

<b>Planning Committee Report Item C</b>	<b>27<sup>th</sup> July 2016</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>	Shane Mathers
<b>Cost: (If applicable)</b>	N/a

# **ITEM C**

**Site 85m south of 131 Quilley  
Road**

**Castlerock**

**LA01/2015/0502/O**

**Outline Planning**

**27<sup>th</sup> July 2016**

<b><u>App No:</u></b>	<b>LA01/2015/0502/O</b>	<b><u>Ward:</u></b>	<b>Macosquin</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>		
<b><u>Address:</u></b>	<b>Site 85m south of 131 Quilley Road, Castlerock.</b>		
<b><u>Proposal:</u></b>	<b>Proposed farm dwelling with detached double garage.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>3<sup>rd</sup> August 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	<b>Messrs Alistair &amp; Richard Kennedy, 30 Gills Lane, Curragh Road, Coleraine.</b>		
<b>Agent:</b>	<b>ATP Architects Ltd., 18 Ballyhackett Road, Castlerock, Coleraine</b>		
<b>Objections:</b>	<b>0</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

**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 subject site is located up a private laneway, approximately 130m to the south of Quilley Road. A site plan was submitted for illustrative purposes, showing the siting of the proposed dwelling and garage. The application site comprises agricultural land which rises gradually from north to south. Mature trees define the northern and western boundaries, while the south and east boundaries are undefined on the ground.

- 2.2 The area is rural in character. No. 131 Quilley Road is a single storey detached dwelling finished in dash render, stone cladding and brown profiled roof tiles. The land between 131 Quilley Road and the subject site is in use as a domestic garden. The building marked on the site location plan as an existing farm stable building is currently in use as a garage. A Grade B1 listed building (Dunboe House, 133 Quilley Road) is located to 60m to the north-west of the application site. Agricultural land is located to the south, east and west. A caravan is located to the west of the access. A laneway is located to the west of the site. The new building is visually linked or sited to cluster with an established group of buildings. There are no views of the site from the Quilley Road due to intervening buildings and vegetation.
- 2.3 The site is located within the rural area as defined within the Northern Area Plan.

### **3 RELEVANT HISTORY**

C/2013/0021/O Outline Application for Replacement of Existing Vacant Dwelling under PPS21 CTY3. Approved 14.05.2013

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for a farm dwelling and detached double garage.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

**Neighbours:** There are no objections to the proposal.

#### **5.2 Internal**

**Transport NI:** No objection.

**DARD:** Has confirmed that the farm business has not been established for at least 6 years and that the applicant has not claimed Single Farm Payments (SFP), Less Favoured Area Compensatory Allowance (LFACA), or Agri-Environment Schemes (AES) in the last 6 years.

**NIEA:** Historic Buildings Unit and Water Management Unit have no objection to the proposal.

**NI Water:** No objection.

**Environmental Health:** No objection.

## **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)

PPS 3 Access, Movement and Parking

Planning Policy Statement 6 Planning Archaeology and the Built Heritage

PPS 21: Sustainable Development in the Countryside

**Supplementary Planning Guidance**

Building On Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

**8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of the proposed development.

**Principle of development**

- 8.2 The site is located within the rural area as defined by Northern Area Plan.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 Policy CTY1 of PPS 21 states that there is a range of types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a farm dwelling, in accordance with Policy CTY10 which is complimented and supported by para. 6.73 Dwellings on a Farm of the SPPS. CTY 1 goes on to state 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.
- 8.5 The SPPS accepts provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. However, this is on the basis the farm business is currently active and has been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must

be visually linked or sited to cluster with an established group of buildings on the farm holding.

- 8.6 The applicant has applied for a dwelling on a farm. As such, the proposal must be assessed against Policy CTY10. Policy CTY10 sets out three criteria which proposals for farm dwellings must satisfy:

*Criterion (a) requires the farm business to be currently active and established for at least 6 years.*

The farm is approximately 5.9 hectares and is not active and established for the required period. The applicant submitted an Ordnance Survey map showing the farm outlined in yellow. This was not a proper DARD farm map, as is required to be submitted in association with P1c forms. The case officer requested revised farm maps on 11 August 2015, showing the applicant's name and address, land owned / taken in conacre, position of established groups of buildings and the position of any other farm buildings. Proper farm maps were not submitted.

The policy requires the applicant to provide the farm's DARD business number along with other evidence to prove active farming over the required period. DARD has confirmed that the farm business has not been active and established for at least 6 years.

In support of the argument that the farm business is active and established for the required period, information has been submitted including farming insurance documentation; insurance documentation for a tractor; agricultural merchant's receipts; NI Water metered bills; agricultural machine tyres and an invoice from a newspaper for an advertisement regarding straw/ hay for sale.

The Agent argues that the definition of active farming is that set out in PPS 21 Policy CTY 10 which states that it refers " to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for agricultural purposes, or maintaining the land in good agricultural and environmental condition".

The definition of "agricultural activity" has changed with the publication of the SPPS. As such, the old definition provided in

Policy CTY 10 no longer applies. The SPPS makes clear that any conflict between the SPPS and any policy retained under the transitional arrangements (such as that within PPS 21) must be resolved in the favour of the provisions in the SPPS.

“Agricultural activity” referred to in the SPPS is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013. This Article broadly defines agricultural activity on the basis of the subject farmer actually using or maintaining the land for agricultural purposes. DARD advise that the new definition of an active farmer relates to the one who carries out the agricultural activity on the land and enjoys the decision making power, benefits and financial risks in relation to this agricultural activity. Land let in conacre lease agreements or land where the owner retains responsibility for maintaining hedges, fences etc. does not qualify as active farming for the purpose of this test.

An assessment of the evidence indicates that since 2006 the applicant has purchased fencing materials, tyres for an agricultural machine, water fittings, herbicides, weed killer, insured a tractor, paid metered water bills and farming insurance. However, these invoices cover almost 10 years and taken together are insufficient to indicate active farming over the last 6 years. One of the receipts, for a newspaper invoice relates to the sale of hay/ straw. This does indicate agricultural activity, but it is limited to only one year (2006). As such, this does not substantiate agricultural activity over the last six years as: the year in question is more than 6 years ago and; the information is silent on what the land was actually used for in the last six years.

The proposal fails to meet the active and established test.

*Criterion (b) requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application; this provision applying after 25 November 2008.*

No dwellings have been sold off since November 2008. The proposal meets this policy test.

*Criterion (c) requires that the new buildings are visually linked or sited to cluster with an established group of buildings on the farm*



*and, where practicable, access should be obtained from an existing lane*

The applicant lives at 30 Gills Lane, Curragh Road. The new building is visually linked / sited to cluster with an established group of buildings on the farm. The proposal meets this policy test. The access to the proposed dwelling is obtained from an existing lane.

- 8.7 Given the characteristics of the site, the proposal otherwise meets policy tests regarding integration and rural character.

## **9.0 CONCLUSION**

- 9.1 This proposal is contrary to PPS 21 and the SPPS. The proposal fails to meet a type of development which is considered to be acceptable in principle in the countryside with DARD confirming that the farm business has not been active and established for at least 6 years. It therefore fails to meet criterion (a) of policy CTY 10. This is reinforced by the SPPS which states that the farm business must be currently active and have been established for a minimum of 6 years. Other information provided has failed to demonstrate active and established farming for the required period. Refusal is recommended.

## **10 REFUSAL REASON**

### **10.1 Reasons:**

1. The proposal is contrary to Paragraph 6.73 of the SPPS 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 farm business is currently active and has been established for at least six years.