

Title of Report:	Planning Committee Report – LA01/2024/1283/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th November 2025
For Decision or For Information	For Decision – Referred Application by Ald Mark Fielding

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

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:

<u>No:</u>	LA01/2024/1283/O	<u>Ward:</u> Macosquin
<u>App Type:</u>	Outline	
<u>Address:</u>	Lands between No.'s 30 and 36 Dunboe Road, Castlerock	
<u>Proposal:</u>	Proposed site for 2 no. infill dwellings	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 25/11/2024
<u>Listed Building Grade:</u>	N/A	
Agent:	MKA Planning Ltd, 32 Clooney Terrace, Waterside, Derry	
Applicant:	Richard Pollock, 3 Mussenden Close, Articlave, BT51 4XZ	
Objections: 0	Petitions of Objection: 0	
Support: 0	Petitions of Support: 0	

EXECUTIVE SUMMARY

- Outline planning permission is sought for 2no infill dwellings in accordance with Policy CTY 8 (Ribbon Development).
- The application site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016. The site is not subject to any specific environmental designations.
- The principle of development is considered unacceptable having regard to Policy CTY 1, CTY 8, and CTY 14 of PPS 21 as there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement, the proposal does not represent a small gap site within an existing built-up frontage as there are only two buildings with direct frontage along this part of Dunboe Road, and the proposal would result in the creation of ribbon of development along Dunboe Road.
- NIEA WMU, NI Water, DFI Roads, and CCG Environmental Health were consulted on the application and raise no objection.
- No representations have been received.
- 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.planningsystemni.gov.uk>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on lands between No.'s 30 and 36 Dunboe Road, Castlerock.
- 2.2 The surrounding area is rural in nature and characterised mostly by agricultural lands, single rural dwellings and farm holdings. There is an approved dwelling which has not yet been built directly to the south of No. 36 Dunboe Road (Planning Application LA01/2023/1176/RM). There is an existing Equestrian Facility to the rear of this approved planning permission.
- 2.3 The application site is proposed to facilitate 2no infill dwellings. The northern / eastern section of the application site is currently fields dominated by rushes. The southern / western section of the application site consists of a woodland area which is located to the front of the proposed dwelling to the south, running along the roadside boundary. The application site is bound by a post and wire fence.
- 2.4 The site is located in the countryside outside of any Settlement Development Limit as defined within the Northern Area Plan 2016. The site is not subject to any specific environmental designations.

3 RELEVANT HISTORY

PLANNING HISTORY OF ADJACENT SITES:

- Application Number: C/1988/0269
 - Decision: Permission Refused
 - Decision Date: 15 June 1988
 - Proposal: Site for dwelling
- Application Number: C/1989/0543
 - Decision: Permission Granted
 - Decision Date: 15 November 1989
 - Proposal: 11 KV overhead line
- Application Number: LA01/2020/1161/F
 - Decision: Permission Granted
 - Decision Date: 12 February 2021
 - Proposal: Proposed replacement dwelling

PLANNING HISTORY OF APPLICATION SITE:

- No planning history

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for 2no proposed infill dwellings. The application site is located within 2no agricultural fields. An indicative block plan has been submitted which shows proposed siting, however details relating to design and finish are not available at this outline stage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Neighbour notifications were issued and no representations have been received.

5.2 Internal

NIEA WMU: No objection

DFI Roads: No objection

CCG Environmental Health: No objection

NI Water: 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:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

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

[Regional Development Strategy 2035.](#)

[Northern Area Plan 2016.](#)

[Strategic Planning Policy Statement.](#)

[PPS 3: Access, Movement and Parking.](#)

[PPS 11: Planning and Waste Management](#)

Supplementary Planning Guidance

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

Planning Strategy for Rural Northern Ireland

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the Principle of Development, Integration and Rural Character, HRA, Sewerage Disposal, Access Movement and Parking and Odour impact from WWTW.

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted for 2no dwellings within a gap site, and therefore falls to be assessed under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.
- 8.3 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception within this policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided these respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and

built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

8.4 Paragraph 5.34 of PPS21 outlines that the gap to be considered is between buildings (building to building). To be acceptable under Policy CTY8 four specific elements are required to be met: the gap must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.

8.5 The Agent contends that there are at least 4no existing buildings along this existing section of Dunboe Road which are both visually linked and constitute a substantial and built-up frontage. In support of this, the Agent submitted a 'Frontage Map' which outlined the following buildings as having road frontage:

- No 30 Dunboe Road
- The garage/shed associated with No 30 Dunboe Road
- No 36 Dunboe Road
- The garage/shed associated with No. 36 Dunboe Road
- The Equestrian Facility
- Planning Approval LA01/2023/1176/RM

8.6 The application site is located between Nos. 30 and No. 36 Dunboe Road, Castlerock. There is also an approved dwelling which has not yet been built directly to the south of No. 36 Dunboe Road (Planning Application LA01/2023/1176/RM). There is an existing Equestrian Facility to the rear of this approved planning permission.

8.7 The Agent submitted supporting information to support the frontage map stating that; *In terms of the garages to the rear they are clearly visible along the Dunboe Road and go beyond the houses and therefore contribute to the substantial built frontage. Therefore, they must be counted. In terms of the shed this is all in one single ownership and therefore must be looked at collectively as a group of buildings with frontage. The sheds*

house the horses that occupy the front paddock and therefore are both physically and visually connected. We are advised that it is only a matter of time before the house is also completed.”

- 8.8 Both dwellings at Nos. 30 and 36 have direct frontage onto Dunboe Road. However, the garages/sheds associated with No. 30 and No. 36 Dunboe Road are located to the rear of the respective dwellings and therefore do not have frontage to the road. Consequently, these buildings cannot be included for the purposes of contributing to the formation of a substantial and continuously built-up frontage. This assessment is consistent with the Planning Appeals Commission’s findings within Appeal 2024/A0097 (Appendix A) whereby a garage to the rear of dwelling was determined to not represent a building with frontage
- 8.9 Policy CTY8 requires a line of at least three buildings along a road frontage to establish the presence of a substantial and continuously built-up frontage. The approved permission (LA01/2023/1176/RM) has not yet been built and as such does not represent a building. Consequently, the approved dwelling cannot be included as part of a built-up frontage.
- 8.10 An existing Equestrian facility is sited to the rear of the approved site (LA01/2023/1176/RM); however, it is located within a plot which doesn’t have a frontage onto the road. Planning Appeal 2022/A0189 (Appendix B) clarifies that *“a building’s frontage ‘must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage’*, Consequently, as the plot on which the equestrian centre is sited does not extend to the road it cannot be included as part of a built-up frontage.
- 8.11 Consequently, as there are currently only two qualifying buildings along this road frontage there is no substantial and continuously built-up frontage at this location and therefore the proposal does not represent a gap site within a built-up frontage, rather the proposal would result in the establishment of a linear pattern of

development resulting in the creation of ribbon development, contrary to Paragraph 6.73 of the SPPS and Policy CTY8 of PPS21.

- 8.12 As the proposal fails to comply with Policy CTY8 and no other overriding reasons as to why this development is essential in this rural location and could not be located within a settlement the proposal is also contrary to Policy CTY1 of PPS21.

Integration & Rural Character.

- 8.13 Policy CTY 13 states that 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.

- 8.14 As this is an outline application no detailed plans have been submitted regarding the design of the dwelling. The closest public road 'Dunboe Road' is directly southwest of the application site. The existing development to the north and south of the application will help to screen all potential views. There is also an existing woodland area to the south of the application site which is located to the front of one of the proposed dwellings. According to the site plan, new boundaries with indigenous hedging are proposed along the northern, eastern and southern boundaries as well as the boundary separating the 2no proposed dwellings. Existing vegetation and trees are to be retained and protected during construction. It is considered that dwellings on this site would not have a significantly greater visual impact than the dwellings currently existing to the north and south and will visually integrate into the surrounding landscape.

- 8.15 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

- b) It results in a suburban style build up of development when viewed with existing and approved buildings
- c) It does not respect the traditional pattern of settlement exhibited in that area
- d) It creates a ribbon of development
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

8.16 Two dwellings on this site would not be prominent given its location between existing dwellings, the existing woodland, and it would not rely on new landscaping for its integration. Two dwellings would likely blend with the landform and surrounding development and would only be visible for a short distance on account of the roadside dwellings screening views of the site. Two dwellings will respect the traditional pattern of settlement exhibited in that area. The impact of ancillary works is not considered to cause damage to rural character. As this is an outline planning application, the design has not been submitted and therefore cannot be considered.

8.17 The infilling of this gap would result in the proposal adding to development along this stretch of the road resulting in the creation of ribbon development. The proposal therefore fails to meet criteria (d) of CTY 14.

Habitat Regulations Assessment

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

Sewerage Disposal

8.19 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 The applicant proposes to discharge to a septic tank. The Proposed Site Plan shows the location of the septic tank within the application site. Environmental Health, NIEA WMU, and NI Water have been consulted on this planning application and are content subject to standard informatives.

Access Movement and Parking

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

8.22 The proposal will require the construction of a new access to the public road (Dunboe Road, which is not a protected route). DfI Roads were consulted as part of this planning application and have no objection to the scheme. The proposal meets Policy AMP 2 of PPS 3.

Odour impact from WWTW

8.23 Initial consultation with NI Water advised that as the site is located wholly or partially within the Wastewater Treatment

Work's odour consultation zone boundary an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works

- 8.24 Following further assessment of the proposal NI Water advise that that while it is inside the 'Odour Consultation Zone Boundary' our assessment concludes that NIW will not, on the grounds of incompatible development' raise an objection to any proposed development or reuse of the site. The proposal complies with Policy WM5 of PPS11.

9 CONCLUSION

- 9.1 The application site fails to meet with the principle planning policies. 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. There is no substantial and continuously built-up frontage at this location, and the proposal would result in the creation of ribbon of development along Dunboe Road. The proposal is subsequently contrary to Paragraphs 6.70, and 6.73, of the SPPS and Policies CTY 1, CTY 8, and CTY 14 of PPS 21. Refusal is recommended.

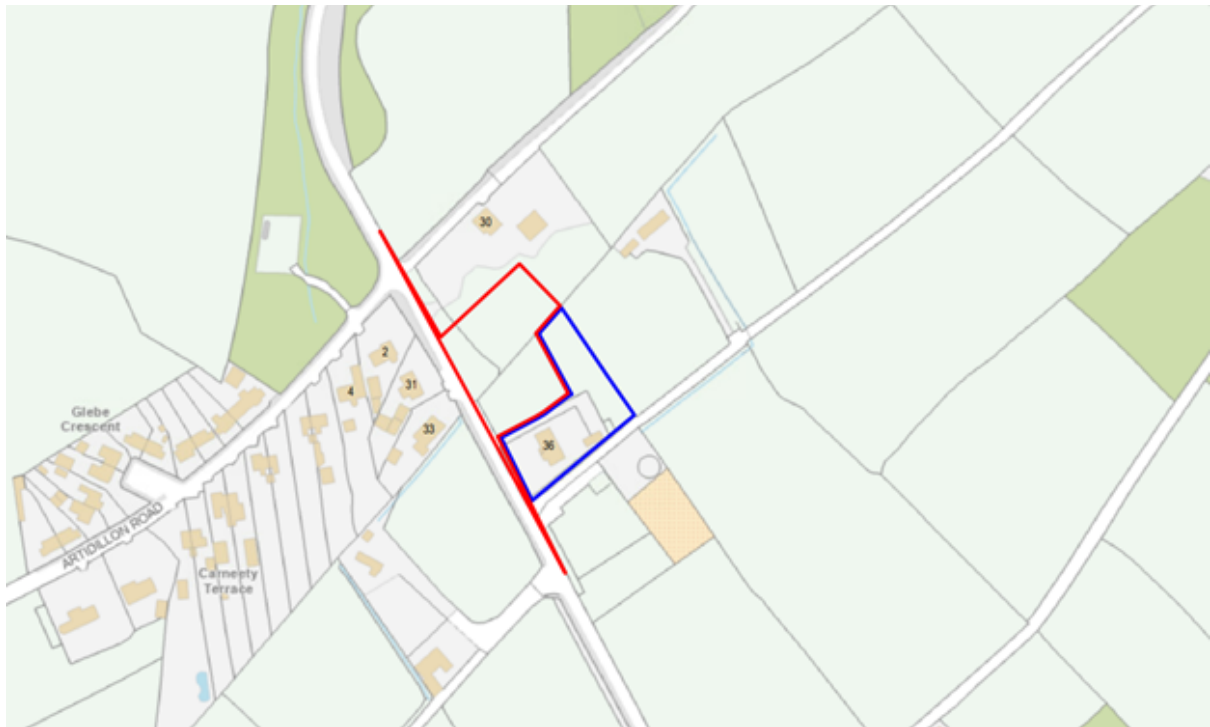
10 REFUSAL REASONS

1. The proposal is contrary to the Strategic Planning Policy Statement for NI paragraph 6.73 and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY 1, 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 the Strategic Planning Policy Statement for NI paragraph 6.73 and Planning Policy Statement 21 Sustainable Development in the Countryside,

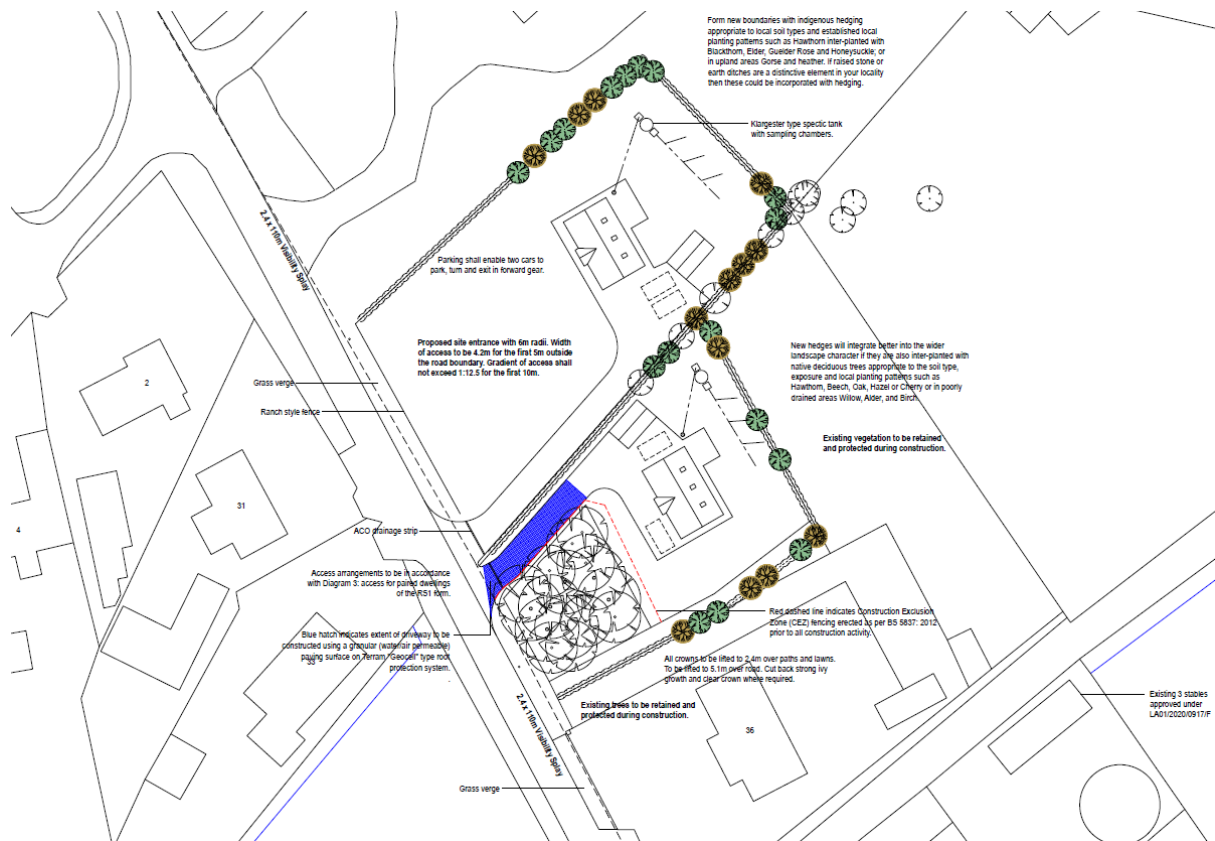
Policy CTY 8, in that there is no substantial and continuously built-up frontage at this location, and would result in the creation of ribbon of development along Dunboe Road.

3. The proposal is contrary to the Strategic Planning Policy Statement for NI paragraph 6.70 and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY 14, criteria (d), in that the proposal would result in the creation of ribbon of development along Dunboe Road.

Site Location Plan



Site Block Plan



Referral Request

Planning Reference: LA01/2024/1283/O

Elected Member Name: Mark Fielding

Email: mark.fielding@causewaycoastandglens.gov.uk

Planning Reference	LA01/2024/1283/O
Elected Member Name	Mark Fielding
Contact Details	Tel: Email:
Refusal Reason 1: The proposal is contrary to the Strategic Planning Policy Statement for NI paragraph 6.73 and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY 1, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. This is an objection in principle and if the other two objections cannot be sustained, this reason for refusal fails. Refusal Reason 2: The proposal is contrary to the Strategic Planning Policy Statement for NI paragraph 6.73 and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY 8, in that there is no substantial and continuously built-up frontage, and would result in the creation of ribbon of development along Dunboe Road. Not all material considerations have been considered. There are no objections from any statutory consultees or third parties. The Case Officer report states that the proposed dwellings could integrate into the surrounding environment. There is clearly a substantial and continuous built up frontage along this section of Dunboe Road. There are two dwellings, each with a garage and an equestrian centre/stables all with frontage onto the Dunboe Road. The equestrian centre not only has a permanent building set back the same distance as No. 30 and fronting onto Dunboe Road but it also has recently got permission for a dwelling on the front field which will be built in the near future. These five existing buildings all constitute a built up frontage under Policy CTY 8. The application site is a gap site, big enough for only two dwellings within this frontage and meets all the planning criteria set out in Policy CTY 8.	

Refusal Reason 3:

The proposal is contrary to the Strategic Planning Policy Statement for NI paragraph 6.70 and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY 14, criteria (d), in that the proposal would result in the creation of ribbon development along Dunboe Road.

This reason is a duplication of refusal reason 2. The proposal clearly infills a gap site, is road frontage and all existing buildings along the Dunboe Road are both road frontage and are visually linked.

I believe this application would benefit from a site visit so Councillors could see the development on the ground and the substantial and built up frontage.

Appendix A – Appeal 2024/A0097



Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2024/A0097
Appeal by:	Mr Coyles Wright
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Proposed Infill Dwelling and Garage.
Location:	Approximately 65m South of No. 3a Heagles Road, Ballybogey.
Planning Authority:	Causeway Coast and Glens Borough Council.
Application Reference:	LA01/2022/1582/O
Procedure:	Written representations and Commissioner's site visit on 25 th March 2025.
Decision by:	Commissioner Jacqueline McParland, dated 3 rd April 2025.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal would:
 - be acceptable in principle in the countryside;
 - add to ribbon development;
 - integrate into the rural landscape; and
 - mar the distinction between the settlement limit and the countryside.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires the Commission when dealing with an appeal to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Northern Area Plan 2016 (NAP) operates as the LDP for the area wherein the appeal site is located. In the NAP, the appeal site is in the countryside. The LDP refers to the final Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) as material to decisions relating to single houses in the countryside. Accordingly, PPS21 will take precedence in the consideration of this appeal. There are no other policies material in the NAP.
5. Transitional arrangements are set out in the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS). Those arrangements are in operation until a Plan Strategy (PS) for each of the Council

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areas is adopted. As there is no adopted PS for this area, the SPPS retains certain Planning Policy Statements (PPSs) including PPS21. There is no conflict or change in policy direction between the provisions of the SPPS and PPS21 insofar as they relate to the issues that arise in this appeal. In accordance with the transitional arrangements, the retained policies provide the policy context for assessing the proposal.

6. Policy CTY1 of PPS21 is entitled 'Development in the Countryside'. It sets out a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8 'Ribbon Development' is one of those types of development. The appeal is made under this policy and underpins my consideration of the proposal as set out below.
7. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Notwithstanding the presumption against ribbon development, the policy permits under the exception test, the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy defines a substantial and built-up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.
8. The appeal site is rectangular in shape and comprises the southern half of a larger agricultural field. The appeal site's eastern boundary is demarcated by 8-metre-tall tree line which runs the length of the host field's boundary with Heagles Road. This boundary is set back behind a 2-metre grass verge from the roadside. Its northern boundary is undefined to the remainder of the field. Its southern boundary is defined by a 4-metre hedgerow whilst its southwestern boundary also comprises of a 7-8 metre tree line.
9. No. 5 Heagles Road is located adjacent to and directly south of the appeal site. This is a detached dwelling and a detached garage set in a large garden with access taken from Heagles Road. Directly adjacent to the appeal site and to the north is the remainder of the agricultural field. Adjacent to this lies a lane defined by 2 metre hedgerows which provides access to No. 3B Heagles Road and the agricultural sheds to the northwest of the appeal site. No. 3A Heagles Road, a detached dwelling lies directly north of the lane. A further lane serving No. 3D Heagles Road lies directly adjacent and north of No. 3A. North of that lane are two sheds and No. 3 Heagles Road. The village of Ballybogey is located around 110 metres to the north of the appeal site.
10. There is disagreement between parties as to whether the appeal site constitutes a gap site in a continuously and substantially built-up frontage. The preamble to PPS21 states that it sets out the policies for development in the countryside and that for the purposes of PPS21 the countryside is defined as land lying outside of settlement limits as defined in development plans. This distinction is an important consideration of PPS 21 in development proposals and is material to this appeal consideration. The development limit of Ballybogey has a narrow dog leg to its

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south which runs along Heagles Road. This area of the settlement limit comprises the front garden area on No. 3 and the two sheds to the south of it, which are set in their own curtilage. Whilst the dwelling at No. 3 is located within the rural area, its frontage and the entire curtilage of the two sheds located to its south are within the settlement limit. Consequently, in accordance with the preamble of PPS21 the buildings on these plots cannot be considered as part of the substantial and continuously built up frontage for the purposes of the policy.

11. The garage at No. 5 is set back and partially sited behind the rear elevation wall of the dwelling. As such, I do not consider it to comprise a building with frontage along the roadside. The remainder of the buildings are sited back from Heagles Road and have no frontage to it. Accordingly, as only the two buildings of Nos. 5 and 3A have frontage onto Heagles Road the appeal site does not represent a small gap within a substantial and continuously built up frontage.
12. Notwithstanding this, even if the garage was considered a qualifying building and the appeal site did comprise a gap site between three buildings with frontage onto Heagles Road, the gap between No. 5 and No. 3A measures around 140 metres. The average frontage of both Nos 5 & 3A is around 37 metres. Accordingly, the gap between No. 5 and No. 3A could accommodate more than two dwellings and would not constitute a small gap. Nevertheless, for the reasons given above, the appeal proposal does not meet the exception test within Policy CTY8.
13. The Council consider that the appeal development would result in the addition of ribbon development along Heagles Road when read with the development at Nos. 3A and 5 Heagles Road and the agricultural sheds. PPS21 does not provide a comprehensive definition of ribbon development, however paragraph 5.33 of Policy CTY8 indicates that it 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. When travelling along the Heagles Road in both directions, the proposed dwelling would also be read together with the dwellings and accesses at Nos.5 & 3A and the agricultural shed to the northwest of the appeal site. Accordingly, it would result in the addition of ribbon development along Heagles Road. The proposal would fail to comply with Policy CTY8 of PPS21. The Council has sustained its second reason for refusal.
14. Policy CTY13 'Integration of buildings in the Countryside' states that 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. It goes on to list seven criteria in which a new building will be unacceptable. The Council argue that the appeal development fails to meet two of those criteria, namely (a) and (c). Criterion (a) states that a new building will be unacceptable where it is a prominent feature on the landscape. The appeal site falls away from the level of the road and would have a backdrop of trees around 7-8 metres high to its rear. A 4-metre hedge to the south of the appeal site would also provide a means of enclosure. Both of these boundaries can be retained by condition in the event of an approval. Accordingly, sufficient backdrop is available, and the proposal would not be unduly prominent in the landscape.

15. Criterion (c) of Policy CTY13 states that a new building will be unacceptable where it relies primarily on the use of new landscaping for integration. The Council consider that the roadside tree line would have to be removed to allow for satisfactory access to be implemented. The Department of Infrastructure (DfI) Roads in its consultation response dated 31st January 2022 have indicated that splays of 2.4 metres by 60 metres would be required to provide a safe access. In the notes section it further adds 'cut back hedges, brambles/ prune trees'. The Council have not explicitly stated how much of the roadside boundary would have to be removed to achieve the required splays. The trees along the roadside boundary are sited around 2 metres back from the roadside. Given DfI roads comments and my on-site observations, I agree with the appellant that as the roadside verge is wide, this would result in the removal of only around 10 trees to accommodate the required access and splays. This would result in the remaining trees remaining to provide sufficient integration which could be retained by condition in the event of an approval. The remaining trees north of the site would also be in place. Any further applications for a dwelling on this part of the field are speculative and I must consider the site and proposal before me as it is at present. The existing 4 metres hedgerow to the south and the 7-8 metre trees to the west together with the remaining trees along the roadside would also provide sufficient existing integration to the appeal proposal. It would not be dependent on new landscaping for integration. Consequently, given the lower topography of the site and the existing mature vegetation surrounding three boundaries of the site, I consider that the proposal would comply with criteria (a) and (c) of Policy CTY13 of PPS21. The Council has not sustained its third reason for refusal.
16. The Council also consider that the proposed development is contrary to Policy CTY14 'Rural Character' of PPS21. Policy CTY14 of PPS21 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. I have already found that the proposal would add to a ribbon of development, thus the appeal development does not meet criterion (d) of Policy CTY14. Furthermore, criterion (a) of Policy CTY14 also states that a new building will be unacceptable where it is unduly prominent in the landscape. I have also previously concluded that subject to appropriate conditions being attached in the event of an approval, the proposal would not appear unduly prominent in the landscape. Accordingly, the Council has sustained its fourth refusal reason only insofar as it relates to criterion (d) of Policy CTY14.
17. Policy CTY15 'Setting of Settlements' of PPS21 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. The appeal site is located around 110 metres away from the settlement limit of Ballybogey. Closer to and immediately adjacent to the settlement limit are buildings at Nos. 3, 3D, 3A and 3B Heagles Road which are all located in the rural area. These buildings, given their proximity and visual appreciation with the development contained within the settlement limit all mar the distinction of the settlement limit and the rural area already. When viewed from Heagles Road, no clear distinction exists between the development on land inside the settlement limit and the development in the rural area surrounding it. Notwithstanding this, given the existing mature vegetation surrounding the larger agricultural field in which the appeal site is located and its location around 110 metres south of the settlement limit, I do not consider that the appeal proposal, in itself, would mar the distinction

of the settlement limit of Ballybogey as designated within the LDP. Accordingly, the proposal complies with Policy CTY15. The Council has not sustained its fifth reason for refusal.

18. I have concluded that the proposal does not represent one of the types of development that are considered to be acceptable in principle in the countryside, and no overriding reasons were presented to demonstrate how the appeal development is essential and could not be located in a settlement. It is, therefore, also contrary to Policy CTY1 of PPS21. The Council's first reason for refusal is sustained.
19. For the reasons given above, the Council's first, second and fourth reasons for refusal have been sustained as far as stated and are determining. The appeal must fail.

This decision is based on the following drawing:-

Drawing No. PD001, Site Location Plan, Scale 1:2500, dated by the agent 27.10.2022.

COMMISSIONER JACQUELINE MCPARLAND

Appendix B – Appeal 2022/A0189



Appeal Decisions

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Appeal Reference: 2022/A0189 (Appeal 1)
Appeal by: Mr Clive Grudgings
Appeal against: The refusal of outline planning permission
Proposed Development: Site for dwelling and garage
Location: Site 2 immediately west of 161 Ballynahinch Road. Hillsborough
Planning Authority: Lisburn and Castlereagh City Council
Application Reference: LA05/2021/0947/O
Procedure: Written Representations with Commissioner's site visit on 13th November 2024
Decision by: Commissioner Diane O'Neill, dated 18th December 2024

Appeal Reference: 2022/A0190 (Appeal 2)
Appeal by: Mr Clive Grudgings
Appeal against: The refusal of outline planning permission
Proposed Development: Site for dwelling and garage
Location: Site 1 approximately 80m west of 161 Ballynahinch Road. Hillsborough
Planning Authority: Lisburn and Castlereagh City Council
Application Reference: LA05/2021/0948/O
Procedure: Written Representations with Commissioner's site visit on 13th November 2024
Decision by: Commissioner Diane O'Neill, dated 18th December 2024

Decisions

1. Appeal 1 is dismissed.
2. Appeal 2 is dismissed.

Preliminary Matter

3. The Council's decisions on both planning applications issued prior to the adoption of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) in September 2023. The Commission subsequently wrote to the parties inviting them to comment on the PS insofar as it related to the appeal proposals.
4. The Council provided revised reasons for refusal based on more recent policy within their PS. These decisions are based on the revised reasons for refusal. No comments on the revised reasons for refusal were received from the appellant.

Reasons

5. The main issues in each appeal are whether the proposed development:
 - would be acceptable in principle in the countryside
 - create ribbon development, and
 - result in a change to the rural character of the area
6. Section 45(1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that 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. Paragraph 3 of the Schedule of the Planning (Local Development Plan) Regulations (NI) 2015 (as amended) states that where a plan strategy (PS) is adopted by a council a reference to the local development plan in the 2011 Act is a reference to the departmental development plan (DDP) and the plan strategy read together. Any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.
7. On 26th September 2023 the Council adopted their PS. This sets out the Council's objectives in relation to the development and use of land in its district and its strategic policies for implementing those objectives. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area with the draft Belfast Metropolitan Area Plan 2004 (dBMAP) remaining a material consideration in certain circumstances. In LAP the sites are located within the Green Belt. No other policies in the LAP are relevant to these proposals. The dBMAP also locates the appeal sites within the Green Belt with no other policies pertinent to the appeal proposals. However, whilst the Green Belt policies have been overtaken by regional policy, with the adoption of the PS, previously retained policies under the transitional arrangements outlined within the SPPS and contained within the Planning Policy Statements (PPSs) have ceased to have effect within the district and are now no longer material.
8. Within the PS both sites are located in the countryside and Policy COU 1 'Development in the Countryside' states that 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. The justification and amplification text of Policy COU 1 recognises that pressure for development must be balanced against the needs of rural communities. As well as having to meet Policies COU 2-10, any proposal for development in the countryside is also required to meet all the general criteria set out in Policies COU 15-16. Policy COU 1 is the basis for the first reason for refusal germane to both appeals. The Council also raised concern in relation to Policies COU 8, 15 and 16. Irrespective of comments made by the case officer in their reports, it is the final Council position, which is reflected in the reasons for refusal, which I will assess.
9. Policy COU 8 relates to infill/ribbon development. It is stated that planning permission will be refused for a building which creates or adds to a ribbon of development. Exceptionally, it adds that there may be situations where the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. It is

added that for the purpose of this policy a substantial and continuously built-up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway. The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming a substantial and continuously built-up frontage must be visually linked. The justification and amplification states that, for the purpose of this policy, a building's frontage must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage.

10. The two appeal sites are located side by side within the same field to the west of a secluded dwelling and garage at No.161 Ballynahinch Road. Appeal Site 1 is in the eastern side of the field directly adjacent to No.161. While the field is undulating, it falls away quite steeply in a westerly direction. The boundaries of the field are primarily defined by mature hedgerow interspersed with trees however the common boundary between the two sites is undefined. Access to both sites would be via a new dual access opening located adjacent to the existing access into No. 161. The access to Appeal Site 2 would run along the roadside frontage of Appeal Site 1 with a new hedgerow proposed behind the visibility splays. To the west of Appeal Site 2 is a dwelling (No.18 Spirehill Road) which is accessed via the Spirehill Road.
11. The appellant relied upon the dwelling at No.18 Spirehill Road and the dwelling and garage at No.161 Ballynahinch Road to provide what they considered to be the substantial and continuously built-up frontage for each of the proposals to qualify as an exception to Policy COU 8. Both the appellant and the Council agreed that the dwelling at No.161 has a frontage to the road. However, its ancillary garage is precluded from being included in the consideration of whether there is a substantial and continuously built-up frontage given the wording of the policy.
12. In terms of the dwelling at No.18 Spirehill Road, while it faces towards the Ballynahinch Road it is accessed via Spirehill Road. The owner of No.18 owns a substantial grassed area to the south of the dwelling which falls steeply in a southerly direction towards the Ballynahinch Road. However, while this grassed area is accessible from the dwelling and enclosed by fencing, the fencing directly south of the dwelling serves to separate this area from the curtilage of No.18. There is also a considerable vegetated embankment and vehicle restraint system barrier located on the southern side of the roadside fence between the grassed area and the Ballynahinch Road.
13. As a building's frontage 'must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage', the dwelling at No.18 Spirehill Road does not have a frontage onto the Ballynahinch Road. Consequently, there can be no gap as prescribed by the policy. Even if it was accepted that No.18 presented a frontage to the Ballynahinch Road, there would not be a line of four or more buildings, of which at least two are dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses. There is no substantial and continuously built-up frontage in this

case as there is only one qualifying dwelling, so there is no existing pattern of development of which to assess the proposals against.

14. For the reason given, there is no substantial and continuously built-up frontage in line with the exception to Policy COU 8. Driving in either direction along the Ballynahinch Road, each of the appeal proposals would share a frontage and be visually linked with the dwelling to the east of the appeal sites at No. 161 Ballynahinch Road. They individually and cumulatively would create a ribbon of development. The appellant referred to other planning applications and appeal decisions including 2013/A0189 and 2018/A0208 however full details of these cases were not provided to allow for comparison. In any event, each case is assessed on its own merits and within its own evidential context. The Council's second reasons for refusal are sustained in both appeals.
15. Policy COU 16, which is the basis for the fourth reasons for refusal, states that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. A new proposal will be unacceptable where it is contrary to a number of criteria including that it does not respect the traditional pattern of settlement exhibited in that area; results in urban sprawl and has an adverse impact on the rural character of the area.
16. Development on either or both appeal sites would visually link with the residential development at No. 18 Spirehill Road and No. 161 Ballynahinch Road creating a ribbon of development. This would appear suburban in nature and would not respect the traditional dispersed settlement pattern in the wider area. It would add to development along the Ballynahinch Road, creating a built-up appearance, and would erode the rural character of the area. Both proposals therefore fail to meet criteria (c) and (e) of Policy COU 16.
17. The Council also raised concern about the prominence of the proposals in the landscape. This is part of the third (criterion a of Policy COU 15) and fourth (criterion a of Policy COU 16) reasons for refusal. The undulating nature of the field, the relatively low nature of the roadside screening and the lack of backdrop would result in a dwelling and garage on Appeal Site 1 appearing prominent in the landscape. In terms of Appeal Site 2 however, given that the field falls away in a westerly direction, a modest dwelling and garage could be accommodated on this lower lying part of the field without it appearing prominent in the landscape. As a result, the Council's fourth reason for refusal based on Policy COU 16 is sustained in its entirety in Appeal 1 and only in relation to criteria (c) and (e) in Appeal 2.
18. In terms of visual integration, irrespective of the suggested ridge height restrictions and lack of prominence of Appeal 2, both sites lack sufficient enclosure given that this is a largely open, undulating field with no definition along the common boundary between the sites. The provision of visibility splays of 2.4m x 120m for the proposed access arrangement would require the removal of a substantial amount of the roadside hedgerow, further opening the sites up to view. This would be contrary to criterion (d) of Policy COU 15. The proposed planting, including that behind the visibility splays, would take a long time to mature before it could successfully aid the integration of the proposals contrary to criterion (e) of Policy COU 15. As a result, the Council's third reason for refusal based on Policy COU

15 is sustained in its entirety in relation to Appeal 1 and only in relation to criteria (d) and (e) in Appeal 2.

19. As both appeals fail to comply with Policies COU 8, COU 15 and COU 16 to the extent identified, they also fail to comply with Policy COU 1 of the PS.
20. The Council's four reasons for refusal in each appeal are therefore sustained as specified above. Accordingly, both appeals must fail.

These decisions are based on the following drawings:-

2022/A0189 (Appeal 1)

Drawing 01 1:2500 site location map date stamped by the Council on 26th August 2021
Drawing 02 1:500 existing site plan date stamped by the Council on 26th August 2021
Drawing 03 1:500 proposed site plan date stamped by the Council on 26th August 2021
Drawing 04 1:250 visibility splay sections date stamped by the Council on 26th August 2021

2022/A0190 (Appeal 2)

Drawing 01 1:2500 site location map date stamped by the Council on 26th August 2021
Drawing 02 1:500 existing site plan date stamped by the Council on 26th August 2021
Drawing 03 1:500 proposed site plan date stamped by the Council on 26th August 2021
Drawing 04 1:250 visibility splay sections date stamped by the Council on 26th August 2021

COMMISSIONER DIANE O'NEILL