

<b>Planning Committee Report LA01/2017/0402/O – adjacent to 155 Altmover Road, Dungiven</b>	<b>20<sup>th</sup> December 2017</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/a

**Adjacent to 155 Altmover Road,  
Dungiven**

**LA01/2017/0402/O**

**20<sup>th</sup> December 2017**

<b><u>No:</u></b>	LA01/2017/0402/O	<b><u>Ward:</u></b>	Feeny
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	Adjacent to 155 Altmover Road, Dungiven		
<b><u>Proposal:</u></b>	Proposed storey and a half dwelling with detached garage. Dwelling to be used as a family home.		
<b><u>Con Area:</u></b>	n/a	<b><u>Valid Date:</u></b>	27.03.2017
<b><u>Listed Building Grade:</u></b>	n/a		
<b>Agent:</b>	Stephen Faulkner, 333 Drumrane Road, Dungiven, BT47 4RG		
<b>Applicant:</b>	Seamus Farrell, 157 Altmover Road, Dungiven		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in 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 site is located on the Altmover Road and comprises an existing roadside agricultural field. There is an existing field gate in the south-eastern corner of the site. The topography of the site rises steeply to the north-west, before levelling off slightly in the northern portion of the site. Part of the south-eastern corner of the site sits at lower level to the rest of the site and there is a cluster of mature planting along the sloping bank in this corner.

- 2.2 An existing power line traverses the northern part of the site. The south-eastern, roadside boundary of the site is defined by a timber post and wire fence, mature hedging and a couple of trees. The north-eastern and northern site boundaries are defined by a timber post and wire fence and mature planting. The south-western site boundary is defined by a timber post and wire fence and planting.
- 2.3 The character of the surrounding area is rural. The existing farmyard is located to the north west of the site and is not visible from the road. There is a bungalow on the adjacent site, 155 Altmover Road, denoted by suburban style boundary walls and gates.
- 2.4 In the Northern Area Plan the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site.

### **3 RELEVANT HISTORY**

There is no relevant planning history on the application site but the following is relevant planning history on the farm.

#### LA01/2016/1366/F

Proposed change of house type to previously approved dwelling to site 100m North East of No.157 Altmover Road, Dungiven. Amended design to B/2011/0078/F.

100M North East of No.157 Altmover Road Dungiven BT47 4QE  
Approved 23.05.2017

#### B/2011/0078/F

Proposed off site replacement dwelling consisting of a single storey dwelling with detached garage to include retention of mobile home during construction only.

100 metres North East of no. 157 Altmover Road, Dungiven.  
Approved 16.12.2011

### **4 THE APPLICATION**

- 4.1 Outline Planning Permission is sought for a storey and a half dwelling with detached garage. The application site is located adjacent to 155 Altmover Road, Dungiven. Access is proposed to be taken directly from the roadside at the eastern half of the roadside frontage. The

access and visibility splays will require the removal of the roadside hedge, trees and lowering of the grass bank.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: There are no objections to the proposal

### **5.2 Internal**

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DFI Roads: No objections

DARD: No objections

Loughs Agency: No objections

## **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 a new local plan strategy is adopted, councils will apply specified retained operational policies.

- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of development; integration; impact on rural character; ribbon development; and other material considerations.

### **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 a proposed storey and a half dwelling with detached garage, to be used as a family home. P1C forms and the associated farm maps accompanied this application, it therefore falls in the first instance to be assessed against Policy CTY 10.
- 8.3 Policy CTY 10 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:
- a) the farm business is currently active and has been established for at least 6 years;
  - b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of

the application. This provision will only apply from 25 November 2008; and

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

- 8.4 In the consultation response from DAERA dated 2<sup>nd</sup> June 2017 it was indicated that the farm business id identified on the P1C Form has been in existence for more than 6 years. DAERA has also confirmed that the farm business has claimed SFP, LFACA or AES in the last 6 years. As the farm business has been active and established for the required period the proposal is taken to comply with criteria (a) of CTY 10.
- 8.5 The applicant has stated on the P1C that no dwellings or development opportunities have been sold off from the farm holding since 25 November 2008. A planning history search against the applicant's farm business ID number has not indicated any other planning applications. A search of farm lands identified on the associated farm maps has not revealed any previous planning histories which would suggest any previous approvals for farm dwellings.
- 8.6 However, the search of the farm maps did show two previous applications in relation to a replacement dwelling 100 metres North East of no. 157 Altmoover Road, B/2011/0078/F and LA0/2016/1366/F. Clarification was sought from the agent who confirmed that no land has been sold off or transferred from the farm holding. This information has been verified. The proposal therefore complies with criteria (b) of CTY 10.
- 8.7 The application site comprises an existing roadside agricultural field. The topography of the field rises steeply from the road to the north-west, before levelling off slightly in the northern portion of the site. There is no visual link or clustering with an established group of buildings on the farm. The site reads quite separately from the farm grouping, the closest building is located 36m to the north-west, with the centre of the grouping approx. 90m to the north-west. Given the topography of the site and its roadside position any dwelling on this site would be visible and would fail to integrate into the surrounding area. The site proposes a new separate access and does not use an existing lane which will necessitate the removal of existing planting along the front of the site. This will have a further detrimental impact on the visual amenity and the character of the surrounding area.

- 8.8 Exceptionally consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. In a statement provided by the applicant, the agent stated that building sites are limited on the farm that are in close proximity to the farm buildings. This is due to existing buildings, the terrain, levels of the land and not owning the land to the “right” of the sheds. The only other suitable site has been built on by the applicant’s brother. The applicant also plans to expand his farm business. However, at present there are no verifiable plans to expand the farm business at the existing group. Paragraph 5.42 of the justification and amplification states that evidence relating to the future expansion of the farm business may include valid planning permissions, building control approvals or contractual obligations to supply farm produce which would allow for such plans to be verified. Suitable sites must not only comply with the criteria of CTY 10, but also CTY 13 (a-f), CTY 14 and CTY 16.
- 8.9 Policy CTY 10 also states that proposals for a dwelling on a farm must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY 16. These refer to the ability of the proposal to integrate into the surrounding landscape and the effect which a proposal may have on rural character. Paragraph 6.70 of the SPPS also states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. The requirements of policies CTY 13 and CTY 14 were considered by the Planning Appeals Commission in appeal ref: 2017/A0005. The Commissioner concluded that whilst the proposal complied with CTY10, this did not outweigh the failure to meet Policies CTY 8, CTY 13 and CTY 14 of PPS 21 and Policy NH 6 of PPS 2. Policies CTY 13 and CTY 14 are addressed in the following paragraphs.

### **Integration**

- 8.10 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate sympathetically with their surroundings.
- 8.11 The proposal would be contrary to the SPPS and Policy CTY 13 of PPS 21 as a new dwelling on the site would be a prominent feature in the landscape. The topography of the site does not allow for the integration of a new building into the surrounding landscape. A dwelling on the site would sit in an elevated position in relation to



Altmore Road and be visible from Altmore Road, with distant views from the Foreglen Road (A6) travelling towards Londonderry.

- 8.12 Ancillary works required for access to the site would have an unacceptable impact on the existing character and will necessitate the removal of existing planting along the front of the site. The further impact as a result of the ancillary works exacerbates the inability of a dwelling to integrate into this site.
- 8.13 In a statement provided by the applicant, the agent notes in relation to scale, that the proposal was for a proposed storey and a half dwelling but that this could have been controlled by planning conditions if this size of dwelling was not considered acceptable. However, the site in itself is not considered suitable for a dwelling, irrespective of size, as any dwelling would be a prominent feature in the landscape and therefore contrary to Policy CTY13 and paragraph 6.70 of the SPPS.

### **Impact on Rural Character**

- 8.14 The application site comprises an existing roadside agricultural field with a topography that rises steeply to the north-west before levelling off slightly in the northern portion of the site. The south-eastern, roadside boundary is defined by a timber post and wire fence, mature hedging and a couple of trees. The remaining boundaries are defined by a timber post and wire fence and planting.
- 8.15 Given the topography of the site and the characteristics of the surrounding area, a new dwelling would be unduly prominent in the landscape. If a dwelling were to be sited on the flatter northern portion of the site it would result in a detrimental impact on visual amenity and the character of the area. Equally, siting a dwelling on the sloping portion of the site would require earthworks which would in themselves result in a detrimental impact on the rural character of the area. The proposal would result in a suburban style build-up of development when viewed with the neighbouring dwelling at 155 Altmore Road and create ribbon development. The ancillary works required for access to the site would result in the loss of existing planting along the roadside frontage and result in a detrimental impact on the rural character of the area. The proposal is contrary to Policy CTY14 and paragraph 6.70 of the SPPS.

### **Ribbon Development**

- 8.16 Planning permission will be refused for a building which creates or adds to a ribbon of development. A dwelling on the site would read with the existing dwellings at No. 155 and No. 149 Altmore Road and

create a ribbon of development. The proposal is therefore contrary to Policy CTY 8.

8.17 In a statement provided by the applicant, the agent refers to Policy DES 7 of the Planning Strategy for Rural Northern Ireland. The policy provisions of PPS 21 take precedence over this policy and therefore Policy CTY8 is the relevant policy for consideration. As there would be a common frontage along the road the proposal would result in ribbon development.

### **Other Material Considerations**

8.18 In a statement provided by the applicant, the agent sets out a case for need and the personal circumstances of the applicant. This information is not considered compelling and site specific reasons for a new dwelling at this location given the existing farm dwelling, which is the applicant's current residence, and the recent replacement dwelling on the farm. No evidence has been submitted to overcome criteria (a) and (b) of CTY 6.

8.19 In terms of precedent, the agent referred to LA01/2015/1056/F in the report. This site is not considered comparable as the topography of the approved site allows the dwelling to visually link with an established group of buildings on the farm.

8.20 The agent also referred to application B/2009/0184/F, this application was for a replacement dwelling at a site 200m south of Calhame Road and Drumrane Road, Dungiven, and therefore is not directly comparable. Application B/2010/0249/F relates to the relocation and minor amendments to B/2009/0188/F, which was a single storey dwelling for a farmer at site north-west of 163 Altmover Road, Dungiven. The latter proposal re-sited the dwelling within the application site. Both proposals included a new access point. However, the drawing notes that the existing laneway entrance was to be permanently closed off although there is no condition on either decision notice in respect of this. The site is considered distinguishable from the application site due to the roadside vegetation and topography which allows integration of the farm dwelling, the farm complex and access routes. The existing dwellings at 155 and 161 Altmover Road were approved in the 1980's and therefore would have been subject to very different planning policy.

## **9.0 CONCLUSION**

- 9.1 The proposal fails to comply with the policy provisions of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY10, CTY13, CTY14 and CTY8 of Planning Policy Statement 21. The proposal does not visually link or cluster with an established group of buildings on the farm and furthermore would fail to integrate into the surrounding landscape, have a detrimental impact on rural character, would be unduly prominent and would result in ribbon development. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.

2. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the ancillary works do not integrate with their surroundings; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted, be unduly prominent in the landscape;

-the dwelling would, if permitted, create ribbon development;

-the impact of ancillary works would damage rural character;  
and would therefore result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, create a ribbon of development along the Altmover Road.

# Site location

