

<b>Planning Committee Report LA01/2016/1445/O</b>	<b>27<sup>th</sup> September 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

**Lands adjacent to 142 Tullaghans  
Road  
Dunloy**

**LA01/2016/1445/O  
Outline Planning**

**27<sup>th</sup> September 2017**

<b><u>App No:</u></b>	LA01/2016/1445/O	<b><u>Ward:</u></b>	Dunloy
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	Lands adjacent to 142 Tullaghans Road, Dunloy		
<b><u>Proposal:</u></b>	Proposed outline application for 2 no semi-detached dwellings under Policy CTY 8 of PPS 21		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	28 <sup>th</sup> November 2016
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	Damian McMullan, 6 Carrowdoon Road, Dunloy BT44 9DL		
<b>Agent:</b>	2020 Architects, 49 Main Street, Ballymone0 BT53 6AN		
<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 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 site is a road side site and consists of a fairly rectangular plot of agricultural land, extending to approximately 0.18 hectares, with a small agricultural type temporary structure located along the northern boundary. Tullaghans Road rises steeply in a westerly direction. However, the site is fairly level with the exception of a steep rise over a short distance towards the western boundary. The southern (roadside), eastern and western boundaries are defined by 1m coniferous hedging while the remaining rear boundary is defined by a post and wire fence.

- 2.2 The site is adjacent the designated settlement development limit, of Dunloy. However, the character quickly becomes rural beyond the town limit which is defined by an agricultural laneway on the northern side of Tullaghans Road, a pair of semi-detached dwellings also exist to the western boundary of the proposed site. A further dwelling exists approximately 45m west of these two dwellings.
- 2.3 The site is within the rural remainder, located adjacent the western extent of Dunloy Settlement Development Limit as designated by NAP 2016.

### **3 RELEVANT HISTORY**

- 3.1 There is no relevant planning history.

### **4 THE APPLICATION**

- 4.1 This is an outline application for two infill dwellings under Policy CTY8 of PPS21.

### **5.0 PUBLICITY & CONSULTATIONS**

- 5.1 No representations received.

#### **5.2 Internal**

**Transport NI:** Has no objection.

**NI Water:** Has no objection.

**Environmental Health Department:** Has 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 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 both 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

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 development; integration and impact on rural character.

## **Planning Policy**

- 8.2 In the Northern Area Plan the site lies outside any settlement development limit and is within the countryside.
- 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 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.

## **Principle of Development**

- 8.5 The policies outlined in paragraph 6.73 of the SPPS and CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside. The principle of this proposal falls to be assessed against policy CTY 8.
- 8.6 Policy CTY 8 of PPS21 entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 of the justification and amplification text to CTY 8, states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Paragraph 5.33 outlines what can constitute a ribbon of development and includes buildings sited back, staggered or at angles... if they have a common frontage or they are visually linked.
- 8.7 Policy allows for an exception to be permitted for the development of a gap site. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, providing specific elements are met. Namely, the gap site must be sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met.

- 8.8 The first point in determining whether an “infill” opportunity exists is to identify whether there is a substantial and continuously built up frontage present which for the purpose of the policy “includes a line of three or more buildings along a road frontage without accompanying development to the rear”.
- 8.9 The site to the east abuts the settlement development limit and the housing development of Carness Drive. To the west are a pair of semi-detached 2 storey dwellings.
- 8.10 The preamble to PPS21 states that, for the purposes of that document, the countryside is defined as land lying outside of settlement limits as identified in development plans. While the current proposal is located within the countryside it relies on the existing dwellings at Carness Drive and in doing so is reliant on development located within Dunloy. These dwellings do not occupy a rural context in policy terms and cannot be included when considering development proposals under Policy CTY8.
- 8.11 In Appeal Ref 2016/A0119 - Adj to Oisín GAA Community Centre for Social and Recreation Complex, 14 Glenvale, Glenariffe. The Commissioner confirmed this approach and stated that the appellant’s reliance on buildings within the settlement limit was misplaced as they cannot be considered as part of a continuous and built up frontage in the countryside.
- 8.12 The proposed site relies only on the pair of semi-detached dwellings to the west of the site and therefore it is not considered to be an infill opportunity located within a line of three or more buildings in the countryside as required to represent a substantial and continuously built up frontage.
- 8.13 No other arguments were made for a dwelling at this location under CTY 1.

### **Impact on rural character**

- 8.14 Policy CTY14 of PPS21 states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings or creates or adds to a ribbon of development. The immediate

area beyond the Settlement Development Limit is under threat in terms of character and as the proposal does not represent an exception to Policy CTY8 it will result in a suburban style build-up of development.

## **CONCLUSION**

- 9.1 The principle of the proposal is considered to be unacceptable in this countryside location. The proposal does not meet with the policy requirements for an infill site. Furthermore, the site if approved would result in a suburban style build up of development add to a ribbon of development. Having regard to the Northern Area Plan, and other material considerations including the SPPS, the proposal fails to meet the principle policy requirements of Policy CTY1 of PPS21 and other policies. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Tullaghans Road.
3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.







Site Location