

Planning Committee Report Item	23rd November 2016
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

**65m NW of 23 Ballinlea Road
Ballycastle**

LA01/2016/0787/F

Full Planning

23rd November 2016

<u>No:</u>	LA01/2016/0787/F	<u>Ward:</u>	Kinbane
<u>App Type:</u>	Full Planning		
<u>Address:</u>	65m NW of 23 Ballinlea Road, Ballycastle		
<u>Proposal:</u>	Retrospective application for the retention of a farm shed for animal shelter and machinery store		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	30 th June 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	John McCann, 21a Ballinlea Road, Ballycastle		
Agent:	McNeill Architectural Consultancy, 30 Knowehead Road, Broughshane, Ballymena Bt43 7LF		
Objections:	0	Petitions of Objection:	0
Support:	1	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMENDATION

- 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** planning permission subject to the refusal reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is roadside comprising a farm shed and area of open ground to the front. The site is located between dwelling nos. 19 and 21 (north of the site) and dwelling no. 23 (immediately south of the site). The farm shed which is the subject of this retrospective permission is located adjacent to the NW boundary of the site, approximately 54 metres back

from the road edge. The shed is accessed via an existing laneway which runs parallel to the SE boundary of the site. There are currently 2 access points for this laneway approximately 6 metres apart in the SE corner of the site. Currently the northern access point also leads to a small field to the SE of the shed and is defined by large pillars and ranch style fence. The remainder of the land between the shed and the roadside is defined as a paddock area marked out but ranch fencing and an area of hardstanding directly in from the shed. The NW boundary of the site is marked by a low hedgerow and post and wire fence. The roadside boundary is defined by hedging and ranch fencing. The SW boundary which runs along the rear boundary of the site is defined by the access laneway. The SE boundary separating the site with adjacent property no. 23 is defined by a high hedge of Leylandi trees.

- 2.2 The area is rural in character with the surrounding topography undulating and characterised by scattered rural dwellings and outbuildings.
- 2.3 The site is defined as rural remainder as designated within the Northern Area Plan 2016.

3 RELEVANT HISTORY

E/2011/0005/F
Agricultural Shed (Retrospective).
65m NW of 23 Ballinlea Road, Ballycastle
Refused. 14.08.2012.

E/2006/0177/O – Bungalow and garage.
21A Ballinlea Road. Refused. 11.12.2006.

E/2012/0164/O – Erection of dwelling and temporary retention of mobile home (3 years). 50m North West of 23 Ballinlea Road, Ballycastle, Co. Antrim, BT54 6NL.
Refused 31.01.2014

4 THE APPLICATION

- 4.1 This is a retrospective application seeking the retention of a farm shed for animal shelter and machinery storage. The shed is

rectangular in dimensions measuring 30.5m (l) x 12 (w) x 5.4m (h). Finishes include block grey cladding on walls, grey sliding doors, roof panelling coloured green. The application also includes ancillary/landscaping works – including an embankment with trees located around the front of the shed, close off one access, removal of gates and pillars and augment existing planting.

Background

- 4.2 Enforcement action has been ongoing on the site since 2004. Two cases have been opened and now resolved. A third case relates to the unauthorised agricultural shed (E/2009/0048/CA).
- 4.3 A retrospective planning application for the agricultural shed (Ref: E/2011/0005/F) was submitted and subsequently appealed by Mr McCann. The appeal was dismissed on 15 August 2013. Mr McCann had no permission for this development therefore an enforcement notice was issued on 30 July 2013 compelling him to remove the shed.
- 4.4 The shed was not removed as requested and as no appeal was lodged as an offence had been committed, Mr McCann was summonsed to court. At court on 4th July 2014, Mr McCann pleaded guilty to failing to remove the agricultural shed and was fined £1500 and £450.00 towards the Department's costs with 26 weeks to pay. An appeal was lodged against the fine but this was withdrawn.
- 4.5 Mr McCann failed to remove the agricultural shed and was summonsed back to court for a continuing offence. At court on 03 July 2015 (after some adjournments) Mr McCann had still failed to remove the agricultural shed and the case was adjourned until 1st July 2016.
- 4.6 Mr McCann's conditional discharges for the stables/shed and mobile home were dependent on the agreement that he either has to remove or gain permission for the agricultural shed by his next court appearance on 1st July 2016. As he failed to do so he was fined £5000, offender levy of £15 and £120 contribution to costs of the Council and given 20 weeks to pay. The application was submitted with the intent to resolve the matter and to avoid further court action. It should be noted that

all fines are paid to the Court and the only monies received by the Council are those that the Court orders to be paid. While the enforcement case remains open, it has been held in abeyance pending the outcome of this planning application. If refused and if no appeal is lodged then the Council will consider returning the matter to Court for a continuing offence.

5 PUBLICITY & CONSULTATIONS

External

One (1) letter of support received.

Internal

5.2 **DAERA:** Business ID has been in existence for more than 6 years. No single farm payment or other claim has been made.

Transport NI: Require revised plans to ensure a safe and adequate access can be achieved.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

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

Strategic Planning Policy Statement (SPPS)

Northern Area Plan 2016

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, proposed siting and access.

Planning Policy

- 8.2 The site is located within the rural area as identified in the Northern Area Plan 2016.
- 8.3 The principle of this development proposed must be considered having regard to the SPPS and PPS policy documents specified above and any other material considerations. The SPPS was published 28 September 2015. In the accompanying Ministerial Statement it stated that the provisions of the SPPS are material to all decisions on individual planning applications and appeals.

- 8.4 Paragraphs 6.70 and 6.77 advise that all development must integrate into the surrounding landscape and must not have an adverse impact on rural character.

Principle of Development

- 8.5 Policy CTY 12, Agricultural and Forestry Development, allows for planning permission 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.
- 8.6 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.
- 8.7 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.
- 8.8 Consultation from DAERA confirms that the farm business has been established for 6 years and that the owner has never claimed single farm payments under this business ID number.

The P1C form advises that the applicant has purchased 12 more lambs to increase his flock to 15. Evidence including a flock number for the 12 sheep has been provided although no evidence of the sheep were present at the time of the site visit. The P1C also outlined plans to progress the business by breeding rare breeds and will purchase the lambs at the August sales. No evidence has been submitted with the application to confirm that this purchase took place at this time.

- 8.9 The applicant's farm holding comprises an area of 0.8 ha as outlined in the submitted farm maps dated 10 October 2016. The submitted location plan shows that the applicant has control over an additional 8 acres (approx. 3.2 ha) of land opposite and to the rear of the application site. However, limited weight is attached to this as DAERA require all land used as part of a farm business to be registered to that farm business regardless whether this land is owned or taken in conacre or other lease arrangement. As this land is not shown on the farm maps, it is not taken to comprise part of a legitimate farm business.
- 8.10 The P1C Form confirms that the shed is required for shelter and handling facilities as well as storing several pieces of large and expensive machinery. Inspection of the shed also identifies that the shed is used for storage of straw.
- 8.11 A farm holding comprises the totality of land owned, taken in conacre or other lease arrangement. In this case the holding comprises 0.8 ha. The holding is so small that the need for a farm building is questionable. However, even if the principle of a shed were accepted, given the size of the farm holding a shed of this scale (360 sq m) is disproportionate. It has not been demonstrated that the shed is a necessary response and necessary for the efficient use of this farm holding. The large machinery stored within the shed are not necessary to maintain the scale of the farm holding. A shed of a much smaller scale could reasonably meet the needs of this holding. Therefore the application fails to meet criteria outlined in Policy CTY 12.

Integration and Design of Buildings in the Countryside

- 8.12 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. A new building will be unacceptable where:
- (a) it is a prominent feature in the landscape; or
 - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
 - (c) it relies primarily on the use of new landscaping for integration; or
 - (d) ancillary works do not integrate with their surroundings; or
 - (e) the design of the building is inappropriate for the site and its locality; or
 - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
 - (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.
- 8.13 In terms of integration the PAC in their decision ref: 2012/A0256 stated that the shed is a prominent feature in the landscape and that due to the flat nature of the site and ranch fence boundary treatment the site lacks enclosure and views are open and expansive. They concluded that the proposal would be a prominent feature in the landscape and lacks integration.
- 8.14 Although a number of structures have been removed since the date of the previous appeal including a mobile home and other ancillary works the boundary treatments remain similar. Drawing 02 dated 30/06/16 shows a proposed landscaping scheme. However, the site lacks natural boundary landscaping and intervening vegetation which would assist in providing a sense of enclosure and a backdrop. Transport NI also require the removal of a substantial portion of hedging and earth bank to the north of the access, this has not been identified on drawing 02 and would further open up views in to the site.

Rural Character

- 8.15 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 The PAC in their appeal decision discounted that the shed would have an adverse impact on rural character as the appearance of agricultural sheds in the countryside are common place and the prominence of the shed would not in itself have an adverse impact on rural character.

Access

- 8.17 Transport NI object to the proposal on the plans submitted. They responded advising that the information submitted to date was inadequate. They require a topographical survey to show the extent of work required to provide the 2.4m x 90m visibility splays, identification on the extent of hedge removal and side filling needed, cross section of visibility splay, drainage, alignment of existing lane to be closed up and extent of verge to be constructed

9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The proposal fails to meet the Policy CTY 12, in that it has not been demonstrated that a shed of this size is necessary for the efficient use of the business, or that there are demonstrable health and safety reasons. There has been no significant change to the proposal since the PAC decision in that the proposal does not integrate

into the landscape and would if approved be prominent within the landscape. It has not been demonstrated the proposal can provide an access to the public road that will not prejudice road safety. Refusal is recommended.

10 Refusal Reasons:

10.1 The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

it is not necessary for the efficient use of the active and established agricultural holding;

it is not appropriate to this location due to the unacceptable character and scale of the development; and

the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping.

2. The proposal is contrary to Paragraphs 6.70 and 6.77 of the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed building is a prominent feature in the landscape;

the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

the proposed building relies primarily on the use of new landscaping for integration;

the ancillary works do not integrate with their surroundings; and

the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

10.3 The proposal is contrary to Paragraph 6.303 of the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it has not been demonstrated that the proposal, if permitted, would not prejudice the safety and convenience of road users.

Site Location

