

Title of Report:	Planning Committee Report – LA01/2024/0977/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	
For Decision or For Information	For Decision – Referred Application by Ald McAuley
To be discussed In Committee YES/NO	

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Estimated Timescale for Completion	
Date to be Completed	

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

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
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:

<u>No:</u> LA01/2024/0977/F		<u>Ward:</u> Dundooan	
<u>App Type:</u> Full			
<u>Address:</u>		Land South of 1&2 Hillcrest Cottages and Circa 30m North West of 22 Loguestown Road, Portrush	
<u>Proposal:</u>		Retrospective application for retention of restoration works to ruinous wallstead, completion of restoration and conversion works, to reinstate former cottage with associated landscaping and access.	
<u>Con Area:</u> N/A		<u>Valid Date:</u> 05/02/2025	
<u>Listed Building Grade:</u> N/A			
<u>Agent:</u>		GM Design Associates, 22 Lodge Road, Coleraine, BT52 1NB	
<u>Applicant:</u>		Kieran Mullan, 10 Morrison Park, Portrush, BT56 8H2	
<u>Objections:</u> 1	<u>Petitions of Objection:</u> 0		
<u>Support:</u> 0	<u>Petitions of Support:</u> 0		

EXECUTIVE SUMMARY

- Full planning permission is sought for Retrospective retention of restoration works to ruinous wallstead, completion of restoration and conversion works, to reinstate former cottage with associated landscaping and access.
- The application site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016.
- The proposal is considered to be contrary to Paragraph 6.73 of the SPPS and Policy CTY4 of PPS21.
- DFI Roads, NI Water, Historic Environment Division (HED), NIEA, Environmental Health and Historic Environment Division were consulted in the application. Majority of consultees raised no concerns. NI Water advise that there is no capacity within foul sewer to accept proposed development.
- one representation has been received in relation to the proposal.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

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 site is located on lands to the western side of Loguestown Road and to the South of Hillcrest Cottages. The access serves Hillcrest Cottages and is blocked off by an approximately 2 metre high close boarded fence. The site itself is triangulated with the structure located to the south of the site. The site is elevated above the Loguestown Road by approximately 1.5 metres.
- 2.2 The site comprises of a structure which appears to be built on top of a ruinous wallstead. The eastern elevation is partial stone with recent blockwork completed and windows openings closed off by wood, there is a door opening currently closed off by a makeshift door which was padlocked shut. The southern elevation has a small window opening at the pitch and there is stonework, red brick and a partly mortared finish. The eastern elevation has partial stone, blockwork and mortared repaired areas along with a blocked up window opening. The northern boundary has partial stone, block work and new chimney completed. Internally the wooden trusses are exposed and a blockwork fireplace. The access laneway looks to have been recently stoned and a levelled area to the structure. The structure has a corrugated tin roof with wooden trusses.
- 2.3 The site is located outside any settlement limits as defined in the Northern Area Plan 2016.

3 RELEVANT HISTORY

- 3.1 Application Number: LA01/2017/0207/O
Decision: Withdrawal Decision Date: 19 September 2017
Proposal: Site for replacement dwelling (two storey)

Adjacent to Site

Application Number: C/1997/0505/O

Decision: Approval on Appeal Decision Date: 17 February 1999

Proposal: Site for 6 no chalet dwellings for holiday use

Application Number: C/2001/0540/RM

Decision: Permission Granted Decision Date: 11 October 2002

Proposal: Redevelopment of vacant site with 6 nos. self catering chalets

Application Number: C/2006/0732/F

Decision: Permission Granted Decision Date: 15 November 2006

Location: 2 Hillcrest View, Lougestown Road, Coleraine, BT52 2RB

Proposal: First floor extension to existing holiday cottage.

Application Number: LA01/2018/1185/F

Decision: Permission Granted Decision Date: 17 December 2018

Location: 1 Hillcrest View, Coleraine.

Proposal: Proposed side extension to existing holiday home.

Application Number: LA01/2020/1382/F

Decision: Withdrawal Decision Date: 3 February 2021

Location: 1 Hillcrest View, Loguestown Road, Coleraine

Proposal: Proposed change of use from a holiday home to a dwelling of permanent residence

4 THE APPLICATION

- 4.1 This is a full application seeking retrospective permission for the retention of restoration works to ruinous wallstead, completion of restoration and conversion works, to reinstate former cottage with associated landscaping and access.

5 PUBLICITY & CONSULTATIONS

5.1 External

1 letter of objection from No. 1 Hillcrest Cottages has been received on this application.

5.2 Internal

Environmental Health – No Objection
DfI Roads Service – No Objection
Historic Environment Division – No Objection
NI Water – No Objection
Shared Environmental Services – No Objection
DAERA Water Management Unit – No Objection

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- The Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as 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

[The Northern Area Plan 2016](#)

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

[Planning Policy Statement 3 \(PPS 3\) – Access, Movement and Parking](#)

[Planning Policy Statement 6: Planning, Archaeology and the Built Heritage](#)

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

[Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside](#)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the Principle of Development, Integration & Rural Character, Access, Archaeology and the Built Heritage, Sewage Disposal, Habitats Regulation Assessment and Other Matters.

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 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
- 8.4 Prior to the restorations works being carried out which, form part of this application, the subject structure was in a ruinous condition with no roof and large portions of the external walls collapsed. Consequently, any former use of the structure has been abandoned/extinguished. The application seeks to establish a residential use on the site and the appropriate policy context under which to assess the proposal is Paragraph 6.73 of the SPPS and Policy CTY4 of PPS21. For further clarification as the existing structure does not represent an existing dwelling, policies regarding domestic extensions and alterations cannot apply to the proposal.

- 8.5 Policy CTY 4 states that such proposals will be required to be of a high design quality and to meet all the following criteria:
- (a) the building is of permanent construction;
 - (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
 - (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
 - (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
 - (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
 - (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
 - (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.6 Paragraph 6.73 of the SPPS introduced a stricter policy test for the conversion and re-use of buildings, advising that provision should be made for the sympathetic conversion and reuse of a 'locally important building', noting that locally important buildings can include those such as former school houses, churches and older traditional barns and outbuildings. Paragraph 1.12 of the SPPS outlines that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.
- 8.7 The structure which currently sits on the site has been substantially rebuilt with concrete blockwork constructed on top of the pre-existing ruinous walls. A new roof and roof trusses have been erected and a temporary style door has been erected with wall openings blocked up by timber sheeting to give the appearance of window openings.
- 8.8 It is noted that a planning application for a replacement dwelling on the application site submitted under LA01/2017/0207/O was withdrawn prior to a formal decision being made following a

recommendation to refuse due the structure failing to meet the requirements of Policy CTY3.

- 8.9 The works completed to the derelict structure do not avail of planning permission and previous to the recent construction works it was a ruinous wallstead. Assessment of the application must be considered against the structure present prior to the carrying out of the unauthorised refurbishment works. Given the ruinous condition of the structure, it does not represent a building of permanent construction nor is it considered to be a locally important building given its lack of architectural or historical merit. Consequently, the application fails to comply with SPPS paragraph 6.73 and CTY 4, criteria a.
- 8.10 This assessment is consistent with appeal 2016/A0169 (Appendix 1) which was for the refurbishment and extension of existing derelict dwelling. Paragraph 4 of the appeal makes reference that there are two structures which are in a significant ruinous state. It goes on further to state that as it is not an existing dwelling, policies regarding domestic extensions and alterations cannot apply to the proposal. Paragraph 6 goes onto say that CTY 4 is applicable with the addition of paragraph 6.73 of the SPPS which offers a revision to CTY4 in stating that this provision applies to a locally important building. In terms of this application the structure currently within the site is not a locally important building and no demonstration has been made.

Integration & Rural Character.

- 8.11 Policy CTY13 of PPS21 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
 - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
 - (c) it relies primarily on the use of new landscaping for integration; or
 - (d) ancillary works do not integrate with their surroundings; or
 - (e) the design of the building is inappropriate for the site and its locality;
- or

- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.12 Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

8.13 Views of the application site is restricted to short range views when approaching in both directions given the screening afforded the site by the existing mature vegetation to the southern/southwestern boundary and the existing Hillcrest Cottages immediately north of the application site. Given the modest scale of the proposed development the proposal would not have a significantly greater visual impact than the pre-existing ruinous structure and, while the application site is raised above road level the proposed the proposal will not result in a building any more prominent than the existing structure on site. Given the retention of existing vegetation and the modest scale of the development it is considered that the proposal complies with Paragraph 6.70 of the SPPS and Policies CTY13 and 14.

Access

8.14 PPS 3, Policy AMP 2, Access to Public Roads notes planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

- 8.15 The application proposes to create an access through Hillcrest Cottages. DFI Roads were consulted and raised no objections. The proposal is considered to comply with Policy AMP 2 of PPS 3.
- 8.16 The objection received was in relation to the loss of parking spaces within Hillcrest Cottages to facilitate access to the site. A review of the planning history at Hillcrest Cottage indicates that the area where access is proposed to be taken is not dedicated parking for the existing cottages and that the proposed access will not impede on the parking provisions approved. As this is a private thoroughfare any issues arising would be a civil matter.

Archaeology and the Built Heritage

- 8.17 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.
- 8.18 The proposal is located within the consultation zone of LDY003:024 – SOUTERRAIN. Following consultation with HED in their response they stated HED (Historic Monuments) has assessed the application and on the basis of the information provided and due to its scale and nature is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.'

Sewerage Disposal

- 8.19 Policy CTY 16 of PPS 21 – Development relying on non-mains sewerage, applies; Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.
- 8.20 Following initial comment from NI Water advises that there is no capacity within the existing foul sewer the applicant proposes to discharge foul waste via a septic tank. Environmental Health and Water Management Unit have been consulted and are content therefore the proposal complies with CTY 16 of PPS 21.

Habitats Regulation Assessment

- 8.21 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

Other Matters

- 8.22 Other matters raised within the letter of objection include potential loss of revenue/custom if existing parking provision is lost and loss of safe playing space for children. It is noted from the approved plans that the area on the private road referred to is not designated for parking, with in-curtilage parking shown for the property. The Planning Department note that the area identified as providing play space for children is required to facilitate vehicular access to No. 2 Hillcrest Cottages and the provision of the thoroughfare to the application site is not considered to significantly increase the risk to pedestrians to an unacceptable level. The comments of the objection are noted however, the Planning Department do not consider the issues raised to be fatal to the proposed application.

9 CONCLUSION

- 9.1 The application site fails to meet with the principle planning policies as the structure within the application site to be restored and converted is not considered a locally important building and is not a building of permanent construction. The proposal does not meet with any of the permissive circumstances for development in the countryside, and no over-riding reasons have been provided as to why development is necessary at this location. The proposal is subsequently contrary to Paragraph 6.73, of the SPPS and Policies CTY1 and CTY4 of Planning Policy Statement 21. Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21: Sustainable Development in the Countryside in that there are no overriding reasons why the development is essential and could not be located within a settlement
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building is not suitable for conversion as it has not been demonstrated that the building is a locally important building and is substantially ruinous/not of permanent construction.

Site location Map



Referral Request



**Causeway
Coast & Glens
Borough Council**

Development Management
Information Note 07

January 2024

Annex 1

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

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

Planning Reference	LA01/2024/0977/F – Land south of 1&2 Hillcrest Cottages and circa 30m north west of 22 Loguestown Road Portrush
Elected Member Name	Alderman John McAuley
Contact Details	Tel: Email

Refusal Reasons

- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement 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.
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building is not suitable for conversion as it has not been demonstrated that the building is a locally important building and is substantially ruinous/not of permanent construction.

Reasons for referral

The planning reasons for the request are based on the following:

- The reason for refusal is based on the principle of the proposal with no other planning or consultee concerns raised
- The application does not contravene any policy within PPS21 or the SPPS
- The application seeks to restore a traditional stone cottage for the same residential use. There will therefore not be an increase in the number of dwellings in the locality
- CTY 4 refers to the conversion of non residential buildings to dwellings and is therefore not a consideration in the determination of the application
- The SPPS requirement that the non residential building needs to be local important to be eligible for conversion is also not relevant
- The supporting structural engineer's report demonstrates that the building can be restored
- Works are confined to the existing building footprint with no impact on visual amenity or integration

Appendix 1



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2016/A0169
Appeal by:	Mrs Annie McCallum
Appeal against:	The refusal of outline planning permission
Proposed Development:	Refurbishment and extension of existing derelict dwelling
Location:	320m NW of No.46 Point Road, Magilligan
Planning Authority:	Causeway Coast & Glens Borough Council
Application Reference:	LA01/2016/0480/O
Procedure:	Written representations and Commissioner's site visit on 29 March 2017
Decision by:	Commissioner Brigid McGlinchey dated 15 May 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
3. The Planning Act (Northern Ireland) 2011 requires the decision maker to have regard to the local development plan, so far as material to the application, and to any other material considerations. In the Northern Area Plan 2016 the appeal site is located in the rural area within the Binevenagh Area of Outstanding Natural Beauty (AONB). The Plan contains no specific policies or designations that are of assistance in the determination of this appeal. The Strategic Planning Policy Statement for Northern Ireland: Planning for Sustainable Development (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS sets out the transitional arrangements that will operate until the local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period, planning authorities will apply the SPPS and retained planning policy statements. Paragraph 1.12 of the SPPS states that any conflict between it and any retained policy must be resolved in the favour of the SPPS.
4. There are two attached structures on the appeal site which are in a significantly ruinous state. The larger structure has a gable wall with a chimney breast and fireplace and a partially intact front wall up to plate level with evident window and door openings. Only rubble remains of the other two walls. The evident remains of the attached structure are a corner of a gable and a 3m length of wall that is about 1m high. There was no dispute that the larger structure with a footprint of approximately 65sqm was formerly a dwelling and the other smaller structure being an outbuilding. However, in their current ruinous state the structures have a

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nil use and I agree with the planning authority that the larger one cannot be regarded as an existing dwelling. The proposal involving its refurbishment and the addition of a much larger extension to the rear as envisaged in the concept plan accompanying the planning application is to facilitate the reinstatement of the residential use. As it is not an existing dwelling, policies regarding domestic extensions and alterations cannot apply to the proposal. The retained policy document under the SPPS which provides that relevant policy context is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21).

5. Policy CTY1 of PPS21 lists the types of development that are, in principle, acceptable in the countryside and will contribute to the aims of sustainable development. It sets out instances where an individual dwelling in the countryside will be permitted. One of these is the conversion of a non-residential building to a dwelling in accordance with Policy CTY4. This was the policy context under which the proposal was determined by the planning authority and was the basis for its reason for refusal. It therefore forms the starting point for my consideration.
6. Policy CTY4 is entitled the 'Conversion and reuse of existing buildings'. It states that planning permission will be granted to proposals for the sympathetic conversion, with adaption if necessary, of a suitable building for a variety of uses, including as a single dwelling, where this would secure its upkeep and retention. Paragraph 6.73 of the SPPS however in stating that this provision applies to a locally important building (*my emphasis*) rather than 'a suitable building' effectively offers a revision to Policy CTY4. The matter of potential conflict arising between the SPPS and retained existing policies and the weighting direction set out in paragraph 1.12 of the SPPS indicates that 'locally important building' must take precedence. The SPPS does not define 'locally important' but lists examples such as former school houses, churches and older traditional barns and outbuildings. I consider that these cited examples typically relate to buildings that generally have some design, architectural or historic merit. Nonetheless, this is not a definitive list and there may be other factors that would result in a particular building being of importance to a locality. The appellant however has advanced no argument or detail as to why the appeal structure is 'locally important'. It is set back approximately 760m from the Point Road with limited public views of it. I conclude that the structure is not a locally important building and its conversion to a dwelling is not supported by the SPPS in the first instance. The indicative concept plan shows that the proposed extension would represent a 140% increase in the footprint of the existing structure with additional proposed floor space at first floor level. This would not be sympathetic to the scale and massing of the existing structure contrary to a requirement of Policy CTY4 of PPS21. The planning authority has sustained its first reason for refusal.
7. Whilst the appellant stated that the proposal was not a replacement, he sought consideration of the proposal under an element of Policy CTY3 of PPS21. Though entitled 'Replacement Dwellings', Policy CTY3 states that the retention and sympathetic refurbishment of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Policy CTY3 however must be read as a whole and the tests for the condition of the building that apply for a replacement proposal would also apply to a non-listed vernacular dwelling to be retained under this policy. Though Annex 2 of PPS21 sets out what constitutes a vernacular dwelling, it does not provide any parameters regarding the state of repair of the building. Those parameters are set out under Policy CTY3 which

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requires that the building exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Notwithstanding that the appeal structure may exhibit the vestiges of the essential characteristics of a dwelling, only one external gable wall is substantially complete with approximately 70% remaining of the only other evident wall. The appeal structure therefore fails to meet the first test under Policy CTY3.

8. The appellant sought to make a comparison between the appeal proposal and an approval granted in 2009 (C/2008/0639) for the 'Retention of existing vernacular dwelling and incorporation into new development scheme for a private dwelling'. From the photographic evidence provided by the planning authority, the subject building in that case was a completely intact dwelling which contrasts significantly with the appeal structure which requires an extensive amount of reconstruction work to reinstate its original form and use. Furthermore that proposal was considered under Policy BH15 of PPS6: Planning, Archaeology and Built Heritage. I find that that grant of approval is distinguishable and does not assist the appellant's case which is considered under the prevailing policy context of the SPPS and PPS21.
9. No evidence has been presented to suggest that the proposal complies with any of the other specified types of development considered to be acceptable in principle in the countryside under Policy CTY1. The prevailing policy for development in AONBs is to be found in Planning Policy Statement 2: Natural Heritage and does not override the requirement for the proposal to be acceptable in principle in the countryside in the first instance. Policy CTY1 goes on to state that other types of development will be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. Though this provision is not referred to in the SPPS, paragraph 1.12 of that policy document states that where the SPPS is silent or less prescriptive on a particular planning policy matter this should not be judged to lessen the weight to be afforded to the retained policy. There is no evidence to demonstrate that the proposal is essential. The proposal is therefore contrary to Policy CTY1 and consequently to the SPPS. The planning authority has sustained its second reason for refusal.

This decision is based on the following drawings:-

- 01 1:2500 scale Site location plan;
- 02 1:100 scale concept plan.

COMMISSIONER BRIGID McGLINCHEY