

Planning Committee Report LA01/2015/1021/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

**Lands directly to rear of 98A
Highlands Road Limavady**

**LA01/2015/1021/F
Full Application**

22nd March 2017

<u>No:</u>	LA01/2015/1021/F	<u>Ward:</u>	Ballykelly
<u>App Type:</u>	Full Application		
<u>Address:</u>	Lands directly to rear of 98A Highlands Road Limavady.		
<u>Proposal:</u>	Retention of single storey farm shed and proposed single storey farm shed.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	2 nd December 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	5050 Architecture, 3A Keldon Court, 17 Linenhall Street, Limavady, BT49 0HQ		
<u>Applicant:</u>	Mr G Alcorn, 98A Highlands Road, Limavady		
<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** outline planning permission for the reasons set out in Section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site comprises an area of land to the rear of 981 Highlands Road. The area has been hard cored to create an informal yard and two sheds have been constructed within the centre of the site as outlined in red. The site accesses onto Highlands Road and shares the laneway with 98B, a single storey dwelling which fronts onto the newly created yard and sheds.

- 2.2 The site is located in the rural area to the south west of Limavady. There is a build-up of single dwellings in the surrounding area; the site abuts 98, 98a and 98b Highlands Road and the build-up continues to the south. While the applicant lives in no. 98A, 98 and 98 B are not within their ownership.

3 RELEVANT HISTORY

- 3.1 B/2014/0214/O - Site for farm dwelling and garage to the rear of 98a Highlands Road, Limavady. Refused 29.05.2015

4 THE APPLICATION

- 4.1 The current proposal is for retrospective planning permission for two buildings which are described as agricultural sheds. One of the sheds is open sided and is currently used for the storage of bales and a combine harvester. The second shed which has the appearance of a small domestic garage is described as a cattle shed. Over the processing of the application the Agent confirmed that this was being used to house a domestic biomass boiler. However, when it was outlined that this would require a separate domestic application the Agent stated that the boilers have been removed.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:**

There are no objections to the proposal.

Internal:

5.2 **TransportNI** – No objection.

Environmental Health – 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.

6.6 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

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 application are; the planning history, the principle of development, its location on the farm, and residential amenity.

8.2 The application site is located in the rural area as defined by Northern Area Plan 2016. The site is not located in any specific designation in the Northern Area Plan 2016.

8.3 Paragraph 6.73 of the Strategic Planning Policy Statement provides a context for agriculture and forestry development: provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or

forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only be acceptable in exceptional circumstances.

Planning History

- 8.4 The site has been the subject of significant development pressure over the last 10 years with 7 separate applications for residential development. The most recent application was for a farm dwelling under B/2014/0214/O. This was refused on the grounds that the site failed to cluster with an established group of buildings on the farm and that the applicant had already availed of their farm dwelling as permitted under CTY10.

Principle of Development

- 8.5 Planning Policy Statement 21 sets out a variety of development that are in principle considered to be acceptable in the countryside, these include agricultural and forestry development in accordance with CTY 12. The policy states:
- 8.6 Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:
- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
 - (b) in terms of character and scale it is appropriate to its location;
 - (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
 - (d) it will not have an adverse impact on the natural or built heritage; and
 - (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.
- In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:
- there are no suitable existing buildings on the holding or enterprise that can be used;

- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

8.7 As the proposal is for two new sheds away from the established group of farm buildings it is to be considered against all of the criteria outlined above.

8.8 In considering the test of an active and established farm, the Department of Agriculture, Environment and Rural Affairs have indicated that the farm business has been in existence for more than 6 years.

Location of sheds on the Farm

8.9 In relation to criterion (a) the Agent has argued that the application is necessary to house expensive items of farm machinery, while the smaller shed is required to accommodate animals which may be in need of supervision.

8.10 While the buildings may be necessary, there is no site specific reason why they should not be sited to cluster with the main farm building which is located across the road from the applicant's dwelling. It is unlikely that an open sided hay shed offers an increased level of security for expensive equipment. In addition the scale of the shed coupled with the predominant use of the floor space for the storage of hay bales severely limits the amount of equipment that can be stored.

8.11 In relation to the second policy test, the Agent has argued that no suitable buildings exist elsewhere on the holding and that the applicants dwelling constitutes the existing farm buildings. However this interpretation is incorrect as the context of the policy refers to farm buildings excluding dwellings.

- 8.12 To be considered an exceptional case under the third policy test the applicant is required to demonstrate there are no other sites available at another group of buildings on the holding, it is essential for the efficient functioning of the business; or there are demonstrable health and safety reasons.
- 8.13 It has been argued that the application is necessary to house expensive items of farm machinery and to accommodate animals which may be in need of supervision. However, the applicant's main farm building is located 200m north east of the farm dwelling, as such there is no operational inconvenience in terms of the time it takes to travel between the two sites. The argument that the buildings are essential to provide a secure storage area for expensive equipment is not persuasive. The size of the building and the open sided design are completely inappropriate and offer no significant security improvement.
- 8.14 While there may be a need for a facility to secure sick animals, again there is no overriding argument that this should be physically removed from the main farm buildings. Furthermore, the appropriateness of the building for the described use by reason of its size, shape and roller type door is more typical of a domestic building. This reflects its previous use to accommodate a biomass boiler.

Other Considerations

- 8.15 With regards criterion (b), (c) & (d) concerning character and scale; integration and natural or built heritage impacts, the proposal is considered acceptable. The constructed sheds are not of an excessive size and scale, there are limited views from the public road and there are no issues of natural or built heritage.

Residential Amenity

- 8.16 Criterion (e) relates to residential amenity. The two sheds have a direct relationship to No. 98 and 98B with the latter fronting directly onto the new yard. Environmental Health have concluded that the sheds are unlikely to give rise to malodour due to the limited number of animals that could be housed within the smaller shed and the established use of the larger shed for hay storage.

8.17 However, given that the dwellings principle aspect looks directly onto the sheds and yard with a separation of 19m, it is clear that this creates an incompatible use that would negatively affect residential amenity by reason of its outlook and general disturbance.

9 Conclusion

- 9.1 There are no constraints to the expansion of the existing farm yard and no persuasive argument exists that the proposal constitutes an exceptional case that would justify the establishment of an alternative site. The relationship of the constructed sheds and yard to the neighbouring residential properties is such that it significantly undermines residential amenity. Furthermore, if planning permission were to be granted the applicant could then expand the site either through their permitted development or the planning process, supported by a presumption in favour of the expansion of existing sites.
- 9.2 Therefore the application is contrary to CTY12 of PPS21 and the SPPS. Refusal is recommended.

10 Refusal Reasons

- 10.1 The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
The development, if permitted, would result in a detrimental impact on the amenity of residential dwellings outside the holding by reason of general disturbance and outlook and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings, or;
That the alternative site away is essential for the efficient functioning of the business.



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