



Title of Report:	Planning Committee Report - LA01/2024/1119/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th February 2026
For Decision or For Information	For Decision - Referred Application by Ald John McAuley

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>App No:</u>	LA01/2024/1119/O	<u>Ward:</u>	Route
<u>App Type:</u>	Outline		
<u>Address:</u>	Land between No.44 & 44a Ballybrakes Road, Ballymoney		
<u>Proposal:</u>	Site for Two Storey Infill Dwelling		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	11.10.2024
<u>Listed Building Grade:</u>	N/A		
Agent:	GM Design Associates Ltd, 22 Lodge Road Coleraine BT52 1NB		
Applicant:	Philip Stevenson, 50 Ballybrakes Road, Ballymoney BT53 7PL		
Objections:	1	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

EXECUTIVE SUMMARY

- Outline planning permission is sought for a site for a two storey infill dwelling.
- The site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.
- The proposal is not considered the development of a small gap site within an otherwise substantial and built up frontage, would result in the addition to ribbon development and therefore fails to comply with Policy CTY 8 and CTY 14 of PPS 21.
- NI Water, DFI Roads, Environmental Health, NIEA and NIE were consulted in relation to the application and raised no concerns.
- 1 objection was received on the application.
- 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>

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 reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on lands between No. 44 and 44a Ballybrakes Road, Ballymoney. The site consists of a square shaped plot accessed off an existing lane. The site is currently made up a mix of elements, including rear amenity space of No. 44, agricultural lands, outbuilding and a parking area. The site is visible when travelling either direction on the Ballybrakes Road.
- 2.2 The application site is a located a short distance outside of the settlement development limits of Ballymoney Town as identified in the Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.
- 2.3 Beyond the settlement limit Ballybrakes Road is rural in character, comprised mainly of agricultural land and dispersed housing.

3 RELEVANT HISTORY

- 3.1 D/1975/0221 - Permission Granted 24 June 1976 -
BUNGALOW

D/2010/0231/O - Permission Granted 23 March 2011 -Site for farm dwelling

D/2014/0003/O - Permission Granted 17 April 2014 - Site for farm dwelling. Renewal of Outline Approval Ref. D/2010/0231/O.

D/2014/0260/F- Permission Granted 19 May 2015 - Two Storey Domestic Dwelling with Attached Double Garage and Separate Workshop

4 THE APPLICATION

- 4.1 The application seeks outline planning permission for a site for a two storey infill dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 30.10.24.

Neighbours: Neighbours were notified on 17.10.24.

No letters of support were received on this application.

1 letter of objection was received. The representation highlighted concerns with regards to the volume of traffic on the Ballybrakes Road and the potential risk to other road users. The representation also stated that the loss of the existing parking/turning area (which forms part of the application site) would be great danger for motorists and pedestrians as visibility would be poor when exiting the lane in reverse. Status of application site as Greenbelt.

5.2 Internal

NI Water: No objection

DFI Roads: No objection

Environmental Health: No objection

NIEA: No objection

NIE: 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 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 \(RDS\) 2035.](#)

[Northern Area Plan \(NAP\) 2016](#)

[Strategic Planning Policy Statement \(SPPS\) 2025](#)

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

[PPS 21: Sustainable Development in the Countryside.](#)

Supplementary Planning Guidance

[Building on Tradition: A Sustainable Design guide for Northern Ireland.](#)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, integration/impact on rural character, access, objection issues and Habitats Regulations Assessment.

Principle of Development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

- 8.3 The 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 is submitted for an infill dwelling and therefore falls to be assessed under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.
- 8.4 Policy CTY 8: Ribbon Development notes planning permission will be refused for a building which creates or adds to a ribbon of development. An exception 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 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. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.5 The application site is located to the rear (south) of No. 44 and its associated outbuildings and to the front (north) of No. 44a and its associated garage. Access to the site is via the existing laneway along the eastern boundary of No.44 and which also serves as access to No. 44a. The dwelling and associated outbuildings at No. 44 share a boundary with this laneway and have a frontage onto the laneway.
- 8.6 No 44a and its associated garage are sited at the end of the laneway with the curtilage of the plot defined by a timber fence and entrance gates and pillars. The laneway terminates at the entrance to No. 44a. Consequently, as only No.44a's access abuts the laneway neither the dwelling or garage have frontage onto the laneway neither can be considered as part of a substantial and built-up frontage. This interpretation of policy is consistent with that of the Planning Appeals Commission as set out within planning appeals 2022/A0041 (Appendix 1) and 2024/A0103 (Appendix 2).

- 8.7 Resultantly, given that there are no buildings south of the application site that have frontage to the laneway, there is no bookend to the application site and therefore no small gap site within a substantial and continuously built-up frontage. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY8.
- 8.8 Additionally, as the application site is not considered to result in the development of a small gap site the proposal if developed, would add to and reinforce a linear built-up appearance to the private laneway resulting in the addition of ribbon development, again contrary to Policy CTY8.
- 8.9 In support of the application the agent submitted further information highlighting a number of appeal decisions which was felt to be comparable to the application proposal. These have been reviewed below:

2021/A0111

Within this appeal it was accepted that the appeal site was located within a substantial and continuously built-up frontage given the presence of a dwelling and garage to either side of the appeal site, all of which had direct frontage onto the laneway. This is not comparable to the application proposal.

2017/A0147

Within this appeal the Appeals Commission concluded that despite the proposal offending policy, the proposed development, because of its design, the composition of the appeal site and its juxtaposition with adjacent development, would read as an integral, albeit extended part of the urban fabric of Dunloy. This is not comparable to the application proposal.

2021/A0096

In this appeal, a shed was accepted as part of the frontage as it had a direct frontage onto the Crossgar Road, similar to dwellings 81 and 83 Crossgar Road. A substantial frontage was determined to be present. This is not comparable to the application proposal.

2013/A0214

Within this appeal the Commission concluded that despite the curvature of the laneway there exists a line of 3 or more buildings I consider share a common frontage. These are the dwelling to

be replaced, the outbuilding adjacent to it, No. 21, its garage and No. 17. Notably, and similar to No. 44a Ballybrakes Rd, the Commission noted that they did not accept that No. 17A forms part of the frontage given that it lies within the yard at the end of the laneway rather than along the frontage of the laneway itself. This appeal is not comparable to the application proposal.

2022/A0031

Within this appeal, Nos. 16 and 20 both front onto Stroan Road. A dwelling (No. 22) was sited to the rear of No. 20, in a similar fashion to 44a and 44 Ballybrakes Road. The commissioner agreed that No. 22 Stroan Road (the dwelling sited to the rear) could not be considered as part of the frontage. In this case, an ancillary building at No 16 Stroan Road that was accepted as part of the frontage resulting in the presence of a substantial and continuously built-up frontage at the location. This is not comparable to the application proposal.

2011/A0044

The application site subject to appeal was accessed of a different lane than the built-up frontage. The Planning Department conceded and agreed the dwelling itself actually fronted onto the lane where a substantial and built-up frontage was present, even though it did not achieve access from that lane. This is not comparable to the application proposal.

2012/A0260

A substantial and built-up frontage was found to be present at the appeal site which included No 50 and 52 Ballybogey Road and the double detached garage of No 52. The garage was accepted as part of the frontage given that it aligned with the gable wall of dwelling, fronting onto Newbuildings Lane. This is not comparable to the application proposal.

8.10 The appeal examples sited by the agent are not directly comparable to the application proposal, and do not assist in the determination of this application.

8.11 In addition, as no overriding reason has been forthcoming as to why the development is essential in this location the development is contrary to Policy CTY1 of PPS21.

Integration/Impact on Rural character

- 8.12 Policy CTY 13 notes 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.
- 8.13 As this is an outline application no detailed plans have been submitted regarding the design of the dwelling although the description of the proposal indicates a desire a two-storey dwelling. The site is bound to the south by timber fence and to the east by mature hedgerow. The northern boundary is largely undefined, consisting of amenity space and agricultural lands, while the western boundary is defined by post and wire fencing.
- 8.14 On approach to the site in both directions along Ballybrakes Rd the application site will be read with the existing buildings adjacent with distant vegetation and built form providing a degree of backdrop. Nos. 44 and 44a are two storey dwellings. As there is an existing lane in place and the site is relatively flat any ancillary works required for the development would be minimal. It is therefore accepted that a modest sized two storey dwelling would not appear unduly prominent or conspicuous in the landscape and would satisfactorily integrate with its surroundings. While additional landscaping would be required to provide screening to the site it is not considered that the application site is wholly reliant on new landscaping to achieve integration.
- 8.15 Policy CTY 14 notes 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.

8.16 As outlined above at Paragraphs 8.5 - 8.8 the proposal does not represent the infilling of a small gap site due to the lack of a substantial and continuously built-up frontage at this location.

8.17 Development of the application site would add to and reinforce a linear built-up appearance to the private laneway resulting in the addition of ribbon development. Additionally, when read with the existing built form at Nos. 44 and 44a the proposed development would result in a further accumulation of development at this location. The proposed development will have an urbanising effect on the immediate location and resulting in a suburban style of build-up which is detrimental to rural character. The proposal fails Paragraph 6.70 of the SPPS and criterion (b) and (d) of CTY14.

Access

8.18 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

8.19 Access to the application site is proposed via the use of an existing laneway onto Ballybrakes Rd. Concerns were raised within a representation in regard to road safety due to the increase in traffic volume and loss of existing parking and manoeuvring space within the application site, resulting in vehicles having to exit the laneway in reverse.

8.20 DFI Roads were consulted in relation to this application and in relation to the road safety comments raised and offer no objections to the proposal. The proposal will not prejudice road safety and meets AMP 2 of PPS 3.

Objection Issues

8.21 Within the letter of representation comment was made regarding the application site being classified as Greenbelt and that no further development would occur adjacent to the residence. It is

noted that there are no greenbelt designations within the Northern Area Plan and that all planning applications are subject to the provisions of the Northern Area Plan 2016 and the relevant planning policies contained within the SPPS and other retained regional policy.

Habitats Regulation Assessment

8.22 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.

9 CONCLUSION

9.1 The application site fails to meet with the principal planning policies as there is no gap site within a substantial and continuously built-up frontage to infill. The application proposal will result in the addition to ribbon development along the existing laneway. No over-riding reasons have been provided as to why development is necessary at this location. The proposal is subsequently contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY1, CTY8, and CTY14 of PPS21. Refusal is recommended.

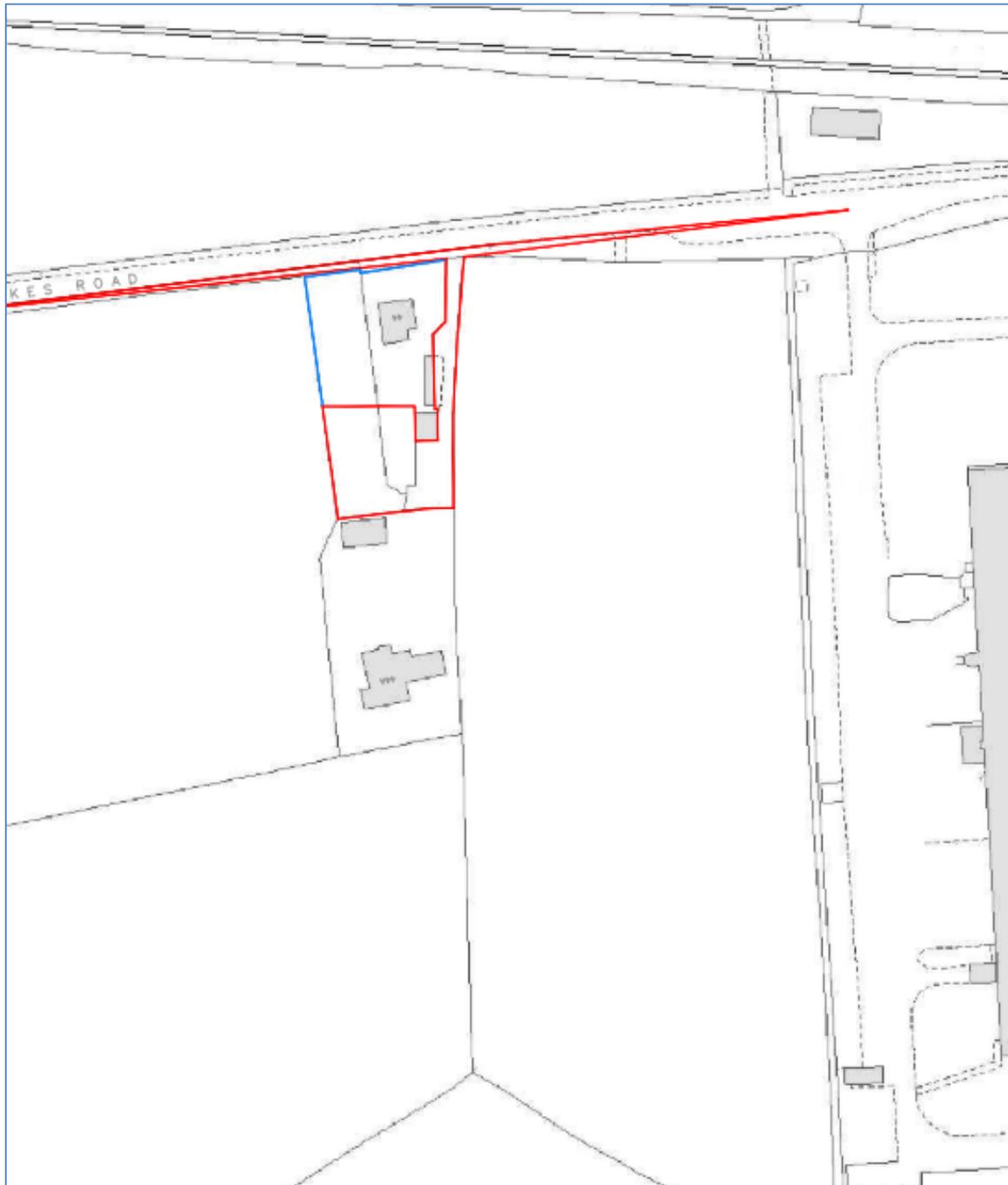
10 Refusal Reasons

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 SPPS and Policy CTY 8 of PPS 21: Sustainable Development in the Countryside in that the development is not considered the development of a small gap site within an otherwise substantial

and built up frontage, and would result in the addition to ribbon development.

3. The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 14 of PPS 21: Sustainable Development in the Countryside in that the proposed development would result in a suburban style build-up of development and would result in the addition to ribbon development along the existing laneway.

Site Location Plan



Referral Request



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	LA01/2024/1119/O Between 44 and 44a BallybrakesRoad Ballymoney
Elected Member Name	Alderman John McAuley
Contact Details	Tel: Email:
<u>Refusal Reasons</u>	
<ul style="list-style-type: none"> • The proposal is contrary to paragraphs 6.70 and 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; • The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21: Sustainable Development in the Countryside in that the development as proposed is not considered the development of a small gap site within an otherwise substantial and built up frontage, and would result in the creation of ribbon development. • The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 14 of PPS 21: Sustainable Development in the Countryside in that the development would result in the creation of ribbon development. 	
<u>Reasons for referral</u>	
<p>The planning reasons for the request are based on the following:</p> <ul style="list-style-type: none"> • The site is a genuine infill opportunity compliant with the spirit and intent of Policy CTY 8 from PPS 21 and Paragraph 6.73 from the SPPS • The gap site has an appropriate frontage to accommodate a single dwelling and respects the pattern of development along the laneway • There is a line of 3 or more dwellings. Policy does not specifically state the requirement for the size and type of building that makes up the frontage or their relationship with each other • As an infill opportunity the application does not contribute to ribbon development. • The PAC has upheld appeals for applications for infill dwellings in gap sites with similar laneway frontage build up and characteristics • The Planning Department have approved applications for infill dwellings in the Council area within gap sites that did not comply with the policy requirements regarding a small gap site within an otherwise substantial and built-up frontage 	



Additional Supporting Information:

The planning reasons for the request are based on the following

- The site is a genuine infill opportunity compliant with Policy CTY 8 from PPS 21.
- The site has appropriate road frontage to accommodate 2 dwellings of comparable plot size/width and respects the pattern of development along the road frontage.
- There is a line of 3 or more dwellings along the road frontage. Policy CTY 8 does not specifically state that adjacent dwellings within a settlement cannot count as contributing to the row of 3 or more buildings.
- There is road frontage development on either side of Station Road to the northeast of the site. Given their position and frontage it is considered that they signify the approach to the settlement. Development on the site will therefore not physically mar the distinction between the countryside and the settlement on this approach to Dunloy.
- The application does not contribute to ribbon development.
- The PAC upheld an appeal (2017/A0147) in a similar context on the western side of Dunloy which should be considered in relation to the determination of this application.

Appendix 1 – Appeal 2022/A0041

Appeal Reference:	2022/A0041
Appeal by:	Mr Michael McMullan
Appeal against:	The refusal of full planning permission
Proposal:	Infill dwelling and garage
Location:	Lands north of 14A Crevolea Road, Coleraine
Planning Authority:	Causeway Coast and Glens Borough Council
Application Reference:	LA01/2020/0843/F
Procedure:	Written Representations with Commissioner's site visit on 29 April 2024 and 17 May 2024
Decision by:	Commissioner B Stevenson, dated 24 May 2024

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by the appellant against the Council. That claim is the subject of a separate decision.

Preliminary Matter

3. Post the issuing of the refusal notice and prior to the submission of the Statement of Cases, the Council notified the Commission in a letter dated 5 August 2022 that it wished to amend its fourth reason for refusal that relates to road safety. The suggested change to the original refusal reason still relates to Policy AMP2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS3) in terms of the alleged prejudice to road safety or the alleged inconvenience to the flow of traffic. However, it removes any reference to the proximity to a road junction but introduces the word 'significantly' to the inconvenience to road users or the flow of traffic.
4. Nevertheless, given that the same policy is referred to in the suggested amendment to that set out in the original refusal reason, I do not consider the proposed revision to introduce a new matter. Whilst the appellant based his Statement of Case on the original fourth refusal reason, no prejudice arises to any parties in considering the amendment in this appeal given that the parties including the appellant had an opportunity to consider the Council's evidence and rebut it.

Reasons

5. The main issues in this appeal are whether the appeal proposal would:
 - be acceptable in principle;
 - erode the rural character of the area;
 - prejudice road safety; and
 - have an unacceptable adverse impact on priority habitats and priority or protected species.
6. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires the Commission, in 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) states 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.
7. The Northern Area Plan 2016 (NAP) operates as the LDP for the area wherein the appeal site is located. The appeal site is within the countryside and outside any defined settlement limit. No specific environmental designations apply to the appeal site. The NAP contains no policy provisions that are material to the appeal proposal.
8. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) sets out the transitional arrangements that will operate until a Plan Strategy (PS) for the area is adopted. Under the transitional arrangements, the SPPS retains certain policies namely Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21), Planning Policy Statement 2 'Natural Heritage' (PPS2) and PPS3. There is no conflict or change in policy direction between the provisions of the SPPS and the above-mentioned retained policies on the issues raised in this appeal. The retained PPS21, PPS2 and PPS3 therefore provide the policy context for determining the appeal proposal. Supplementary planning guidance contained in the Development Control Advice Note 15 'Vehicular Access Standards' (DCAN15) is also a material consideration in this appeal.
9. Policy CTY1 'Development in the Countryside' of PPS21 sets out certain types of development that will be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of those is the development of a small gap site within an otherwise substantial and continuously built-up frontage that accords with Policy CTY8. Where a proposal satisfies Policy CTY8, it would also satisfy Policy CTY1 and criterion (d) of Policy CTY14.
10. Policy CTY8 'Ribbon Development' of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Whilst there is a presumption against ribbon development, the policy permits an exception 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 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. For the purpose of the policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

11. The appeal site is accessed via a single lane off the Crevolea Road. The appeal site is on the west side of that lane, north of a detached two storey dwelling (No. 14A) and south of a two storey farmhouse (No. 16). That farmhouse is surrounded by farm buildings within a farm yard. South of No. 14A are three further detached dwellings (Nos. 10, 12 and 14). Whilst Nos. 10 and 12 have direct access from Crevolea Road, Nos. 14, 14A and 16 are accessed from the Crevolea Road via the lane. The proposed dwelling and garage would also be accessed from the lane.
12. The main bone of contention in this appeal relates to whether the lane continues on past No. 16 and if that farmhouse and its associated buildings have frontage. Paragraph 5.33 of the amplification text of Policy CTY8 states that for the purposes of the policy a road frontage includes a footpath or private lane. The boundaries of No. 10 do not abut the lane and No. 12 is separated from the lane by an agricultural field. Nos. 10 and 12 therefore do not have frontage onto the lane. The gardens of both Nos. 14 and 14A share a boundary with the lane. Therefore, the dwellings and their associated garages at Nos. 14 and 14A all have frontage.
13. I observed an existing agricultural track that runs from the north of No. 16's farmyard through some fields. That track provides access to farmland. The lane from the T-junction at Crevolea Road provides access to certain dwellings including No. 16 and is finished in tarmac up to No. 14A before it changes to concrete. The entrance into No. 16 is defined by a field gate and timber posts. To my mind, the lane terminates at that entrance. The agricultural track that the appellant refers to is a separate track that commences north of No. 16's farmyard. It is not a continuation of the lane given that the farmyard separates the agricultural track from the lane.
14. As the lane terminates at the entrance into No. 16 and only No. 16's access abuts the lane, the farmhouse and its associated buildings do not have frontage onto the lane. Accordingly, there are a total of four buildings (the dwellings and garages at Nos. 14 and 14A) with common road frontage south of the appeal site. Given that there are no buildings north of the appeal site that have frontage, there is no bookend to the appeal site and therefore no small gap site within a substantial and continuously built up frontage. Whilst it may be the case that the appeal proposal would be capable of meeting other elements of Policy CTY8 in relation to development pattern including plot size, nevertheless, it does not meet the exception under Policy CTY8 as there is no small gap within an otherwise substantial and continuously built up frontage for the purposes of the policy.
15. The appellant argues that gaps can be filled if the proposed ribbon forms visual linkage. Paragraph 5.33 of the amplification text of Policy CTY8 states that 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. Whilst the visual linkage test relates to establishing which buildings make up the ribbon of development, as set out above, the development of a small gap site under the exception test relates to a frontage test only in that the small gap site must be within an otherwise substantial and continuously built up frontage.
16. In any event, I have already concluded that there is no small gap site within an otherwise substantial and continuously built up frontage. Moreover, the proposed dwelling and garage would result in the loss of an important visual break that exists along the lane between the row of four existing dwellings and the buildings at the farm complex. The appeal proposal would read with the linear form along the lane

and would add to build-up. Consequently, it would add to a ribbon of development and would offend Policy CTY8 of PPS21. The Council's second reason for refusal and the third parties' objection are therefore sustained.

17. Policy CTY 14 'Rural Character' 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. A new building will be unacceptable in certain circumstances. Given that I have found that the proposed dwelling and garage would add to a ribbon of development, it would offend criterion (d) of Policy CTY14 of PPS21. The proposed dwelling and garage would also result in a suburban style build-up of development when read with the row of existing dwellings and would therefore offend criterion (b) of Policy CTY14. The Council's third reason for refusal and the third parties' objection are therefore sustained.
18. The Council argues that the appeal proposal would offend Policy AMP2 of PPS3. Policy AMP2 'Access to Public Roads' of PPS3 states that 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 such access will not prejudice road safety or significantly inconvenience the flow of traffic. The third parties contend that the appeal proposal would intensify the use of the existing access onto Crevolea Road and that this intensification would be significant.
19. The lane onto Crevolea Road is currently used by Nos. 14, 14A and 16. The Council and the third parties indicate that there is a live permission (LA01/2020/0868/F) for a fourth dwelling that would also use the same lane to access onto Crevolea Road. This was undisputed. Whilst this approved dwelling has not yet been built, I accept that it could be erected given the undisputed claim that there is a live permission for a fourth dwelling along the lane. The proposed dwelling and garage would be the fifth dwelling along the lane. Paragraph 1.2 of DCAN15 defines intensification as occurring when a proposed development would increase the traffic flow using an access by 5% or more. The proposed dwelling and its garage along the lane would therefore involve intensification of the use of the existing access.
20. Policy AMP2 of PPS3 states that "the acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Department's published guidance. Consideration will also be given to the following factors:
 - the nature and scale of the development;
 - character of existing development;
 - the contribution of the proposal to the creation of a quality environment, including the potential for urban/village regeneration and environmental improvement;
 - the location and number of existing accesses; and
 - the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase."
21. The Council argues that the traffic speed on the Crevolea Road is 40 miles per hour and that visibility splays of 2.4 metres by 80 metres in both directions should be provided. The Council indicates that a without prejudice condition for the access was not added as the access arrangements could not be accommodated within the appeal site red line boundary. However, the appellant contends that Crevolea Road is lightly trafficked and that the traffic speeds are low. He argues that speeds ranged

from zero (for pulling in to meet oncoming traffic) to just over 30 miles per hour in both directions and that Table B would suggest an appropriate Y-distance of between 33 metres and 70 metres. He goes on to contend that the existing access is safe in that there is no history of accidents and argues that visibility splays towards the lower end of the range may be appropriate. The dispute between the appellant and the Council relates to the traffic speed on the priority road and the subsequent Y-distance that should be provided.

22. DCAN15 provides guidance on the standards for vehicular access. Paragraph 2.3 of DCAN15 states that the normal requirements for the priority road distance or Y-distance are set out in Table B and the notes thereto. One of those notes is that the traffic speed to be used is a reasonable estimate of the 85thile speed on the priority road; for example, by use of following vehicle surveys or, in the case of a dispute, the measured 85thile speed. Where I refer to the traffic speed, I mean the 85thile speed on the priority road. Paragraph 2.3 goes on to say that they depend on the speed of traffic on the priority road, the volume of traffic on both the priority road and the access, and the judgement which the Department makes in any given case about road safety matters.
23. I witnessed very few vehicles travelling on the Crevolea Road. I followed one of those cars and the speed that car was driving at reached at most 35 miles per hour. Based on my follow survey, the estimated 85thile road speed is approximately 35 miles per hour. Table B indicates that where the traffic speed on the priority road is 31 miles per hour, the Y-distance should be 60 metres and where the speed is 37 miles per hour, the Y-distance should be 70 metres. Given my conclusions as to the estimated 85thile road speed being 35 miles per hour and bearing in mind the narrowness of the road and that it is undisputed that there is no history of accidents on this stretch of the road, I accept that the Y-distance should be 70 metres in both directions.
24. Notwithstanding the Council's stance that the splays should be within the appeal site red line boundary and the stated third party objection to the use of their land for splays, a suitably worded negative condition could require that visibility splays of 2.4 metres by 70 metres in both directions be provided prior to the commencement of development of the proposed dwelling and garage and that those splays be kept clear. In any event, the stamped refused drawing numbered 03 refers to providing 2.4 metres by 70 metres visibility splays. With the imposition of such a condition and given that it is undisputed that there is no history of accidents on this part of the road and that the road is lightly trafficked, I am satisfied that whilst the proposal would intensify the use of the existing access, it would not prejudice road safety or significantly inconvenience the flow of traffic on the Crevolea Road. The Council's fourth reason for refusal is therefore not sustained.
26. The appellant refers to other developments nearby and the Y-distances that were approved by the Council. The appellant refers to a neighbour's approval and alleges that that permission contains a pre-commencement condition. However, no substantive details have been provided of those applications (LA01/2018/0915/F and LA01/2022/0177/O) or the neighbour's permission. For that reason I therefore cannot comment on them. In any event, I have concluded above that if 2.4 metres by 70 metres is provided in both directions that the appeal proposal would not prejudice road safety or significantly inconvenience the flow of traffic onto the public road.

27. A third party contends that the appeal proposal would hinder his farming activities as there would be further associated vehicular traffic using the lane. Notwithstanding that Policy AMP2 of PPS3 relates to accessing public roads, I consider the level of vehicular movements that would be associated with the proposed dwelling and garage using the lane would not be to such an extent that it would significantly inconvenience the flow of traffic along the lane or hinder the farming activities associated with No. 16.
28. The Council's fifth reason for refusal states that it has not been demonstrated that the proposal will not result in any detrimental impact on natural heritage. Policy NH2 'Species Protected by Law' of PPS2 states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. The policy goes on to set out exceptional circumstances where a proposal that is likely to harm these species may only be permitted. Policy NH2 also states that planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.
29. Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of PPS2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of natural heritage importance. The appeal site is an overgrown rough field that is bounded on all four sides by mature high overgrown hedgerows and some trees. The Natural Environment Division (NED) informed the Council to refer to the Department of Agriculture, Environment and Rural Affairs' (DAERA) Environment Advice for Planning. That advice note is not before me. The Council did indicate that all hedgerows are classed as NI Priority Habitat and that there is the potential for the site to be used by protected and priority species as it contains mature trees, grassland and hedgerows, and I agree. The Council contends that a biodiversity checklist was requested during the processing of the application but one was never provided.
30. No completed biodiversity checklist has been submitted in the appeal documentation and there is not one in the background papers. Inevitably, the appeal site would be disturbed to accommodate the proposed dwelling and garage. The stamped refused drawing No. 03 indicates that vegetation would be removed to accommodate the proposed dwelling, its site entrance and driveway. That drawing also shows the proposed dwelling and its garage sited close to existing trees. Whilst the appellant indicates that no hedgerows would be removed, from my on-site observations, I consider that the mature overgrown hedgerow and some trees along the front boundary of the appeal site would need to be removed to accommodate the driveway entrance into the site. Drawing No. 03 reiterates this as it indicates that a proposed hedgerow would be provided along the full length of that boundary.
31. Factoring in the above, I conclude that the appeal proposal would result in an unacceptable adverse impact on, or damage to priority habitats and priority or protected species. This would offend Policies NH2 and NH5 of PPS2. The Council's fifth reason for refusal and the third parties' concerns in this regard are therefore sustained.
32. As the development offends Policy CTY8 of PPS21 and no overriding reasons were advanced that demonstrate that the appeal proposal is essential and could not be

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located in a settlement, the proposed dwelling and its garage would offend Policy CTY1 of PPS21. The Council's first reason for refusal is therefore sustained.

33. The third parties refer to a dismissed appeal on the appeal site (2006/A2562) for a dwelling and garage and contend that that appeal decision sets a precedent. However, that appeal was decided under a different policy context to this appeal as PPS21 was published in June 2010. That appeal decision 2006/A2562 is therefore not comparable to this appeal.
34. Given that I have found that the Council's first, second, third and fifth reasons for refusal are sustained, the appeal must fail.

This decision relates to:

Drawing No.	Drawing Title	Scale	Date Stamp Received
01	Location Map	1:2500	13 Aug 2020
02	Gap Site Map	1:2500	13 Aug 2020
03	Site Plan and Entrance Details	1:500	13 Aug 2020
04	Plans, Elevations and Section	1:100	13 Aug 2020
05	Rendered Images	Not to scale	13 Aug 2020

COMMISSIONER B STEVENSON

Appendix 2 – Appeal 2024/A0103

Appeal Reference:	2024/A0103
Appeal by:	David Kernohan
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and Garage
Location:	East and Adjacent to 77 Kirk Road, Ballymoney
Planning Authority:	Causeway Coast and Glens District Council
Application Reference:	LA01/2024/0771/O
Procedure:	Written Representations with commissioner's site visit on 29 th April 2025
Decision by:	Commissioner Carrie McDonagh, dated 16th May 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;
 - result in ribbon development and adversely impact on rural character; and
 - prejudice road safety.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 (the Act) indicates that in dealing with an appeal, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that regard must be had to the LDP unless material considerations indicate otherwise. The Northern Area Plan 2016 (NAP) operates as the local development plan for the area the appeal site is in. In it the site is located in the countryside. The NAP does not contain any policies or other provisions which are pertinent to the consideration of the proposal.
4. The Strategic Planning Policy Statement for Northern Ireland "Planning for Sustainable Development" (SPPS) is also material to all decisions on individual appeals. The SPPS retains policies within existing planning policy documents until such times as Plan Strategies (PS) for the whole of the Council areas in NI have been adopted. No PS has been adopted for this Council area. In accordance with the transitional arrangements any conflict between the SPPS and any retained policy must be resolved in favour of the provisions of the SPPS. There are no conflicts with regional policy on those issues relevant to this appeal. Accordingly, the policies within Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and Planning Policy Statement 3: Access, Movement and Parking (PPS 3) provide the relevant policy context.

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5. Policy CTY 1 of PPS21 is titled 'Development in the Countryside'. It lists a range of types of residential development which, in principle, are acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. These include a new dwelling in an existing cluster in accordance with Policy CTY 2a and 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 in accordance with Policy CTY 8 "Ribbon Development".
6. The appeal site is rectangular in shape and is located down an agricultural lane, which takes its access from the southern side of Kirk Road. The appeal site is behind No. 81, which is a road frontage detached bungalow set in a large plot. The site is situated between the chalet bungalows at Nos. 77 and 79, which are both accessed from the same agricultural lane as the appeal site. The site is relatively flat and covered in grass, with a central hedge/scrub line. The northern boundary adjacent the lane is defined by a 1m high wooden post fence, with a field gate providing access to the site. The eastern and southern boundaries are defined by a 1m high post and wire fence. Trees and scrub characterise the western portion of the site, with the western boundary defined by mature vegetation abutting No. 77 Kirk Road. To the north, between the appeal site and Kirk Road, there is a ribbon of development comprising of seven single storey detached dwellings fronting onto Kirk Road, with further detached dwellings on the opposite side of Kirk Road.
7. Policy CTY 2a "New Dwellings in Existing Clusters" contains six listed criteria. The third is the only criterion in dispute. It requires that the cluster is associated with a focal point such as a social/community building/facility or is located at a cross-roads. The appellant is relying on a "Historical Site of Church and Graveyard (Historic Monuments Record SMR:ANT012:034)" as the associated focal point.
8. The Council dispute that this historical/archaeological site, located 357m northeast of the appeal site, on the opposite side of Kirk Road can be considered as a focal point. They refer to the absence of visible remains/presence arguing it serves no current social/community purpose nor is there an opportunity for people to meet as the field is in agricultural use. They further argue that the requirement for a focal point goes to the heart of the strategic objectives of sustainable development in the countryside as the existence of a social/community facility building helps to achieve appropriate and sustainable patterns of development, which supports a vibrant rural community through the provision of services and facilities which are accessible via active travel methods, which is reinforced through the omission of "crossroads" in the SPPS. In support of this position, they refer to a previous appeal 2021/A0115 which was dismissed on the appeal site in which the Commissioner outlined how the term 'associated', relates to a physical or geographical association rather than a perception held by members of the local community (paragraph 7).

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9. That appeal related to two dwellings, although each were assessed individually. They were found not to meet criterion 3, as the focal point relied on in that appeal (Roseyards Church and Graveyard) was located 1.6km to the east of the appeal site and criterion 4 as the sites were not bounded on at least two sides by other development within the cluster. Whilst not on all fours with the appeal proposal, I agree with the appointed Commissioner that an association with a focal point relates to a physical or geographical association. I am further convinced of the need for a physical/visual presence having considered the decision 2010/A0202 relating to lands at Creevedonnell, provided by the appellant, wherein the Commissioner at paragraph 3 did not accept that an alleged former forge was a local focal point and concluded that this falls to be assessed in the contemporary context.
10. The appellant describes the "Historical site of church and graveyard" as one which the public still visit. However, the field in question is located three fields back from Kirk Road, with little geographical association with the buildings fronting Kirk Road and agricultural buildings and a working farm between it and the public road thus it is not easily accessible. At the time of my site visit the access gate to the laneway between the agricultural buildings was locked. Consequently, I am not persuaded it is a site that the public can visit. I also could not see any buildings or structures present as viewed from the public road network, including Stroan Road to the east. This is consistent with the 1993 historical monument record (contained in the background papers) which confirms that no vestige of the graveyard and church remains, with no obvious features observed and the site unlocated. For these reasons, I do not accept that the "Historical site of church and graveyard" qualifies as a focal point for the purposes of criterion 3 of Policy CTY2a. Accordingly, the policy test requiring that a qualifying cluster is associated with a focal point is not met.
11. The appellant raised a number of decisions wherein it was stated that Policy CTY2a did not preclude development which fails one of the listed criteria in support of their position that a decision maker does not have to slavishly follow policy, and it is the thrust of the policy that is important. In regard to the Council's approval of LA/01/2017/0555/O – Site between 38 & 40 Ringrash Road, Macosquin, Coleraine, the location plan indicates the site is surrounded by 23 dwellings, a significantly larger amount compared to the appeal proposal. In any event, as each application is considered on its own merits, and is highly fact specific, the weight the Planning Committee choose to give to individual applications is a matter for them as the decision maker and rarely are two sites directly comparable.
12. In the decision 2010/A0202 referred to previously, the Commissioner's site-specific characteristics and distinguishing factors indicate little similarity with the current case, including the lack of visual association with the adjacent dwelling and the fact that the site is of a size and nature that remains suitable for agricultural use as evidenced by the machinery witnessed therein. Turning to decision 2017/A0222 (relating to lands in Helen's Bay) the cluster pertained to a larger group of buildings in a Local Landscape Policy Area contained by a railway line to the rear and therefore has a different setting with no harm to the character of the area judged to be arising. In any event, this Council decision and both of these appeal decisions had previously been considered under appeal 2021/A0115 and were not found to have comparable site characteristics.

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13. I am not persuaded that 2016/A0095, relating to lands in Kilkeel, lends support to the appellant's case given the position taken by the relevant Council at that time (a different Council) is different to the final position of the Council in this appeal. The Council gave weight to one of its previous decisions and a PAC decision relating to its Council area and judged that the proposal had similar circumstances and therefore criterion 3 should be disapplied in the interests of fairness. That is not on all fours with the evidential context of this appeal.
14. The Council highlighted the dangers of decision makers applying a policy in anything less than totality arguing a consideration of the overall thrust of a policy sets a harmful precedent. In support of this argument, I was referred to the *Court of Appeal (2025) NICA 8* judgement which postdates the appeals referred to by the appellant and states:

"The suggestion that a policy for a single house development in the countryside is considered in a more relaxed way, which was the judge's observation is a cause of great concern to us. This judgement should reiterate the point that planning policy exists to protect the rural environment and should not be underestimated or considered in any relaxed way."
15. Whilst there may be instances where it will be judged appropriate to depart from planning policy, such cases will be a matter of judgement, cognisance to case law that planning policy exists to protect the rural environment and individual to the evidential context of each proposal. The wording of policy CTY2a requires all the criteria to be met. It should only be in exceptional circumstances that a criterion is disregarded. In the current case no exceptional circumstances have been advanced to justify the setting aside of the criterion to be associated with a focal point and accordingly, the proposal fails to meet the requirements of Policy CTY 2a. The Council have therefore sustained their second refusal reason.
16. 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. It continues that an exception 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 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.
17. The appellant does not refer to a substantial and continuously built-up frontage for the purpose of meeting the policy exception. Their description of No. 79 as "lying to the east of the appeal site at the end of the laneway" does not meet the policy requirement for there to be three or more buildings along a road frontage without accompanying development to the rear. From my observations on site, the laneway terminates at the gateposts of the driveway to No. 79 and it does not have a direct frontage with the laneway unlike the appeal site and No. 77, but only an access. In the absence of a eastern bookend building with frontage to the laneway, there is no substantial and continuously built-up frontage. Accordingly, the appeal development would create ribbon development along the laneway comprising of the two buildings at No. 77, the appeal proposal and No. 79, contrary to Policy CTY8 of PPS21 and the related provisions of the SPPS. The Council's third reason for refusal is sustained.

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18. The Council refer to the proposal offending Policy CTY 14 "Rural Character" which requires that a building in the countryside does not cause a detrimental change to or further erode the rural character of an area. Criterion (d) states that a new building will be unacceptable where it creates or adds to a ribbon of development. This is further reinforced in paragraph 5.80. It states that ribbon development is always detrimental to the rural character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern of the countryside. Paragraph 5.33 states that 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'. Although the Council did not identify any critical views, from my on-site observations, given the alignment of the shared laneway around the bend at No. 77 and the mature boundary vegetation, the appeal site and 79 are not readily intervisible until past a bend at the entrance to No. 77. However, from the bend a new dwelling on the appeal site would be viewed with the aforementioned dwellings and would appear as ribbon development contrary to criterion (d) of Policy CTY 14.
19. The Council also raise criterion (b) in that the proposed dwelling would, if permitted, result in a suburban-style build-up of development when viewed with existing buildings. The appellant conversely argues that the appeal dwelling will be absorbed into the existing cluster of development, which already appears as a suburban build-up at this location and therefore it would not further erode rural character.
20. Paragraph 5.81 of PPS 21 states that the assessment of the impact of a new building on rural character will be judged from critical views along stretches of the public road network; shared private laneways serving existing or approved dwellings; public rights of way and other areas of general public access and assembly. The shared laneway is a public view and an additional building will, when considered cumulatively with the properties visible along the laneway result in a build-up of development detrimental to the rural character of the area. The Council's fourth reason for refusal is therefore sustained.
21. Policy AMP2 of PPS 3 'Access to Public Roads' indicates that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the free flow of traffic. The appellant provided a drawing in evidence showing the visibility splays of 2.4m x 130m to the NE and 160m to the SW. The Council did not dispute this information. Whilst I have not been advised if these enhanced visibility splays require third party land or if notice was served on the adjacent landowner, this is a matter that could be resolved through an appropriately worded negative condition. Accordingly, the Council's fifth reason for refusal on the basis of PPS 3 is not sustained.
22. Policy CTY 1 also states that 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. As I have found no policy basis for the proposal, the principle of the development is not established. The proposal therefore fails to meet Policy CTY 1 and the related provisions of the SPPS. Accordingly, the Council's first reason for refusal is not sustained.

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23. As four of the five refusal reasons have been sustained, the appeal is dismissed.

This decision is based on the following drawing submitted within the appellant's statement of case: -

Drawing No	Title	Scale	Council Date Stamp
1 – (L-01 Rev B)	Location Map	1:2500 @ A4	March 2025

COMMISSIONER CARRIE MCDONAGH