

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2024/0240/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24<sup>th</sup> September 2025</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Item – Cllr. B Chivers</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	N/a

<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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	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>LA01/2024/0240/O</b>	<b><u>Ward:</u></b>	<b>Magilligan</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Lands Adjoining 180 Duncrun Road, Limavady</b>		
<b><u>Proposal:</u></b>	<b>Outline Application for Proposed Off-Site Replacement Dwelling</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>26.02.2024</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	<b>10.06.2024</b>
<b><u>Agent:</u></b>	<b>Nigel Jones Architects, The Studio, 330 Seacoast Road, Limavady, BT49 0LA</b>		
<b><u>Applicant:</u></b>	<b>David Kelly, 628 Seacoast Road, Limavady BT49 0LG</b>		
<b><u>Objections:</u></b>	<b>1</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 a Proposed Off-Site Replacement Dwelling
- The application site is located on lands Adjoining No.180 Duncrun Road
- The application has been assessed against the relevant policies within the NAP, SPPS, PPS2, PPS3, PPS 6, PPS21
- The proposal is contrary to SPPS Para 6.73 and Policy CTY 1 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, it is not sited in a position nearby, would result in the creation of a ribbon of development, it would not visually integrate into the landscape and would result in a detrimental change to, or further erode the rural character of the area.
- It would have a visual impact significantly greater than the existing building.
- The proposal is unsympathetic to the distinctive special character of Binevenagh Area of Outstanding Natural Beauty.
- It has not been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.
- Consultation was carried out with DFI Roads, Environmental Health, DAERA(NIEA) Water Management Unit, NI Water, Translink, Historic Environment Division : Historic Buildings / Historic Monuments.
- 1 representation has been received in relation to this application.
- Refusal is recommended.

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

## **1 RECOMMENDATION**

- 1.0 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** planning permission for the reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The existing replacement dwelling is approximately 440 metres south east of Seacoast Road. The proposed off-site replacement is located 900 metres south west of the original dwelling. The site size is modest in terms of site area measurement although the overall site area is quite large because there is approximately 900 metres of public road included in the red line of the proposal. There is no works proposed to the public road.
- 2.2 The current structure is in a very dilapidated condition. It is accessed via a lane from the Seacoast Road before crossing the railway line and continuing as a track to the original dwelling. The original dwelling is elevated above the Seacoast road and benefits from a backdrop of Binevenagh hills and woodland. The building itself, has over a period of time fallen into a state of disrepair. Mature trees and shrubs overgrow the walls. There is no roof structure remaining in place. The northern corner of the building does not appear to be in place, due to the damage caused by heavy foliage over time.
- 2.3 There are a number of window and door openings. The structure is built from stone with plaster applied to the exterior. The identified site where the replacement is to be sited is some 900 metres south west from the original building. It is located on the Duncrun Road a short distance from the Duncrun / Seacoast Road which is accessed from the Seacoast Road. The site is located between two existing residential properties which it shares a common boundary and common frontage with.
- 2.4 The topography of the site drops lower from Duncrun Road to the south to Seacoast Road. The north western boundary is

currently undefined. Part of the western boundary is undefined with the remainder adjacent No 178 Duncrun Road defined by a 1 metre post and wire fence. The boundary to the north east adjoins property No. 180 Duncrun Road, it is defined by a 1 metre high post and wire fencing which continues along the southern boundary which fronts onto the road. Critical views are from Duncrun Road south of the site and on Seacoast Road a short distance north of the site.

2.5 The dwelling in situ is approximately 40m north east of a minor watercourse. The proposed off site dwelling is approximately 30 metres east of a small watercourse with an intervening dwelling. The watercourses are hydrological links to Lough Foyle (Ramsar) which is located 2.21 km to the north of the proposed site and Magilligan ASSI / SAC known for its Coastal Sand dunes is located 1.56km to the north.

2.6 The proposed site for the new dwelling is located within the Binevenagh AONB as published in the Northern Area Plan 2016. The area is characterised by single dwellings and agricultural land. The proposed site is outside the floodplain and surface water flooding area however the red line overlaps with both areas given the red line includes 900 metres of public road which is partially in both areas. There is a listed building 115 metres north of the proposed site and the site is within the consultation area of an ecclesiastical site for historic monuments.

### **3.0 RELEVANT HISTORY**

3.1 No relevant planning history. The dilapidated dwelling on site was built before the 1970's so no record is available.

### **4.0 THE APPLICATION**

4.1 The application seeks outline planning permission for a proposed Off-Site Replacement Dwelling.

4.2 An office meeting was held on 17.12.2024. At the meeting the Council discussed the principle of an off-site replacement dwelling having regard to the amenity/access benefits of not

having to cross the railway line, this would be considered positively subject to meeting other policy requirements. It was brought to the agent's attention that the proposed site was unsuitable as it is ribbon development and does not integrate and adversely affects rural character. The agent was advised that a Biodiversity checklist was required for removing the building, no biodiversity checklist has been received, this was previously requested by email on 6.12.2024. The agent said they may consider an alternative site that could be acceptable in terms of integration etc. After the office meeting the agent proposed an alternative site further away from the existing dwelling than the proposed site. The planning department advised this alternative position was not nearby in terms of the criteria within policy CTY 3.

### **Habitat Regulation Assessment**

- 4.3 Habitat Regulations Assessment Screening Checklist - Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015: 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 dwelling in situ is approximately 40 north east of a minor watercourse. The proposed dwelling is approximately 30 metres east of a small watercourse with an intervening dwelling. This is sufficient separation distance for no adverse impact / pollution from any proposed works. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

## **5.0 PUBLICITY & CONSULTATIONS**

- 5.1 **External:** All neighbours that have been identified for notification within the terms of the legislation have been notified on the 21st March 2024. The application was advertised on the 13th March 2024.

1 representation has been received for this application. A summary of concerns raised include:

- Amenity
- Overlooking
- Privacy
- Rural character
- Suburban style build up
- Does not respect the traditional pattern of settlement
- Creates a ribbon of development
- The identified replacement site would visually impact on the area.

## 5.2 **Internal:**

DFI Roads – No objection to the proposal

Environmental Health – No objection to the proposal

NIEA WMU – No objections to the proposal

NI Water – No objections to the proposal

Translink – No objections to the proposal

HED Historic Buildings / Historic Monuments – Comments provided. No objections subject to conditions.

## 6.0 **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 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**

[The Northern Area Plan 2016](#)

[Strategic Planning Policy Statement \(SPPS\)](#)

[Planning Policy Statement 2: Natural Heritage](#)

[Planning Policy Statement 3: Access, Movement and Parking](#)

[Planning Policy Statement 6 \(PPS 6\) Planning, Archaeology and Built Heritage](#)

[Planning Policy Statement 21 \(PPS 21\) Sustainable Development in the Countryside](#)

[Building on Tradition](#)

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main consideration in the determination of this application relate to the principle of development, Ribbon Development, Integration, Rural Character, Binevenagh AONB, Natural Heritage, Access, Movement and Parking, Impact on Listed Building, Archaeology, Wastewater disposal and, Other Matters.

### **Principle of Development**

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and policy CTY1 of PPS21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development which 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. The application was submitted for an Outline Application for Proposed Off-Site Replacement so this is considered below under policy CTY3.

- 8.3 Both the SPPS and Policy CTY 3 of PPS 21 state that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
- 8.4 Although the candidate building no longer has a roof and it is derelict / unoccupied, it displays the characteristics of a dwelling. The building has 4 walls and an elongated rectangular form. There are window openings in the walls and door openings. Inside there appears to be a division of the floor area. Although there is no fireplace, there is red brick on the upper levels of the wall which may at one time have been part of a chimney. The building is constructed from stone with a render applied which would indicate an older building. Having regard to these factors, and the appearance of the candidate building, it is considered that the building does have the essential characteristics of a dwelling.
- 8.5 In addition to satisfying the requirement above, proposals for a replacement dwelling will only be permitted where a number of further criteria are met. The first one is that the proposed replacement dwelling is sited within the established curtilage of the existing building, unless either the curtilage is so restricted that it could not reasonably accommodate a modest size dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. The SPPS adopts a similar position stating that replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so.
- 8.6 The proposal seeks replacement of the candidate building off-site and in a different location to the existing. The current location of the building to be replaced is accessed along a

laneway off the Seacoast Road which involves crossing over the railway line. This crossing is not automated and requires the railway line to be closed on either side of the track by agricultural gates. This is a manual operation, and care is required to cross the railway track. Translink has commented that it does not have any objections to the proposal which would reduce the number of railway crossings and remove the need of future residents from crossing the railway track. The proposal would provide access and amenity benefits to seek an off-site replacement.

- 8.7 The proposed siting of the replacement dwelling is not within the established curtilage of the dwelling to be replaced. The site location plan shows that there is a substantial distance between the two plots, with the receiving site approx. 900 metres southwest of the existing building. Both the SPPS and PPS21 require the new location or position of the new dwelling to be *nearby*. 900 metres is a significant distance away in the context of assessing a replacement dwelling. It would be reasonable to assume that the replacement would not be far from the candidate building. It is therefore considered that the site is not nearby for the purposes of these policies.
- 8.8 The overall size of the new dwelling should allow it to integrate into the surrounding landscape and ensure that it would not have a visual impact significantly greater than the existing building to be replaced. The existing building to be replaced integrates into an existing site, is modest in scale and wider public views of this building are screened due to natural vegetation, topography and the distance that the building is set back from the Seacoast Road.
- 8.9 The proposed site is 20 metres from Duncrun Road. There are 3 existing trees on site but these provide little screening from public viewing points. There are critical views from Duncrun Road to the south and Seacoast Road to the north. There is no detail of the proposed ridge height because this is an outline application.
- 8.10 The proposal has indicative dimensions of 17.1 metres for frontage length and 8.3 metres for gable width on the layout plan. There are a number of critical views of the proposed site, from its roadside location on Duncrun Road and from the

Seacoast Road to the south. There will be ancillary works which include a new access and laneway. The visual impact of the proposed replacement building would be significantly greater than the building to be replaced, it would not integrate and will create a ribbon of development.

- 8.11 Other detailed criteria relate to design, services and road safety which can be conditioned appropriately if the proposal is considered acceptable.
- 8.12 CTY3 states that all replacement cases will only be permitted when the relevant criteria are met including criteria in regard to siting. Notwithstanding the reason for not siting the replacement on the existing site, it has not been demonstrated that all the criteria of Policy CTY 3 and the SPPS have been satisfied. The principle of development has not been established and the proposal is contrary to paragraph 6.73 of the SPPS and policy CTY 3 of PPS 21.

### **Ribbon Development**

- 8.13 Policy CTY 8 Ribbon Development states that planning permission will be refused for a building which creates or adds to ribbon development. The justification and amplification says that a *'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.* The site is located in an area of land between Nos 178 & 180 Duncrun Road. Construction of a dwelling on this land would create a line of 3 buildings. Both dwellings either side of the site have a common frontage and are visually linked, and it would, if approved create a ribbon of development along Duncrun Road. The proposal is therefore contrary to Policy CTY8.

### **Integration**

- 8.14 Policy CTY 13 of PPS 21 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.

- 8.15 The proposed site is set back 20 metres from Duncrun Road. The site lacks vegetation on the critical boundaries which creates a very open site. There are 3 existing trees on site which provide limited screening from public viewing points. The critical views are from Duncrun Road to the south and Seacoast Road to the north.
- 8.16 A dwelling on this site would be a prominent feature in the landscape being located on an open site, which is exposed with little landscaping to screen critical views. The site will rely on new boundaries to the north west and south / south east to provide enclosure for integration. The ancillary works for the access are minimal as it is a road side site. The proposal does not integrate, it is contrary to policy CTY 13.

### **Rural Character**

- 8.17 Policy CTY 14 of PPS 21 states that 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.
- 8.18 The proposal is unduly prominent when viewed from critical views on both Duncrun Road and Seacoast Road. It will result in suburban style build up as it would be viewed alongside the dwellings on each side of it which is compounded as it will create a ribbon of development as set out in Para 8.14.
- 8.19 The proposal if approved would erode the rural character of the area and is contrary to Policy CTY 14 of PPS 21.

### **Binevenagh AONB**

- 8.20 Planning policy statement 2, Policy NH6 - Areas of Outstanding Natural Beauty and Paragraph 6.187 of the Strategic Planning Policy Statement states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

*a) the siting and scale of the proposal is sympathetic to the special character of the Outstanding Natural Beauty in general and in particular locality;*

8.21 The siting of the proposal is within Binevenagh AONB between Seacoast Road and Duncrun Road. The proposal is a prominent feature in the landscape being located on an open site which is elevated with little landscaping to screen critical views. It would create a ribbon of development - a line of 3 dwellings being located between Nos 178 – 180 Duncrun Road. The proposal does not integrate into the landscape. The proposal is unsympathetic to the special character of the Binevenagh AONB. The proposal is contrary to criterion 'a'.

*b) requires a proposal to respect or conserve features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;*

8.22 A listed building is located at the junction of Duncrun Road and Seacoast Road which is 115 metres north of the proposed site. HED HB are content that there is no adverse impact on the setting of the listed building subject to conditions. No mature vegetation is being removed on the proposed site. The building to be removed does not contribute to the character or heritage of the area. The proposal complies with criteria 'b'.

*c) the proposal respects:*

- local architectural styles and patterns;*
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and*
- local materials, design and colour*

8.23 Any decision could be conditioned to meet this criterion and therefore the proposal is not contrary to this.

8.24 The proposal is contrary to Policy NH6 - Areas of Outstanding Natural Beauty and Paragraph 6.187 of the Strategic Planning Policy Statement in that the proposal is unsympathetic to the distinctive special character of Binevenagh Area of Outstanding Natural Beauty.

### **Natural Heritage**

8.25 PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are

applicable. The proposed dwelling is a replacement so a biodiversity checklist is required to be filled in by an ecologist. The biodiversity checklist has been requested but not submitted. The agent has suggested the candidate building to be replaced will be retained but as the replacement proposal is 900 metres away, it is not possible to be used ancillary to the potential new dwelling.

8.26 The dwelling in situ is approximately 40metres north east of a minor watercourse. The proposed dwelling is approximately 30 metres east of a small watercourse with an intervening dwelling. The watercourses are hydrological links to Lough Foyle (Ramsar) which is located 2.21 km to the north. Magilligan ASSI / SAC known for its Coastal Sand dunes is located 1.56km to the north.

8.27 Due to the lack of information submitted, NIEA NED has not been consulted as it requires ecological information in the form of a biodiversity checklist as a minimum prior to consultation, and although this has been requested it has not been submitted. Given the outstanding information, the proposal is contrary with policy NH 2 and NH 5 of PPS 2 in that it has not been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

### **Access Movement and Parking**

8.28 Policy AMP 2 of PPS 3 Access, Movement and Parking applies and states 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.*

8.29 The applicant has submitted plans showing a new access and visibility splays to Duncrun Road. DfI Roads has been consulted and raise no objection. Policy AMP 3 of PPS 3 is not

relevant in this instance. As DFI Roads are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

### **Impact on Listed Building**

- 8.30 The application site has the potential to impact on 3 Magilligan Halt, 459 Seacoast Road Magilligan Limavady. This is listed building (Grade B2) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011. This listed building is located at the junction of Duncrun Road and Seacoast Road which is 115 metres north of the proposed site.
- 8.31 HED – Historic Buildings was consulted and raise no objections subject to a 6m height restriction and landscaping condition. On this basis the proposal complies with paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6 as the proposal will not adversely affect the setting of the nearby listed building.

### **Archaeology**

- 8.32 PPS 6 Policy BH2 The Protection of Archaeological Remains of Local Importance and their Settings states 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.
- 8.33 The site boundary falls within the consultation zone of LDY002:002 – Ecclesiastical site. HED – Historic Monuments has been consulted and raised no objections to the proposal. The proposal complies with Policy BH 2 of PPS 6.

### **Wastewater Disposal**

- 8.34 Policy CTY16 of PPS21 – Development relying on non-mains sewerage, applies and states 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.

- 8.35 Applicants will be required to submit sufficient information on the means of sewerage disposal to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non mains sewerage will only be permitted in exceptional circumstances.
- 8.36 The applicant proposes to discharge to a septic tank. As the applicant has submitted sufficient information on the means of sewerage disposal and DAERA (NIEA) Water Management Unit are content the proposal complies with policy CTY 16.

### **Other Matters**

- 8.37 Paragraph 4.12 of the SPPS relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
- 8.38 Environmental Health has no concerns with public safety and public amenity. Translink has provided comment with no objections. Any amenity issues such as overlooking / loss of privacy could be mitigated against with appropriate conditions relating to removal of first floor windows on the side gables that may have potential to overlook any of the adjoining properties and a landscaping plan with hedges along boundaries. On this basis the proposal complies with paragraph 4.12 of the SPPS.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3, 6 and 21. The representation and consultee responses have been considered. As the proposal has not complied with various planning policies it is unacceptable, and refusal is recommended.



## **10.0 Reasons for Refusal**

1. The proposal is contrary to SPPS Para 6.73 and Policy CTY 1 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.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if permitted would result in the creation of a ribbon of development.
3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 13 & CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would not visually integrate into the landscape and would result in a detrimental change to, or further erode the rural character of the area.
4. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building is not in alternative position nearby, would not integrate into the surrounding landscape, and it would have a visual impact significantly greater than the existing building.
5. The proposal is contrary to Policy NH6 - Areas of Outstanding Natural Beauty and Paragraph 6.187 of the Strategic Planning Policy Statement in that the proposal is unsympathetic to the distinctive special character of Binevenagh Area of Outstanding Natural Beauty.
6. The proposal is contrary to policies NH2 & NH5 of PPS 2, in that it has not been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

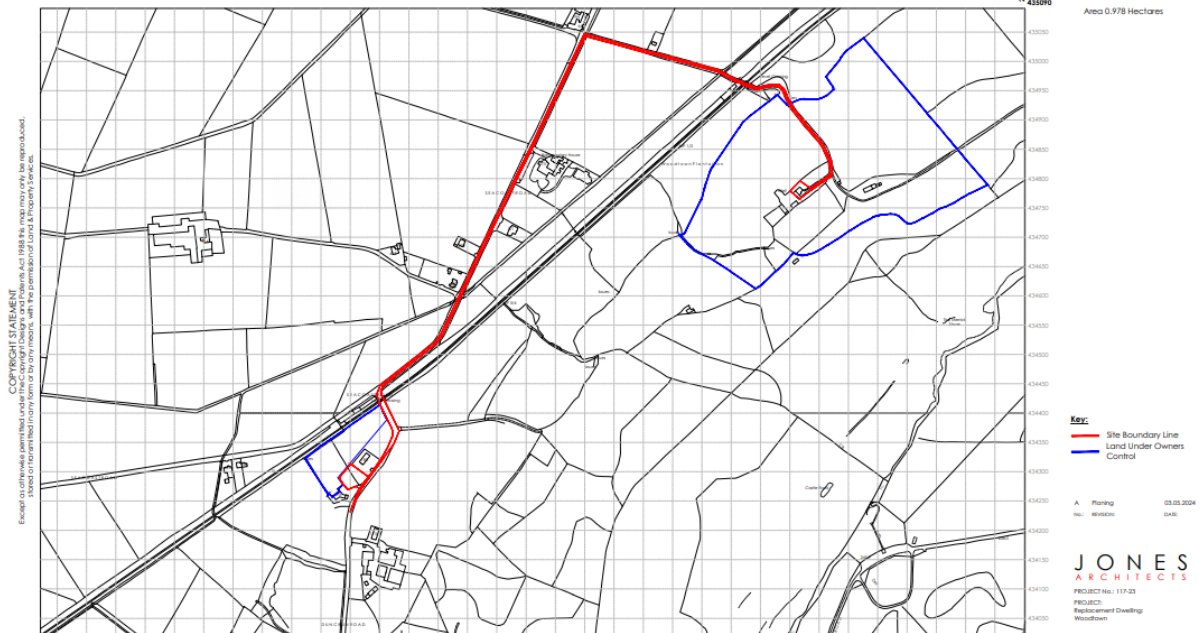
# Site Location

## ACemmap Single

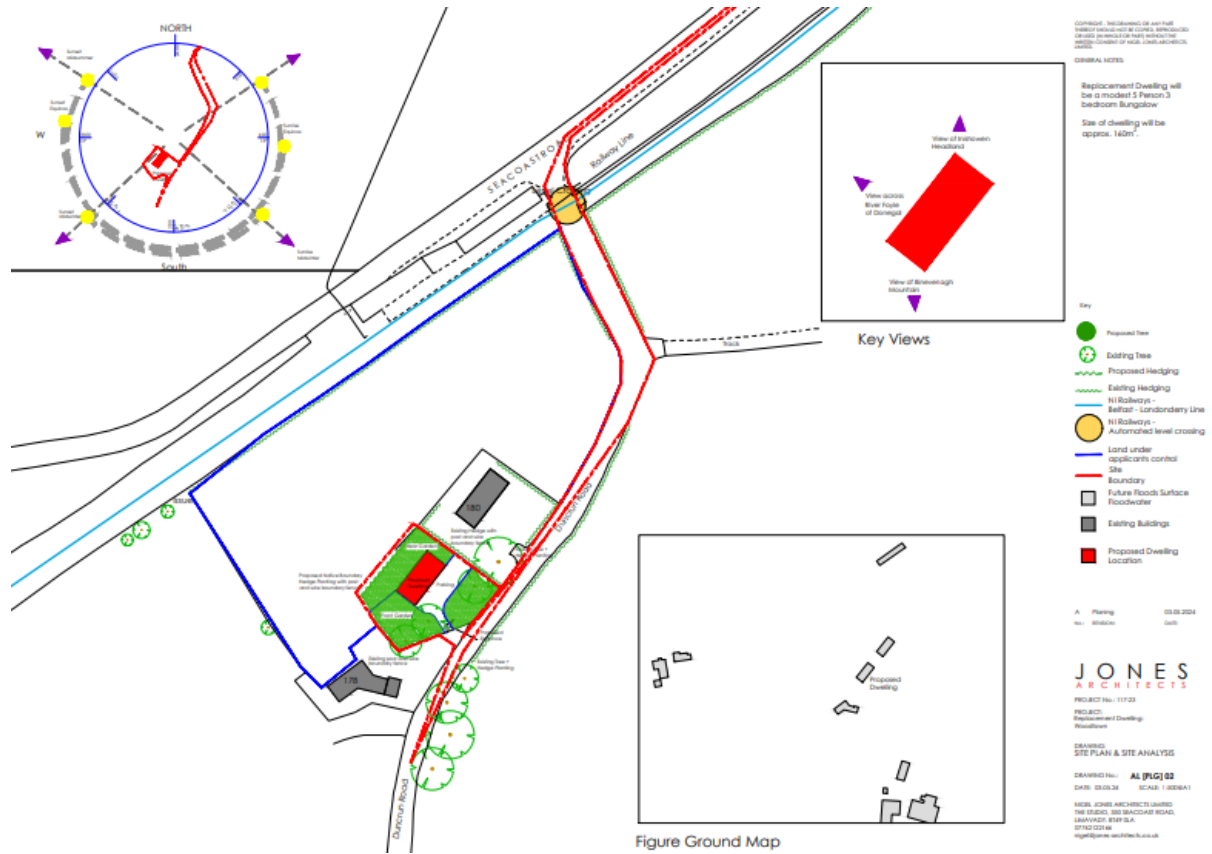
Printed: 28/09/2023 Customer Ref: 107-22  
Centre Point (Easting, Northing) 71011, 434530

Scale: 1:2,500  
Order no: ORD143299  
Plan No. 011075E

GENERAL NOTES:  
Replacement Dwelling will  
be a modest 5 Person 3  
bedroom Bungalow  
Area 0.978 Hectares



# Site Layout



## **Appendix 1**

### **Referral Request**

**From:** Brenda Chivers  
**Sent:** 11 August 2025 09:16  
**To:** Planning  
**Subject:** Fw: Request to Defer Planning Application LA01/2024/0240/O, Duncrun Road, Magilligan  
**Attachments:** 117-13 Woodtown Request to Defer Planning Application LA01-2024-0240-O.pdf

i would like this Planning Application LA01/2024/0240/O to be deferred to the next planning committee please.

The application for a replacement dwelling, which the planners have accepted. The difficulty starts when you consider that the existing access lane crosses the Derry to Belfast railway line via a non-automated level crossing which has suffered a number of serious accidents in the past, one sadly was fatal.

We therefore made an application for an off-site replacement given the access issue.

The replacement site was chosen after an assessment of lands within the applicant's control. The majority of this land is accessed by the railway crossing or is effected by flooding, rivers, and therefore could not be considered.

The remaining lands fronted directly onto the Seacoast Road and had no established way of integrating a new house as they were highly visible from the road.

The only land that was within a 'reasonable' distance from the replacement dwelling, afforded significant integration and was not subject to flooding is the application site however the planners are saying that the site creates ribbon development and that a house would not integrate into the landscape, both of which I disagree with.

I've attached a statement setting out why I believe the planner's have not given due consideration to our arguments and the reasoning behind the site selection, the safety implication of the current access and how the site integrates into the landscape.

Kind regards,  
Cllr Brenda Chivers

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*expressed are those of the author and do not necessarily represent those of Causeway Coast and Glens Borough Council. Please consider the environment before printing.*

## **Request to Defer Planning Application LA01/2024/0240/O**

LA01/2024/0240/O is an Outline application for an off-site replacement dwelling within Magilligan.

### **Replacement Dwelling**

The threshold for a replacement dwelling Policy CTY 3 of PPS 21 has been achieved as the existing building to be replaced exhibits the essential characteristics of a dwelling and all external structural walls are substantially intact.

### **Off-site replacement - Safe Access**

An off-site replacement was requested on the grounds of allowing safe access to the new dwelling. The only access to the existing site/dwelling is by passing over the Derry/Londonderry to Belfast railway line by a non-automated railway level crossing. This crossing point has suffered from a number of serious accidents in the past, one of which was sadly fatal.

Planning accepted this reason for an off-site replacement:-

*The railway line is not an automated crossing. The railway line is closed on either side of the track by agricultural gates, it is a manual operation and extreme care is required to cross the railway track.*

*Translink have commented that they do not have any objections to the proposal which would reduce the number of railway crossings and remove the need of future residents from crossing the railway track.*

*The proposal would provide access and amenity benefits.*

### **Site Location**

The replacement site was chosen after an assessment of lands within the applicant's control. The majority of this land is accessed by the railway crossing or is effected by flooding, rivers, and therefore could not be considered. The remaining lands front directly onto the Seacoast Road and have no established way of integrating a new dwelling as they are highly visible from the road.

The only land that was within a 'reasonable' distance from the replacement dwelling, afforded significant integration and was not subject to flooding is the application site.

### **Integration & Listed Building**

HED Listed Buildings were consulted on the setting and integration for the proposed site and its effect on the setting of the Grade B2 listed building, Magilligan Halt.

HED Listed Buildings were content that a modest dwelling could be successfully incorporated within the application site setting without have a detrimental effect on the listed building or public views of this area:-

*These views incorporate the existing grouping of buildings that the proposed site resides between, No's 178 and 180 Duncrun Road. We consider that any proposal shall maintain the existing crop of mature trees to the east of the two storey No. 178*

with additional planting as indicated within the drawings, while relating in scale, height and alignment to No. 180 Duncrun Road. We note and welcome the following statement within Design & Access Statement provided: Dwelling Design: Dwelling Design: The proposed dwelling will be modest in scale and detached. The arrangement of site setting and external spaces have been considered to provide activity areas throughout the day.

We agree with the expert opinion of the HED Listed Buildings officer that a modest dwelling can be incorporated into the landscape by using existing buildings, planting and topography.

An offer to produce contextual visualisations of the site showing a modest dwelling in-situ was not taken up.

### Integration

Below are a number simplistic images showing the indicative location of dwelling on the site when viewed from the Seacoast Road and Duncrun Road which clearly show that the site integrates well into the existing landscape through significant screening from existing buildings, planting and topography.



Seacoast Road 1





Seacoast Road 2



Seacoast Road 3



Seacoast Road 4



Seacoast Road 5





Duncrun Road 1



Duncrun Road 2

### **Ribbon Development**

We disagree with the planner's opinion that the site would contribute to ribbon development. Our case is that there is a dispersed cluster formed around the former Magilligan Halt and that the application site forms part of this cluster.

### **Bio-diversity**

The application is for an off-site replacement with the intention of retaining the existing dwelling unaltered and therefore fail to understand the requirement for a Biodiversity checklist as the habitats formed within the structure would be retained.

We believe that significant weight should be given to the greatly improved safety and amenity of not having to cross the railway line to access a dwelling and HED's expert opinion on scale, mass and setting.