient sense of enclosure. Given that No. 426 is visible from the Foreglen Road, the application dwelling would further erode the character of the area and as such would be contrary to policies CTY13 and 14.
- 8.8 CTY15 relates to the setting of settlements. The policy states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As described above the site is located on the edge of the settlement limit of Dernaflaw. Given the lack of integration the proposed dwelling would clearly mar the distinction between the settlement and the countryside. The agent argued that there was a limit to the precedent that would be established as the site abuts the road junction which would act as a natural termination to the development limit. The Planning Authority is however of the opinion that the field makes a positive contribution in establishing a softer edge to the settlement limit by acting as a buffer, if planning permission were to be granted it would significantly detract from the visual amenity of the area and would erode the distinction between the settlement and the rural area.
- 8.9 Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Given that the application site would extend the pattern of roadside development established by No 426, 428 and 430 it would clearly reinforce the built-up nature of Dernaflaw and extend the development into the rural area. As such the proposal is contrary to policy CTY8.

9 CONCLUSION

- 9.1 On balance, the proposal fails to comply with current policy and refusal of the outline application is recommended.

10 REFUSAL REASONS

- 10.1 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland, Planning for Sustainable Development and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 10.2 The proposal is contrary to Strategic planning Policy Statement for Northern Ireland, Planning for Sustainable Development and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the site is located on the farm holding and the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 10.3 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland, Planning for Sustainable Development, and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Foreglen Road and would, if permitted, adversely impact on the amenities of neighbouring residents by reason of build-up of development.
- 10.4 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland, Planning for Sustainable Development and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building, if permitted, would be a prominent feature in the landscape.
- 10.5 The proposal is contrary to Strategic planning Policy Statement for Northern Ireland, Planning for Sustainable Development and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and result in a suburban style build-up and add to a ribbon of development.

10.6 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland, Planning for Sustainable Development and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Dernaflaw and the surrounding countryside.