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| <b>Planning Committee Report<br/>LA01/2016/0722/F</b> | <b>26<sup>th</sup> April 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  |

**LA01/2016/0722/F**  
**Full Application**

**New agricultural barn  
immediately north of 5 Windyhill  
Road Limavady**

**26<sup>th</sup> April 2017**

|                                      |  |                                |                            |
|--------------------------------------|--|--------------------------------|----------------------------|
| <b><u>No:</u></b>                    | LA01/2016/0722/F   | <b><u>Ward:</u></b>            | MAGILLIGAN                 |
| <b><u>App Type:</u></b>              | Full Application   |                                |                            |
| <b><u>Address:</u></b>               | Immediately North of 5 Windyhill Road, Limavady.           |                                |                            |
| <b><u>Proposal:</u></b>              | New agricultural barn.                                     |                                |                            |
| <b><u>Con Area:</u></b>              | N/A  | <b><u>Valid Date:</u></b>      | 17 <sup>th</sup> June 2016 |
| <b><u>Listed Building Grade:</u></b> | N/A  |                                |                            |
| <b>Agent:</b>                        | W J Dickson Chartered Architect 76 Seacoast Road, Limavady |                                |                            |
| <b>Applicant:</b>                    | Mr Steven Watson   |                                |                            |
| <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)**

## 1.0 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 reason set out in Section 10.

## 2.0 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site comprises a small portion of a roadside field and a portion of the curtilage including an existing shed, of the adjacent residential dwelling identified as no. 5 Windyhill Road, Limavady. The roadside boundary is defined by a high level hedge while the remaining boundaries include post and wire fencing.
- 2.2 The site is located in the rural area to the north east of Limavady. The small settlement of Artikelly is located to the

north west. The site falls within a Local Landscape Policy Area: LYL 04 as defined in the Northern Area Plan 2016.

### **3.0 RELEVANT HISTORY**

N/A

### **4.0 THE APPLICATION**

The application is for a new agricultural barn. As submitted the application was for two barns however the proposal was reduced to one barn with the receipt of amended plans 30<sup>th</sup> March 2017 following the referral to the Planning Committee.

### **5.0 PUBLICITY & CONSULTATIONS**

**External:**

#### **5.1 Neighbours:**

No objections have been received.

**Internal:**

#### **5.2 DARD – Business ID has not been in existence for more than 6 years and has not received Single Farm Payment**

**NIEA – No objection**

**Shared Environmental Service – No objection**

**Transport NI – No objection**

**Environmental Health – No objection**

**NI Water – No objection.**

**Loughs Agency – No objection.**

### **6.0 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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside

DCAN 15 - Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main consideration in the determination of this application is the principle of development.

8.2 The application site is located in the rural area. The site is located at the edge of but within LYL04 Round Hill LLPA in the Northern Area Plan 2016. The proposed development would not significantly detract from the defining characteristics of the designation. The main policy consideration is contained within NAP 2016, the SPPS and PPS21. The main policies are CTY12 and CTY10 of PPS21.

## **Principle of development**

- 8.3 The SPPS states that sustainable development shall be permitted having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.4 Paragraph 6.73 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 being acceptable in exceptional circumstances.
- 8.5 PPS 21 set 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.

8.7 Policy CTY12 cross references the determining criteria for an active and established farm business as provided in CTY10. The criteria requires the farm business to be currently active and established for at least 6 years. The amplification of the policy requires a DARD business number along with other evidence to prove active farming over the required period.

8.8 In considering the test of an active and established farm, officials have consulted with the Department of Agriculture and Rural Development (DARD). In their response DARD have indicated that the farm business has not been in existence for more than 6 years. The Agent confirmed during the processing of the application that the business is not active and established for the required period as the applicant leased some of the land from his mother since January 2016 and did not get a category 3 farm business number until September 2016. As a category 3 farmer (hobby farm) the applicant is not entitled to receive single farm payment and is not yet eligible to receive a DARD map.

8.8 DARD have also confirmed that a map cannot be issued to the applicant as a third party who could not be named, is actively farming the holding and has received single farm payment for this period. The agent confirmed that the land has been leased to a third party since 1963 and that the current arrangement is that the person who leases the land will do so until November 2017 in conjunction with the applicant due to the scale of the applicant's current farming activities. The agent has confirmed that this is accurate but argues that the applicant needs the sheds to accommodate a small flock of 10 sheep that he has acquired. Irrespective of the current circumstances the policy test is for active and established farm holdings. While it is not disputed that the applicant's family own the farm holding, they do not qualify for consideration for agricultural development where the farm holding is being actively farmed by a third party.

- 8.9 In relation to criterion (a) the Agent has argued that the application is necessary to house farm machinery and a small flock of animals. On the basis of the information provided to substantiate need, there is no evidence that an agricultural shed is required. Most of the equipment is either housed in existing buildings or has been housed externally for a significant period of time. In relation to the small flock of animals, again it is not evident that the shed is necessary for such a small scale of operation.
- 8.10 With regards criterion (b), (c), (d) and (e) there is no significant objection. The proposed shed is 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. The nearest third party dwelling is located approximately 40 metres from the proposed sheds and is separated by mature trees and the Windyhill Road. The Environmental Health Department have no objection and officials are satisfied that the development will not cause demonstrable harm to neighbouring amenity.

## **9.0 CONCLUSION**

- 9.1 As outlined above the applicant does not have an active and established farm holding. The holding which the applicant's mother owns is farmed by a third party who claims single farm payment, therefore the applicant has failed to satisfy policy CTY12.
- 9.2 The scale of the applicant's farming operation is domestic or "hobby" in nature and would not be eligible for planning permission for an agricultural unit and the permitted development rights that this would confer.

## **10.0 Refusal Reason**

- 10.1 The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 12 of Planning Policy Statement 21 (PPS 21. Sustainable Development in the Countryside) in that: - the applicant's agricultural holding has not been active and established for six years and it has not been demonstrated that it is necessary for the efficient functioning of the agricultural holding.



