

Planning Committee Report LA01/2015/1008/F	22nd March 2017
PLANNING COMMITTEE	

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

**70 metres North of No. 19
Cloghan Road, Limavady**

**LA01/2015/1008/F
Full Application**

22nd March 2017

<u>No:</u>	LA01/2015/1008/F	<u>Ward:</u>	Drumsumn
<u>App Type:</u>	Full Planning Application		
<u>Address:</u>	70m North of 19 Cloghan Road, Limavady		
<u>Proposal:</u>	Proposed agricultural shed		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	10 th December 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	AJD Architectural Design Services, 149 Whitehill Park, Limavady, BT49 0QQ		
<u>Applicant:</u>	Mr G Foster		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- 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 section 7 & 8 and resolves to **REFUSE** full planning permission for the reasons set out in Section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The application site is located approximately 60m north of No. 19 Cloghan Rd, Limavady. The site is adjacent the roadside within the western section of an agricultural field. Access to the proposed site is obtained via an existing laneway along the western field boundary. The field falls slightly from the road in a southern direction, and also falls from west to east. The roadside boundary is defined by a post and wire fence with very little vegetation coverage along most of the boundary, gorse hedging defines a small part of the boundary to the eastern end, approximately 1-1.2m high. The western boundary is defined by

the existing laneway which also serves two dwellings and the agricultural land to the rear of the site. The western field boundary defined by a post and wire fence and mature hedge approximately 1.2m high, with a field gate in the North West corner of the site. The southern site boundary is defined by a post and wire fence and a band of mature trees which are in excess of 10m with some ranging from approximately 12-14m. The eastern site boundary is currently undefined.

- 2.2 The site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The area is characterised primarily by agricultural land, with farm complexes located within a short distance either side of the application site. There are two roadside dwellings located a short distance west of the application site. There are two dwellings located to the south east of the site, both of which are accessed via the existing laneway which serves the site.

3 RELEVANT HISTORY

- 3.1 B/2003/0565/O - Site for dwelling - Approximately 100 metres to the east of 11 Cloghan Road, Drumsum, Limavady – Permission Refused 21.01.2005

4 THE APPLICATION

- 4.1 This is a full application for a proposed agricultural shed.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:**

There are no objections to the proposal.

Internal:

- 5.2 **TransportNI** – No objection.

Environmental Health – No objection.

Shared Environmental Services – No objection.

NIEA – No objection.

Loughs Agency – No objection.

DAERA – 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 development plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.7 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Building on Tradition – A sustainable design guide for the Northern Ireland Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this planning application are; the principle of development; integration and impact on rural character; and impact on environmental designations.
- 8.2 The site is located within the rural area outside of any settlement limit as shown within the Northern Area Plan 2016. There are no further designations within the site or the immediately adjacent area. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for an agricultural shed, the main policy considerations are paragraphs 6.70 and 6.73 of SPPS, CTY 1, 12 and 13 of PPS21 and NH1 and NH 3 of PPS2.

Principle of development

- 8.3 Paragraph 6.73 of the SPPS and Policy CTY1 of PPS21 outlines the range of types of development that may be acceptable in principle in the countryside. In the case of an agricultural shed, Policy CTY1 refers to Policy CTY12.
- 8.4 Paragraph 6.73 of the SPPS and Policy CTY 12 outline that provision can be made for development on an active and established farm where the proposal is necessary for the efficient use of the holding.
- 8.5 As part of the submission the applicant submitted a P1C form and farm maps which provided details of the farm business including the Business ID Number, herd and flock numbers and details of the numbers of animals in the holding. Consultation with DAERA confirmed that the Business ID Number has been in existence for more than 6 years and has claimed Single Farm Payment, Less Favoured Area Compensatory Allowance or other Agri-Environment schemes in the last 6 years. As such it is acknowledged that the farm business has met the criteria for be active and established.
- 8.6 A supporting statement was submitted by the applicant which outlines that presently he owns no buildings and does not have an established farm yard of his own. The applicant currently

rents farm buildings on the Baranailt Rd, approximately 7-8 miles from his home, to house his cattle and keeps his machinery at a neighbouring farmer's yards. The applicant resides at No. 19 Cloghan Rd, approximately 70m south of the application site, and wishes to establish a farm yard adjacent to his home in order to make the business more efficient and viable. The applicant's farm holding equates to 72.7ha and is located within the general vicinity of the application site at Cloghan Rd and immediately east of Gortnarney Rd, to the east of the site. The applicant provided data in relation to the numbers of animals within the herd/flock of the applicant, which has been verified by DAERA. Given the circumstances of the applicant it is accepted that the proposal is necessary for the efficient use of the holding.

- 8.7 The proposed site is not located within the consultation zones of any monument or within the vicinity of any listed buildings etc. There are no features of built heritage importance within the vicinity of the building which would be detrimentally impacted upon by the proposed development. The assessment of the potential impact on the natural environment is discussed in detail below at paragraph 8.15

Integration and impact on rural character

- 8.8 Much of current planning policy underlines the importance of buildings integrating with their surroundings. Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. Criteria C of Policy CTY 12 requires new development to visually integrate into the local landscape and provide additional landscaping as necessary.
- 8.9 The proposed shed has a footprint of 25.2m in length by 15.2m in width. The shed has a pitched roof with eaves level of 4.5m and a ridge height of 6.2m. The finishes of the shed are typical of many agricultural sheds with a block work wall and smooth render at lower level with timber slatted panelling on the upper levels for ventilation and profiled metal cladding to the roof.
- 8.10 Given the roadside location of the shed there will be clear views of the shed on approach along Cloghan Rd in both directions. On approach from the east along Cloghan Rd, clear views of the shed will be obtained when passing the farm complex at

No. 16, and just past the trees which define both sides of the road, approximately 145m from the site. From here the site sits on an elevated section of the field and the proposed shed will appear as a dominant feature given the scale of the building. It will appear as a conspicuous feature in the landscape given the lack of associated buildings and lack of mature boundaries to provide enclosure and integration.

- 8.11 On approach from the west views of the site will be available from passing No.11 from approximately 125m from the site boundary. A building of the scale proposed would appear as a dominant feature in the landscape. Given the only significant level of vegetation is located to the rear of shed, there is little screening afforded to the building, other than the intervening vegetation along the access laneway, which at only approximately 1-1.2m high will not provide any significant level of screening. Closer views of the shed will appear more imposing given the scale of the shed and its proximity to the roadside. The applicant has provided a block plan which indicates that planting will be undertaken along the eastern and roadside boundaries to help with screening and integration. However the proposed planting while helpful, will take a significant amount of time to become established to a level where a suitable degree of enclosure and screening will be provided to allow the shed to suitably integrate. This, coupled with the lack of established buildings immediate adjacent the proposed shed compound its visual impact.
- 8.12 A previous application for a dwelling under application B/2003/0565/O on the application site was refused. This was due to lack of integration and that a dwelling on the site would appear unduly conspicuous.
- 8.13 The concerns around the site's failure to adequately integrate were discussed with the agent, along with other potentially more appropriate sites, on the farm holding. The agent suggested an alternative site for the shed, to the south of the current site, and on the southern side of the laneway, which would offer a significantly better degree of integration and screening for the shed. The proposed alternative site is set back from the roadside and benefits from being located on lower land with intervening mature trees and hedgerow from the critical viewpoints. However, as this site is located outside of the red line of the application site it would require the

submission of a new application. Given the requirement for a new application this option was rejected by the agent/applicant.

- 8.14 The shed in its current location will appear as an isolated building within the countryside with no existing built development or natural features or vegetation to absorb it into its surroundings. The shed will appear out of place on the site, failing to integrate with its surroundings and therefore is at odds with the SPPS – paragraph 6.70, and Policies CTY 12 and 13 of PPS 21.

Impact on Designated Sites

- 8.15 NIEA and Shared Environmental Services were consulted to ascertain any potential impact upon the natural environment from the proposed development. While the application site is not within an environmental designated site NIEA identified a number of SACs and ASSIs within 7.5km of the site which may be impacted upon from levels of ammonia emissions from the development. Given the European and National protected sites identified by NIEA, the proposal must be considered against the relevant policies within the SPPS and PPS2 –Natural Heritage.

Paragraph 6.176 of the SPPS and Policy NH 1 of PPS2 states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site, while;
Paragraph 6.183 of the SPPS and Policy NH 3 of PPS2
Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:
 - an Area of Special Scientific Interest;
 - a Nature Reserve;
 - a National Nature Reserve; or
 - a Marine Nature Reserve.

- 8.16 The applicant submitted information in the form of SCAIL modelling and land spreading of manure. The report indicated that the Process Contribution as each of the identified SACs and ASSIs was less than 1%. NIEA have outlined that concentrations of less than 1% are viewed as unlikely as having a significant effect on a sensitive area.
- 8.17 There are no watercourses identified within or immediately adjacent the application site. Pollution prevention guidance for works in or near water state that a vegetated buffer of 10m is sufficient to prevent contaminated run-off to watercourses.
- 8.18 Shared Environmental Services carried out the required Habitats Regulations Assessment on the proposed development and have concluded that it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.
- 8.19 “The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 conservation objectives/features of any European designated site”.
- 8.20 Given the potential for the mature vegetation along the southern boundary to be utilised by bats and birds it is essential that this boundary be retained. The proposal outlines that the mature vegetation along the southern site boundary will be retained with additional planting proposed. Given that the boundary is to be retained the proposed development is not likely to have any significant detrimental impact on any protected species and therefore is in compliance with Paragraph 6.180-6.182 of the SPPS and Policy NH 2 of PPS 2.

9 CONCLUSION

- 9.1 While an agricultural shed is acceptable in principal on the farm holding the selected site is unacceptable. The proposed agricultural shed will have a significant detrimental impact on the visual amenity of the area by virtue of its roadside location, scale and massing and a lack of mature vegetation to provide adequate screening and integration, resulting in the proposed

shed being a conspicuous feature in the landscape and is therefore contrary to the paragraph 6.70 of the SPPS, and Policies CTY1, CTY 12 and CTY 13 of PPS 21. An alternative site nearby on the holding can meet the needs of the business without detriment to the visual amenity of the area. Refusal is recommended.

10 Refusal Reasons

- 10.1 The proposal is contrary to Paragraph 6.70 of the SPPS and Policies CTY1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not integrate into the local landscape.
- 10.2 The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would fail to sympathetically blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore the proposal would not visually integrate into the surrounding landscape.

Caraway Coast and
Glenties District Council
ORDNANCE SURVEY
OF NORTHERN IRELAND

Drawing
Number...01

Planning Office
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