Title of Report:	**Planning Committee Report – LA01/2021/0569/O**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**24th August 2022**
For Decision or For Information	**For Decision – Referred Application by Cllr John McAuley**

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2021/0569/O **Ward: Giant's Causeway**

App Type: Outline

Address: Within the curtilage of 285 Moyarget Road, Mosside, Ballymoney

Proposal: Dwelling

Con Area: N/A **Valid Date: 10.05.2021**

Listed Building Grade: N/A

Agent: Bailey Architecture

Applicant: Mark Creith

Objections: 0 **Petitions of Objection: 0**

Support: 0 **Petitions of Support: 0**

EXECUTIVE SUMMARY

- Outline planning permission is sought for an infill site for a dwelling and detached garage.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy CTY 8 as the site is too large to be considered a small gap site sufficient to accommodate a maximum of two houses and does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
- The proposal fails CTY 14 in that if a dwelling were to be approved it would be detrimental to the rural character of the area by adding to the linear form of ribbon development along this road resulting in a suburban style build-up of development when viewed with existing buildings.
- DFI Roads, NI Water and DAERA (Water Management Unit), Environmental Health and DFI Rivers were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

Drawings and additional information are available to view on the Planning Portal- http://epicpublic.planningni.gov.uk/publicaccess/

1 RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for 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 application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located to the immediate east of 285 Moyarget Road, Ballymoney.

2.2 The site comprises a triangular shaped plot and is located within the curtilage of No. 285. The topography of the site and the surrounding area is relatively flat. The site comprises an existing outbuilding associated with No. 285 and an electric pole.

2.3 The north-eastern boundary that abuts an agricultural field is defined by a post and wire fence with hedging, the southern boundary that abuts the Moyarget Road is defined by a post and rail fence some 0.5metres in height, the remaining western boundary is physically undefined.

3 RELEVANT HISTORY

Planning reference: LA01/2016/1524/F
Location: 285 Moyarget Road, Ballymoney
Proposal: Single storey side extension to provide facilities for persons with disability
Decision: Application Withdrawn 5th July 2021

Planning reference: E/1993/0048
Location: ADJ 285 Moyarget Road Deffrick, Moss-Side
Proposal: Temporary accommodation of de-canting tenants during repairs to dwellings

Decision: Application Withdrawn

Appeal reference: E/2003/0332/F
Location: 285 Moyarget Road, Moss-side, BT53 8EH
Proposal: Renovations/Extensions to a dwelling. Provision of temporary decant caravans.
Decision: Permission Granted 8th October 2003

4 THE APPLICATION

4.1 Outline planning permission is sought for an infill dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 **External**

Neighbours: There are no objections to the application.

5.2 **Internal**

Environmental Health Department: No objection

NI Water: No objection

DFI Roads: No objection subject to condition

DAERA Water Management Unit: No objection

DFI Rivers: No objection.

Northern Ireland Electricity: 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 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)

The Regional Development Strategy (RDS) is a material consideration.

6.3 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.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS15: Planning and Flood Risk

PPS 21: Sustainable Development in the Countryside.

Building on Tradition: A sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relates to: access, flooding, the principle of development; design; and integration and character.

Access

8.2 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking.

8.3 Policy AMP2: Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- the proposal does not conflict with Policy AMP 3 Access to Protected Routes; and
- the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.4 Policy AMP3: Access onto Protected Routes

Other Protected Routes - Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

a. A Replacement Dwelling - where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.
b. A Farm Dwelling - where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
c. A Dwelling Serving an Established Commercial or Industrial Enterprise - where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
d. Other Categories of Development - approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.

8.5 The proposal aims to gain a new access off a designated Protected Route (B67 as indicated on Annex B: Annex B: Map of Protected Routes of PPS3). Annex 1 of PPS 21 "Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking" states that a new vehicular access onto the Protected Route is not permitted and access must be off an existing vehicular access.

8.6 DFI Roads initially recommend refusal as the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto Moyarget Road (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety. Doc 02 submitted from the agent states that this issue could be overcome by having a shared access arrangement with No 285 Moyarget Road. Amended plans were received on 7th December 2021 which included a shared access and DFI Roads were reconsulted.

8.7 In their response DFI Roads stated that if the Local Planning Authority considers this proposal to meet the requirements of Annex 1 of PPS 21 'Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking', then DFI Roads recommends a condition relating to the shared access arrangement. Although Consequential amendment to Policy AMP 3 of PPS 3 does not specifically allow for the relocation of an access, in this instance this is acceptable as an existing access will be closed up and a shared access will be provided. Given this there will be no increase in the number of accesses onto the protected route. On balance this is considered acceptable.

8.8 In terms of Policy AMP 2 of PPS 3 the proposal is considered acceptable subject to condition. DFI Roads raised no concern in regard to road safety.

Flooding

8.9 DFI Rivers Agency was consulted on the proposal as an 'area of pondage' flagged as a constraint. Rivers Agency responded to the consultation stating that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. From the information provided, a Drainage Assessment is not required by the policy. However, should the Planning Authority determine the change of use, involving new buildings and or hard surfacing exceeds 1000 square meters, a Drainage Assessment will then be required.

8.10 Rivers Agency advised that the developer should still be advised to carry out their own assessment of flood risk and construct in the

appropriate manner that minimises flood risk to the proposed development and elsewhere.

Principle of Development

8.11 The Design and Access Statement - Document 01 date stamped 18th May 2021 stated that the application site was located within the settlement limit of Deffrick. The application site is located within the rural area and outside any designated settlement limits identified within the Northern Area Plan 2016. The agent was informed of this.

8.12 The principle of development must be considered having regard to the SPPS and PPS policy documents.

8.13 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. 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, or it is otherwise allocated for development in a development plan. The application was submitted as an infill dwelling and therefore falls to be assessed against Policy CTY 8.

Policy CTY8

8.14 Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations. Policy CTY 8 defines a substantial and built-up frontage as including a line of three (3) or more buildings along a road frontage without accompanying

development to the rear. A building has a frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

8.15 For the purposes of the policy, it is considered there is a substantial and continuously built-up frontage along this road which is made up of No's 13 and 14 Elizabeth Place and No's 281, 283, 285, 287 and 289 Moyarget Road.

8.16 The policy requires the gap site to be small in that a maximum of two dwellings could be accommodated within the resulting gap. The Justification and Amplification text at Paragraph 5.34 is clear that the gap site must be between houses or other buildings. In this case the gap between No. 283 Moyarget Road and 285 Moyarget Road measures 106 metres. The guidance in Building on Tradition indicates that when the gap is more than twice the length of the average plot width, it is often unsuitable for infill with two new plots. The development pattern along this stretch of the Moyarget Road comprises of a number of semi-detached dwellings, and detached dwellings. The plot sizes reflect this in their sizes

For example:
No. 13 Elizabeth Place plot frontage measures 27.6metres
No. 14 Elizabeth Place plot frontage measures 16.3metres
No. 281 Moyarget Road plot frontage measures 35.1 metres
No. 283 Moyarget Road plot frontage measures 31.3 metres
No. 285 Moyarget Road plot frontage measures 51.4metres
No. 287 Moyarget Road plot frontage measures 13.4metres
No. 289 Moyarget Road plot frontage measures 19 metres

8.17 In relation to the dwelling at 285 Moyarget Road although the current frontage is 51.4 metres this will be significantly reduced as the new dwelling will be located within its side garden. The new frontage will be 19.5 metres.

8.18 Doc 02 submitted in support of the application states that CTY8 does not require a proposal to strictly follow the existing development patten but simply respect it. The document goes on to state the application site has a 43 metre frontage which would mean the gap could accommodate a maximum of 2 dwellings.

8.19 The average plot frontage along this road is 27.72metres. The existing gap of 106 metres could easily accommodate at least 3 dwellings. This is over the threshold stated within CTY 8 in that a 'small gap site' should only accommodate up to a maximum of two houses. Given this the proposal does not respect the character of the area.

8.20 Paragraph 5.34 of PPS21 states many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built-up frontage.

8.21 The proposed gap between the dwellings at 283 Moyarget Road and 285 Moyarget Road is too large to be considered a small gap site sufficient to accommodate a maximum of two houses and does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In the circumstances the proposed development cannot meet with the policy criteria for an infill dwelling in accordance with Policy CTY 8.

Integration

8.22 Policy CTY 13 states that 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.

8.23 Paragraph 5.58 of PPS21 states landscapes vary, and this needs to be taken into account. The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

8.24 The existing buildings along this road consist of a mix of dwellings includes all types of dwellings such as single storey semi-detached dwellings, one and a half storey semi-detached dwellings, single storey detached dwellings and single storey detached dwellings. The main criteria against which the degree of visual impact will be considered includes the location of the site within the landscape and its relationship with surrounding buildings as this will help determine whether the development will be a prominent feature in the landscape.

8.25 The application site is flat and the surrounding area rises towards the north east and east. It is considered that the existing boundary treatment could aid screening and integration to the development provided it was maintained at a minimum height of approximately 2metres. Given the existing hedging, and the existing development along this road it is considered that a modest dwelling with a maximum ridge height of 6 metres would integrate with the existing buildings.

8.26 It is considered a dwelling on this site would blend with the existing buildings and would integrate into the surrounding area. The proposal fails CTY13 of PPS21.

Impact on Rural Character

8.27 Policy CTY14 of PPS21 states 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.

8.28 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.

8.29 Policy CTY14 points out that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. It is considered the infilling of this gap will be detrimental to the rural character of the area and would add to the linear form of ribbon development along this road.

8.30 The proposal is therefore contrary to Policy CTY 14 in that if approved it would cause suburban style build-up of development when viewed with existing buildings and would result in ribbon development.

Habitats Regulation Assessment

8.31 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

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 does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to personal and domestic circumstances. It fails to meet the principle policy requirements for an infill dwelling in the countryside, as outlined in Policy CTY 8 as the gap is too large to accommodate a maximum of two dwellings whilst still respecting the existing pattern of development. The proposal is contrary Policy CTY14 in that it would be detrimental to the rural character of the area by adding to the linear form of ribbon development along this road resulting in a suburban style build-up of development when viewed with existing buildings.

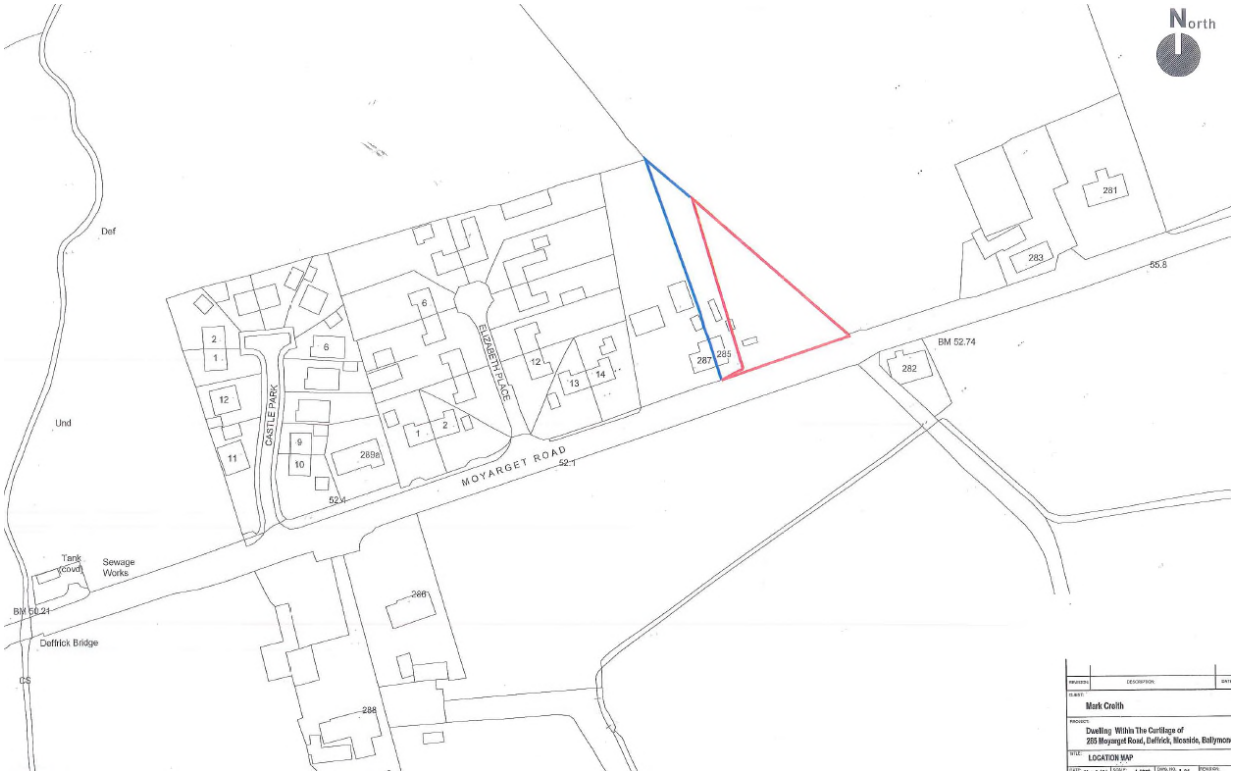
10 **Refusal reasons**

10.1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 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.

10.2 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage nor does the proposal respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

10.3 This proposal is contrary to the Paragraph 6.70 of the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would result in suburban style build-up of development when viewed with existing buildings. The proposal is therefore contrary to Policy CTY 14 and would result in ribbon development.

Site Location



Referral Request

From: >
Sent: 04 March 2022 13:10
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: LA01/2021/0569/O - Dwelling Within The Curtilage of 285 Moyarget Road, Mosside, Ballymoney

Good Afternoon

I would like to request that Planning Application LA01/2021/0569/O be called in for decision by the planning committee for the following reasons;

- The proposal in my opinion meets CTY 8
- The proposal is located within an existing area of development – Deffrick – within a 30 mph speed limit, although not a designated settlement it has all and more characteristics of a settlement than many designated settlements including its own public sewer
- The proposal will use and existing upgraded access which will benefit existing road users, the planners report mentions that we are proposing a new access whenever it is in fact an upgrading an existing access
- The spirit of CTY 8 is not to take an average existing plot width as has been done in the planners report, there are a whole range of plot widths along this frontage which must be considered.
- When travelling along the Moyarget Road from either direction the application site is clearly viewed as one continuous line of development.

Regards

John McAuley

Causeway Coast & Glens Borough Council
Mob
Email

Cllr. JOHN McAULEY Working for You

Erratum
LA01/2021/0569/O

1.0 Update

1.1 Paragraph 8.4 of the Planning Committee reports states:

Policy AMP3: Access onto Protected Routes
Other Protected Routes - Outside Settlement Limits
Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

a. A Replacement Dwelling - where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.
b. A Farm Dwelling - where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
c. A Dwelling Serving an Established Commercial or Industrial Enterprise - where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
d. Other Categories of Development - approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.

1.2 This should state:

Policy AMP 3 Access to Protected Routes (Consequential Revision)

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:

(a) A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.

(b) A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

2.0 Recommendation

2.1 That the Committee note the contents of this Erratum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.