

Title of Report:	Planning Committee Report – LA01/2024/0037F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th November 2024
For Decision or For Information	For Decision – Referred Application by Cllr Tanya Stirling

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: LA01/2024/0037/F **Ward:** Lurigethan

App Type: Full

Address: Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall.

Proposal: Retention of farm shed

Con Area: N/A **Valid Date:** 11.01.2024

Listed Building Grade: N/A

Agent: Gravis Planning. 1 Pavillions Office Park, Holywood. BT18 9JQ

Applicant: Gabriel Emerson. 45 Middlepark Road, Cushendall. BT44 0SQ

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

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

EXECUTIVE SUMMARY

- Full planning permission is sought for retention of farm shed on Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall.
- The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in that it has not been demonstrated that renovation, alteration or redevelopment opportunities do not exist, that the proposal is essential for the efficient functioning of the farm business or there are demonstrable health and safety reasons.
- The proposal is contrary to 4.12 of the Strategic Planning Policy for Northern Ireland (SPPS) and criterion (e) of Policy CTY12 in that the development would, if permitted, harm the amenity of residents in adjoining properties by reason of its scale and dominance.
- The proposal has been considered as part of planning appeal decision 2024/E0015 ground (a). The appeal decision dated 01/11/2024 (attached at end of report) agreed with the Planning Department's recommendation and determined that the proposal is not essential, does not comply with Policy CTY 12 of PPS 21 and does not represent one of the types of development considered to be acceptable in principle in the countryside. The appeal decision also determines that the proposal is overly dominant and detrimentally impacts on the outlook and amenity space of adjacent dwellings

- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal-
<https://planningregister.planningssystemni.gov.uk/simple-search>

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall.
- 2.2 The application is retrospective and relates to the retention of an existing agricultural shed. The subject site originally comprised the northern corner of a large agricultural field located immediately west of Kilnadore Brae, which is part of a larger residential development forming the western extent of Cushendall settlement development limit.
- 2.3 The subject site is accessed via a stone laneway taken from the corner of Kilnadore Road / Middlepark Road which serves a number of rural dwellings, farm holdings and surrounding agricultural land. The access laneway rises steeply past the site frontage which extends to approximately 87 metres, with a wide access and yard area in front of the subject building defined by stone walling and a separate agricultural access to the south-western corner. Existing NIE overhead lines extend along the front and side of the existing building with an unrelated smaller shed sited immediately east.
- 2.4 Due to the steep gradient, the agricultural laneway to the south-western corner slopes down from the highest point of the site frontage to the rear of the agricultural building which is set into the sloping site with excavated soil banked against the western elevation. Additional

excavated material is stored adjacent the building. To the rear of the building is a yard area with concrete apron immediately adjacent the building. The boundary to the adjacent remainder of the agricultural field is defined by concrete post and wire fencing and is accessed via an existing field gate.

- 2.5 The western boundary of the subject site is defined by timber post and wire fencing with limited vegetation including small areas of gorse bush. This boundary abuts the adjacent development at Kilnadore Brae, specifically Nos 5 and 6 which comprise a pair of semi-detached single storey dwellings set approximately 15.5m from the subject building and positioned at a much lower level. The rear gardens of these properties narrow, rising from the rear of the dwellings, with No6 tapering to a point and No5 tapering to a narrow rear boundary extending to approximately 5 metres in width. The subject building is positioned approximately 2.5m off the common boundary and comprises a pitched roof structure with mono-pitch extension approximately 33.5m x 22.5m x 7m high, set at a level approximately 2.5m above the level of the closest residential properties.
- 2.6 The site lies within the rural countryside, immediately out-with the defined development settlement limit of Cushendall as defined as defined by Map No 5/03 of the Northern Area Plan 2016, including an area zoned for housing (Designation CLH 10). The site is located within the defined Antrim Coast and Glens Area of Outstanding Natural Beauty, falls within a local landscape policy area (Designation CLL 01: Court McMartin) and is within the consultation zone of a number of identified archaeological sites (including graveyard and standing stone). The site is located approximately 220m from the nearest listed building (church).
- 2.7 Although immediately adjacent the defined settlement limit of Cushendall, the character quickly becomes rural, comprising extensive agricultural lands extending south-west which form part of the designated Antrim Coast and Glens AONB, dominated within the locality by the coast line and Lurigethan which is a prominent landform to the south-west. Beyond the SDL the immediate character of the area is defined by a small number of rural dwellings and farm-holdings within a sweeping landscape of open agricultural land interspersed with prominent landscape features.

3 RELEVANT HISTORY

- 3.1 Planning Appeal 2024/E0015 - Alleged unauthorised (i) Erection of shed; (ii) Laying of stones to create hardstanding yard; (iii) Movement of earth and construction of retaining walls. Being development carried out without the planning permission required. Enforcement Notice Upheld 01/11/2024.

Planning History adjacent to site:

- 3.2 E/2009/0370/F - Marine workshop for small boat repair & maintenance (retrospective application) Permission Granted 26/07/2011.
- 3.3 LA01/2020/0510/F - Construction of 34 no. Social Housing Units comprising - 12 No. Apartments / 11 No. 3 person 2 Bedroom Houses / 7 No 5 Person 3 bedroom / 1 No. 6 Person 4 bedroom houses / 1 No 7 person 5 bedroom Complex Needs House / 1 No . 6 Person 4 bedroom Complex Needs House / 1 No. 3 Person 2 bedroom Complex Needs House. Permission Granted 11/07/2023.

4 THE APPLICATION

- 4.1 The current application is retrospective and seeks full planning for retention of an existing farm shed. The subject shed comprises a pitched roof structure with mono-pitch extension which, overall extends to approximately 33.5m x 22.5m x 7m high. The shed comprises a steel structure with pre-cast concrete walls over the lower section and green coloured, profiled metal cladding forming the upper wall sections and roof.
- 4.2 Large, sliding entrance doors separately serve the main pitched roof and lean-to elements to both the front and rear of the building. The proposal is described in the accompanying "Design and Access Statement (December 2023) as housing plant and machinery, as well as hay, to be used on the farm.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 24.01.2024.

Neighbours: 1/02/2024.

No representations received.

5.2 Internal

HED (HMU): No Objection

Roads: No Objection

NIW: No Objection.

EHD: No Objection subject to conditions.

NIEA NED: Content subject to Standing Advice.

NIEA WMU: No objection subject to restrictions

SES: No Objection subject to no housing of animals.

DFI Rivers: No Objection.

NIE: No Objection

DAERA: Business is active and established

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:

- The 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 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy (RDS) 2035
Northern Area Plan 2016.
Strategic Planning Policy Statement (SPPS).

Planning Policy Statement 2: Natural Heritage.

Planning Policy Statement 3: Access, Movement and Parking
Policy AMP 2: Access to Public Roads.

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Planning Policy Statement 15 (Revised): Planning and Flood Risk.

Planning Policy Statement 21: Sustainable Development in the Countryside.

Policy CTY 1: Development in the Countryside.

Policy CTY 12: Agriculture and Forestry Development.

Policy CTY 13: Integration and Design of Buildings in the Countryside.

Policy CTY 14: Rural Character.

Policy CTY 15: The Setting of Settlements.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, rural character, visual integration, drainage, natural heritage, archaeology and residential amenity.

Principle of development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 The Strategic Planning Policy Statement for N. Ireland (SPPS) promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should 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. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between the protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.
- 8.4 The SPPS was introduced in September 2015 and is a material consideration in determining planning applications and appeals. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During this transitional period existing policy contained within identified policy documents will be applied together with the SPPS. PPS 21 is a retained policy document under the SPPS and provides the relevant policy context.
- 8.5 Paragraph 6.73 of the SPPS outlines the policy context for development in the countryside and includes agriculture and forestry development. The strategic policy in relation to agriculture and forestry development states that 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 be acceptable in exceptional circumstances.

- 8.6 The SPPS also states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.
- 8.7 Policy CTY1 'Development in the Countryside' of PPS21 sets out the types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. These include agriculture and forestry development on an active and established agricultural and forestry holding in accordance with Policy CTY12 where it is demonstrated that the development proposed complies with specified criteria.
- 8.8 Paragraph 5.56 of the J&A text of Policy CTY12 advises that for the purposes of this policy the determining criteria for an active and established business is that set out under Policy CTY10. The policy text of CTY12 refers to permission being granted for development on an active and established agricultural or forestry holding where it is necessary for the efficient use of the agricultural holding or forestry enterprise. Exceptionally consideration may be given to an alternative site away from existing farm buildings provided there are no other sites available and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.
- 8.9 The submitted P1 form indicates the applicant's address as 45 Middlepark Road, Cushendall which is located approximately 300m to the south-east of the subject site and is located within the defined settlement development limits. This address consists of a farm-holding comprising a detached dwelling and a number of agricultural buildings. The applicant has supplied details of a farm business ID number registered to Mr Gabriel and Mrs Patricia Emerson. Although not initially supplied, a suite of up-to-date farm maps have since been provided (dated 16/01/2024) which identifies the applicants holding as extending to 22.71ha.
- 8.10 DAERA has been consulted in relation to the identified farm business and confirms:
- The farm business ID has been in existence for more than 6 years (allocated 19/11/1991).
 - The farm business is Category 1, and,
 - The farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.

- 8.11 DAERA has pointed out that the application site is on land for which payments are not currently being claimed by the farm business. This is due to the application being retrospective comprising the building and yard area which is unmapped.
- 8.12 The applicant's farm business is confirmed as both active and established for a period over six years and although currently unmapped, there is no evidence to suggest that the subject site has not been part of the active and established holding for the requisite period.
- 8.13 Criterion (a) of Policy CTY12 requires that it be demonstrated that the proposed development is necessary for the efficient use of the agricultural holding. In the case of new buildings, Policy CTY12 also requires that it be demonstrated that there are no suitable existing buildings that can be used, the design and materials are sympathetic and the proposal is sited beside existing farm or forestry buildings. Exceptionally consideration may be given to an alternative site away from existing buildings providing there are no other sites available at another group of buildings and where;
- It is essential for the efficient functioning of the business; or
 - There are demonstrable health and safety reasons.
- 8.14 All proposals will still be required to visually integrate into the landscape and be of an appropriate design and materials (paragraph 5.54).
- 8.15 The submitted Design and Access Statement (DAS) states that the proposal is necessary for the active farm and currently houses plant and machinery, as well as hay to be used on the farm. The DAS states that there are no suitable buildings within the main farm holding and given the sloping gradient of the agricultural land within the farm holding and distance from the main farm buildings, there is a need for a farm shed at this location to access farmland.
- 8.16 Paragraph 4.12 of the DAS goes on to state that although there are a number of buildings already located on the main farm holding, all buildings are currently in use or are too small to contain the farm plant/machinery that is stored at the subject site. The DAS indicates that the majority of buildings on the main farm site are used to house livestock and associated feed etc.

- 8.17 The main farm grouping is located at the applicants address at 45 Middlepark Road which incorporate a number of farm buildings including a row of three sheds along the eastern boundary, a large barrel roofed building and lean-to building positioned along the northern boundary with two smaller buildings within the yard.
- 8.18 Supporting information (20/9/2024) outlines the existing use of each of these buildings, numbered as per the included image.



- 8.19 Shed 1 is noted as being used as a repair shed (presumably in relation to farm machinery and equipment associated with the holding). This shed is noted as being of insufficient scale to accommodate all large-scale farm machinery that is currently stored in the subject shed. The repair shed is described as containing fixed repair equipment such as worktops and work benches which means only smaller scale farm equipment/machinery can be housed temporarily for repair.
- 8.20 Shed 2 is noted as being subdivided into four sections:
- 1st /2nd sections (northern part)– noted as incorporating pens used for housing lamb, sheep, calves and cows in the winter.
 - 3rd /4th sections (southern parts) – noted as used for the storage of hay/fertiliser/meal/manure.
 - Shed 2 is also described as being too low to house large machinery.
- 8.21 Shed 3 is described as being used for lambing and calving in the wintertime and is noted as being of insufficient scale to house the large-scale farm machinery stored in the subject shed.

- 8.22 Shed 4 is noted as being used for lambing/calving in the wintertime and described as being insufficient in scale to house the large-scale farm machinery stored in the subject shed. Each shed at the farm is described as having its own dedicated use and currently used to its full potential.
- 8.23 Paragraph 4.15 of the DAS confirms the subject building is used to store farm plant and machinery and states that there are no other suitable or available buildings within the existing group of buildings on the farm holding for this purpose.
- 8.24 Supporting letter dated 20/9/24 states that the subject shed is used to house hay bales, straw bales and farm machinery including, trailers, tractors, hedge cutters, and mowers.
- 8.25 As part of appeal hearing 2024/E0015 the appellant argued that the development was necessary in order to house plant machinery and hay used on the farm. It was stated that there were no suitable buildings and no scope to erect any sizeable sheds within the main farm holding.
- 8.26 The applicant has provided an inventory of machinery stored within the subject building (15/10/24). This inventory includes 11 tractors, 10 trailers, 3 livestock trailers, 9 items of forage equipment, 10 items of tillage equipment, a slurry mixer and tanker, a linkbox and a forklift. Site inspection indicates the building is also used to store some non-agricultural items
- 8.27 Given the extent of the farm holding, which comprises a relatively modest farm holding extending to approximately 22.7ha, the amount of equipment and machinery identified as being within the applicant's ownership is excessive and disproportionate to the scale of the business and includes a number of duplicate items.
- 8.28 As part of appeal hearing 2024/E0015, the appellant stated that the tractors and trailers have been purchased since the subject building was erected. Although no evidence has been provided to demonstrate when such purchases were made, their acquisition after the construction of the subject building clearly demonstrates that the agricultural holding was able to operate until then without the need for the extensive amount of equipment now acquired. The purchase of such extensive amount of equipment unnecessary for normal farming activities appears to have created a storage issue in relation to the

existing farm. The PAC agreed with this assessment in paragraph 13 of appeal decision 2024/E0015.

- 8.29 While the group of buildings at No 45 are identified as currently in use, site inspection indicated that the existing sheds on the holding are being considerable underutilised for agricultural purposes with only a relatively small area being used to house a modest number of cows and agricultural related storage.
- 8.30 Although supporting information indicates that all existing buildings are currently in agricultural use, it was noted on site-inspection that this is not the case.
- 8.31 Shed 1 is partially used for storing two tractors, one of which is under repair. There is no evidence of fixed repair equipment such as worktops and workbenches which would restrict access. The lean-to element is used for the storage of a tractor and forklift as well as some hay bales.
- 8.32 The northern section of Shed 2 comprises animal pens not in use during site inspection. The southern section of Shed 2 which is the largest shed within the farm grouping with high roller shutter doors is used exclusively for the storage of household and building materials and is not used for agricultural purposes.
- 8.33 Sheds 3 and 4 comprise two smaller buildings within the farmyard which are also not used for agricultural purposes and currently store domestic fuel, building and waste materials and car tyres.
- 8.34 Whilst it is stated that the proposal is “necessary for the active farm” and “there are no suitable buildings within the main farm holding”, the extent of farming activities is limited and a large portion of available space within the existing sheds is either currently not used for agricultural purposes or underutilised. The farm business has operated successfully until now with the majority of machinery purchased after construction of the building. The evidence advanced to justify the necessity of the building does not take account of the underutilisation of existing buildings or the recent acquisition of the majority of machinery listed as outlined in appeal decision 2024/E0015.

- 8.35 Additional supporting comments that the sloping gradient of the agricultural land within the farm holding and distance from the main farm buildings indicates a need for a farm shed at this location is not supported. The farmlands surrounding the subject building are located less than 300m from the main farm grouping, less than 900m from the additional farm building and remain accessed from an existing steep laneway which already served these lands.
- 8.36 Taken as a whole, the evidence provided is not persuasive that the subject shed is necessary for the efficient use of the holding and Criterion (a) of Policy CTY 12 of PPS 21 is not met.
- 8.37 In cases here new buildings are proposed, Policy CTY12 requires applicants to provide sufficient information to confirm three additional points.
- 8.38 Firstly, that there are no suitable existing buildings on the holding that can be used. The supporting information indicates that existing buildings at the main farm grouping are either currently used or not suitable for the storage of machinery. This is not the case and existing buildings are considerably underutilised and additional storage options exist.
- 8.39 Paragraph 5.52 of Policy CTY12 states that the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist. Redevelopment of the existing yard incorporating removal of two modest buildings which are currently not used for agricultural purposes would provide additional yard space and would potentially provide the opportunity to construct a more appropriate agricultural building. No information has been submitted to indicate that renovation, alteration or redevelopment opportunities do not exist.
- 8.40 Secondly, the design and materials are sympathetic to the locality and adjacent buildings. The proposal is considered to comply with this test.
- 8.41 Thirdly, the proposal is sited beside existing farm or forestry buildings. The current proposal is not sited beside existing farm buildings and fails the additional test relating to a new building.
- 8.42 Exceptionally Policy CTY12 allows for consideration of an alternative site away from existing farm buildings providing there are no other

sites available at another group of buildings on the holding, either where it is essential (my emphasis) for the efficient functioning of the business, or there are demonstrable health and safety reasons. Paragraph 5.54 of Policy CTY12 states that in such cases, the applicant will be required to provide sufficient information to demonstrate this is the case.

- 8.43 The existing farm grouping is located at 45 Middlepark Road and comprises a detached dwelling and a number of agricultural sheds accessed via a shared laneway. The submitted farm map indicates a number of identified fields associated with the farm business north and north-west of the main farm grouping. Field numbers 1 and 6 comprise land zoned for housing (Designation CLH 12) and have been the subject of planning permission for residential development which remains extant.
- 8.44 On this basis there does not appear to be available scope to add a further building adjacent the existing farm grouping to the north, due to extant planning permission. The supporting information references potential siting restrictions and goes on to state that to create a new building elsewhere on these lands would necessitate a new access road and construction on sloping land, which would result in development with a greater adverse impact than the subject site and building.
- 8.45 As per the submitted farm maps, the applicant owns additional lands, including field No 1/033/006/3 which is currently accessed via the existing shared laneway to No 45. This would have represented a potential siting opportunity which would be similarly positioned adjacent the SDL and no closer to residential properties but more closely grouped with existing buildings than the current proposal. This would not have required an additional access as stated, as field 1/030/086/10 could have remained as originally accessed from the existing laneway along the northern boundary. Field 3 does not appear to be an alternative option sufficiently grouped with existing buildings as to represent a more acceptable option than the subject proposal.
- 8.46 The applicant has confirmed that much of the machinery listed on the inventory provided was purchased after construction of the subject building. This extensive list of machinery is disproportionate to the

modest holding and limited extent of farming activities and is not essential for the efficient functioning of the business. Other opportunities exist within the current agricultural buildings to store machinery as they are not used for agricultural purposes and additional opportunities exist to redevelop the farm grouping.

- 8.47 In terms of health and safety, the applicant has provided photographs (15/10/24) to indicate movement restrictions within the existing yard which it is suggested presents a safety risk when moving equipment (letter dated 15/10/24). The applicant has also suggested difficulties exist in utilising the shared laneway. No evidence has been provided to indicate that accidents have occurred due to farming activities and the business has operated successfully until now without the subject building. In addition, the access lane to the main holding is of better standard than the subject site. As outlined above, redevelopment of the yard would not incur significant expense and the removal of two small buildings currently not used for agricultural purposes would potentially free up an area within the main holding which would allow agricultural machinery to move more freely and exit the yard in forward gear. There is no evidence to suggest that health and safety issues currently exist which would warrant the proposed development. This matter was assessed by the PAC in appeal decision 2024/E0015 and the Commissioner concurred with the above approach regarding health and safety as well as redevelopment opportunities within the existing farm grouping / yard.
- 8.48 No information has been submitted to demonstrate that the current proposal is essential for the efficient functioning of the holding and no information has been provided regarding demonstrable health and safety reasons. On this basis the exceptional test of Policy CTY 12 is not met.
- 8.49 This position is confirmed in appeal decision 2024/E0015 which states that *“The appeal development does not comply with Policy CTY 12 of PPS 21. It therefore does not represent one of the types of development that are considered to be acceptable in principle in the countryside and I am not persuaded that the development is essential”*.
- 8.50 Criterion (b) of Policy CTY 12 requires that the proposal is appropriate to its location in terms of character and scale. Paragraph 5.54 of the J & A of Policy CTY12 states that such proposals will also be required to

be of appropriate design and materials. The subject building comprises a pitched roof structure with mono-pitch extension which, overall extends to approximately 33.5m x 22.5m x 7m high. The shed comprises a steel structure with pre-cast concrete walls over the lower section and green coloured, profiled metal cladding forming the upper wall sections and roof. Large, sliding entrance doors separately serve the main pitched roof and lean-to structures to both the front and rear of the building.

- 8.51 The building is typical of agricultural buildings found in the countryside. The DAS points out that the subject building sits directly adjacent to an existing large shed which sits at a lower level with no significant views of the shed from public viewpoints. This shed was approved under E/2009/0370/F as a Marine workshop for small boat repair & maintenance and remains between the subject building and recently approved housing development (LA01/2020/0510/F).
- 8.52 Although immediately adjacent the defined SDL, the site is accessed via a steeply inclined shared laneway serving agricultural land with a character distinct from the adjacent urban context. A building of the scale and character of that which exists does not appear incongruous within the existing surrounding rural context. The proposal is considered to meet the requirements of criterion (b) and Policy CTY14.
- 8.53 Criterion (c) requires the proposal to visually integrate and additional landscaping to be provided where necessary.
- 8.54 The site is located within the AONB as well as a local Landscape policy Area identified in the local plan. Although elevated, due to the distance from the main public road (Middlepark / Kilnadore Road) the existing building is fairly well screened and has limited impact on either designations (particularly given the proximity to the settlement limit and the fact that the subject site does not form part of the main LLPA features. The access laneway is shared and represents a public vantage point. Although the building is adjacent the laneway, views are over a short distance and limited due to roadside hedgerows. Critical views do exist from the surrounding public road network, including from the adjacent development at Kilnadore Brae.
- 8.55 While the building is elevated, it is read together with the existing building adjacent with only partial views evident and considerable screening provided by surrounding built development. Given the

surrounding context the proposal is considered to satisfactorily integrate. Although no additional landscaping is proposed the proposal is generally considered to integrate and meets the requirements of criterion (c) and Policy CTY13.

- 8.56 Access is taken from the existing shared laneway and does not result in increased visual impact.
- 8.57 Criterion (d) requires that the proposal will not have an adverse impact on the natural or built heritage.
- 8.58 The site is located within the defined Antrim Coast and Glens Area of Outstanding Natural Beauty, falls within a local landscape policy area (Designation CLL 01: Court McMartin) and is within the consultation zone of a number of identified archaeological sites (including graveyard and standing stone). The site is also located approximately 220m from the nearest listed building (church).
- 8.59 Due to the separation distance from the nearest listed building the proposal is not considered to have any potential impact. HED (Historic Monuments Unit) has been consulted regarding the identified archaeological sites and advise that the proposal complies with SPPS and PPS 6 archaeological policy requirements.
- 8.60 The site lies within local Landscape Policy Area (CLL 01) which identifies a number of features that contribute to the environmental quality, integrity or character of this area. Only sensitively sited, modest scale development essential for the efficient operation of agriculture, will be acceptable within this designation. The identified LLPA is extensive and although the current proposal lies within, it is not considered to significantly impact upon any features.
- 8.61 Policy NH6 of PPS relates to the protection of Areas of Outstanding Natural Beauty and states that Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where all the outlined criteria are met.
- 8.62 The proposal relates to agricultural development within the countryside and is located immediately adjacent the defined settlement development and existing residential development. The defined AONB is extensive and incorporates agricultural development

as part of its rural character. Paragraph 5.14 of Policy NH6 requires all proposals within AONB's to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. The scale and design of the proposal is not considered inappropriate for the proposed use and given its location and character / design is not considered to impact on the quality or appearance of the AONB.

- 8.63 The site comprises the north-eastern corner of an existing agricultural field comprising reclaimed grassland and used for grazing. The original site appears to have incorporated hedgerows on the northern and eastern boundaries which have been partially removed to provide the yard and access to the front of the building.
- 8.64 A Biodiversity Checklist has been submitted which indicates that the site does not affect any designated sites but is within 25m of field hedgerows and therefore has the potential to impact on a number of species including protected species such as bats. Part 3 of the Biodiversity Checklist has been completed and advises that the development has been in place for a number of years, the proposal does not impact on existing flora, fauna, or biodiversity and no mitigation measures are required.
- 8.65 NIEA -NED references the Biodiversity Checklist completed by the agent and notes that aerial images indicate the site is bound by hedgerows and advises that the Planning Authority to be aware of Hedgerow Standing Advice. Site inspection indicates that some hedgerow removal has taken place along the site frontage while vegetation along the eastern boundary remains generally intact. The Standing advice states that the Biodiversity Checklist should be used to establish if a Preliminary Ecological Appraisal and / or an Extended Phase 1 Habitat Survey is required for a complete application. Given the period of time the building is in situ which would alter any baseline assessment, the limited hedgerow removal and the ecological statement provided as part of the Biodiversity Checklist it is not considered to significantly impact on biodiversity.
- 8.66 Agricultural sheds have the potential to impact on natural heritage and designated sites further afield due to ammonia depending on the nature / extent of the operations. Dirty water or slurry is likely to be created by the movement of animals across any concrete areas or feeding areas along the shed. All concrete areas trafficked by animals or where feeding takes place are required to have adequate collection

facilities. Under the Nutrient Action Programme (NAP) Regulations 2019, any run-off meeting the definition of slurry must be collected in a slurry tank. Run-off meeting the definition of dirty water as described in the NAP Regulations 2019 must be collected with the slurry or in a separate dirty water tank.

- 8.67 Consultation has been carried out with NIEA (Water Management Unit). If livestock were to be housed in the shed or moved across any yard areas, NIEA Water Management Unit would require details of:
- How the livestock manure produced on the site will be managed;
 - A drainage plan showing how contaminated run off from any yard areas trafficked by livestock will be managed through adequate NAP-compliant collection facilities.
- 8.68 The agent has indicated the majority of buildings on the main farm site are currently used to house livestock and associated feed etc while the subject shed is proposed to house machinery and hay and will not be used to house animals. This positioned has been reiterated in email dated 3/6/2024.
- 8.69 NIEA (WMU) is content with the proposal subject to no animals being housed or based in the building and farm machinery for storage only with the premises not used as a commercial repair / end of life facility. In addition, NIEA (WMU) requires that the applicant complies with the NAP Regulations (Northern Ireland) 2019, refers and adheres to DAERA Standing Advice, and obtains any relevant statutory permissions.
- 8.70 A suitable condition could be attached to any planning permission restricting the housing of animals within the subject building and therefore complying with WMU requirements.
- 8.71 This planning application has been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project.
- 8.72 Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

The shed was constructed in March 2021 and there are no viable hydrological links affecting any European site. The supporting information and revised plans (3/6/2024) confirm no livestock are to be housed within the retrospective shed and no conceivable effects to any European sites are identified as a result of this application subject to no housing of animals.

- 8.73 Criterion (e) requires that the proposal will not result in detrimental impact on the amenity of residential dwellings outside the holding, including potential problems arising from noise, smell and pollution, a list which is not exhaustive.
- 8.74 The SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. Other amenity considerations arising from development, that may have potential health and well-being implications are noted as including design considerations, impacts, relating to visual intrusion, general nuisance, loss of light and overshadowing.
- 8.75 The subject building is located in close proximity to a number of existing residential properties which lie within the defined settlement limits. The closest of these is Nos 5 and 6 Kilnadore Brae which are located approximately 15.5m-17.5m from the subject building with rear amenity areas immediately adjacent the application site.
- 8.76 The application does not propose the housing of animals, and no slats / tanks facilities exist for slurry. As a result, the potential for significant residential amenity issues due to odour or pollution is significantly reduced. In terms of noise, the supporting information indicates that plant/machinery will only be moved and used during daylight hours for use on the agricultural lands to the immediate south of the shed. While the restriction of machinery movements to daylight hours is unlikely during winter months and would be difficult to regulate, the surrounding agricultural lands are already subject to standard farming operations which would include the use of machinery and therefore any additional impact from the proposal beyond that which exists is likely to be limited.
- 8.77 The local Environmental Health Department (EHD) has been consulted regarding potential impact on existing residential amenity

from the proposal. EHD has no objections subject to conditions restricting the use to storage only with no housing of animals and no additional noise generating plant and equipment permitted within the proposed development. The subject building includes a small floodlight on the front and rear of the building directed away from residential properties. EHD has not referenced any complaints in relation to the building / operations and recommends that all lighting provisions meet lighting guidance CIE – International commission on Illumination.

- 8.78 Supporting information states that as “the shed is to the north/northwest of residential properties at Kilnadore Brae, there will be impact in terms of overshadowing”, (which is presumably a typing error). The positioning of the shed to the north-west of adjacent residential properties (even taking account of differing ground levels) is likely to limit the potential for overshadowing of residential properties restricted to short periods in the late evening within back garden areas and will not significantly impact residential amenity.
- 8.79 The subject building extends to 7m in height with the higher, pitched roof element positioned closest to the adjacent residential boundaries (approximately 2.5m). Given the significant change in ground levels between the subject site and residential properties, this equates to a structure extending to approximately 9m above the existing residential properties and positioned within approximately 15.5m of rear elevations. Both Nos 5 and 6 are modest, single storey properties characteristic of the development at Kilnadore Brae and are orientated facing the south-eastern corner of the subject building which appears elevated above these properties and rear gardens and has a significant visual impact. The rear gardens of both properties rise to the rear boundary. No6 tapers to a point while the rear of No5 tapers to a narrow rear boundary extending to approximately 5 metres. This party boundary is poorly defined and provides little screening of the building, with no additional planting proposed.
- 8.80 Dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Neighbouring occupiers should not be adversely affected by a sense of being ‘hemmed in’ and dominance can be increased when the neighbouring property is at a lower ground level to the development site. The current proposal consists of an elevated and imposing structure which dominates the outlook from both properties,

and particularly private amenity areas due to scale, height, ground levels and proximity.

- 8.81 Additional landscaping has been proposed (drawing 10). However, the proposal creates an unacceptable impact on the outlook and amenity of these properties and results in significant visual impact and intrusion compared to that which originally existed and is unacceptably overbearing in the context of the existing residential character.
- 8.82 This issue (including proposed planting) has been considered as part of appeal decision 2024/E0015. As part of the report the commissioner stated that *“Irrespective of existing or future planting and the lack of objection from the current residents of the properties, the substantial height and scale of the building, the difference in ground levels and the small separation distance results in the appeal building having an overly dominant and detrimental impact on the outlook and amenity space of Nos.5 and 6 Kilnadore Brae”*. The proposal is considered contrary to criterion (e).

Policy CTY 15 – The Setting of Settlements

- 8.83 Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside.
- 8.84 Paragraph 5.84 of CTY15 identifies the principle of drawing a settlement limit is to maintain a clear distinction between the built-up area and the surrounding countryside. Although immediately adjacent the defined SDL, the site is accessed via a steeply inclined shared laneway serving agricultural land which has a character distinct from the adjacent urban context. Although shared, the access laneway provides limited opportunity for public awareness of the existing building which is agricultural in character and use and does not appear incongruous within the surrounding rural context. The subject building is not considered to mar the distinction between the settlement and surrounding countryside or create urban sprawl.

Drainage / Flooding

- 8.85 DFI Rivers has been consulted and advise that they have no objections to the proposal providing the threshold for the submission of a drainage assessment is not exceeded.

- 8.86 Policy FLD3 of Revised PPS15 states that a Drainage Assessment will be required for all development proposals that exceed the following thresholds:
- Residential development comprising 10 dwelling units or more.
 - A Development site in excess of 1 hectare.
 - New hard-surfacing exceeding 1000m².
- 8.87 Paragraph 6.34 clarifies the issues by stating that pluvial flooding is a particular problem in urban areas which are often dominated by non-permeable surfaces. Such development inhibits the natural run-off process, often by removing opportunities for surface water storage and restricting infiltration of water into the ground.
- 8.88 The identified site area extends to approximately 0.29ha and on this basis a Drainage Assessment would appear necessary.
- 8.89 The agent has submitted a drainage assessment in support of the application which states that the site is unaffected by the 1 in 100-year fluvial flood plain and is not at risk of pluvial flooding although it will be served by a dedicated stormwater drainage system which will be suitably sized to serve the site. The submitted drainage plan indicates the use of a soakaway located on lands to the south of the site. There is no proposal to modify the route of an existing watercourse or culvert as part of the application. The proposal does not raise any significant flooding or drainage issues.

Access

- 8.90 Access is taken from an existing laneway to the north of the site. No alterations are proposed to the primary laneway or the junction with the public road. DFI Roads has been consulted and raise no objections to the proposal.

Other Matters

- 8.91 In terms of remaining consultees, no objections have been raised and no third-party representations received.

Habitats Regulation Assessment

- 8.92 Causeway Coast and Glens Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.)

Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein prepared by Shared Environmental Service, dated 18/07/2024. This found that, subject to the proposed condition limiting the type of livestock, it is eliminated from further assessment because it could not have any conceivable effect on a European site.

9 CONCLUSION

- 9.1 Having regard to the policy context and other materials considerations above, the proposal is considered unacceptable, and planning permission is recommended to be refused. It has not been demonstrated that the current proposal is essential for the efficient functioning of the holding or that there are demonstrable health and safety reasons. The exceptional test of Policy CTY 12 has not been met and the proposal is contrary to Policies CTY1 and CTY12 of PPS21 and the related provisions of the SPPS.

10 Reasons for Refusal

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in that it has not been demonstrated that renovation, alteration or redevelopment opportunities do not exist, that the proposal is essential for the efficient functioning of the farm business or there are demonstrable health and safety reasons.
2. The proposal is contrary to 4.12 of the Strategic Planning Policy for Northern Ireland (SPPS) and criterion (e) of Policy CTY12 in that the development would, if permitted, harm the amenity of residents in adjoining properties by reason of its scale and dominance.

Site location Map



Referral Request

From: Tanya Stirling <Tanya.Stirling@causewaycoastandglens.gov.uk>
Sent: 11 October 2024 10:41
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: LA01/2024/0037/F

Good Morning Laura

LA01/2024/0037/F

Could I ask that this application is referred to the committee.

Any further information regarding this, please let me know.

Kindest Regards

Tanya

CLlr Tanya Stirling
Deputy Mayor
Causeway Coast and Glens Borough Council
Coleraine DEA
Tel: 02870356990

Laura Crawford

From: eastldup <eastldup@gmail.com>
Sent: 11 October 2024 15:09
To: Planning; Tanya Stirling
Subject: LA01/2024/0037/F
Attachments: Kilnadore Brae, Cushendall.docx

Please find the attached template, I would be grateful if you could forward to Denise.

Kind Regards

Tanya

MAURICE BRADLEY MLA
22 New Row
Coleraine
BT52 1AF
Telephone: 028 7035 6990
Email: eastldup@gmail.com
Facebook: @mauricebradleymla
Twitter: @BradleyMla



Annex 1

Template for Requesting Referral of a Contentious Delegated Decision to Issue' List Planning Application to Planning Committee for Determination

The Protocol for the Operation of the Planning Committee provides for an Elected Member to request a planning application listed on the weekly list of 'contentious delegated decisions ready' to be referred to Planning Committee for determination. This request must be received by the Planning Department no later than 10am on the Monday following the issuing of the contentious list and submitted via email to planning@causewaycoastandglens.gov.uk.

Planning Reference	LA01/2024/0037/F
Elected Member Name	Tanya Stirling
Contact Details	Tel: 02870356990 Email: tanya.stirling@causewaycoastandglens.gov.uk
Refusal Reason 1: The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in that it has not been demonstrated that there are no other sites available at another group of buildings on the holding, that the proposal is essential for the efficient functioning of the farm business or there are demonstrable health and safety reasons.	
Refusal Reason 2: The proposal is contrary to 4.12 of the Strategic Planning Policy for Northern Ireland (SPPS) and criterion (e) of Policy CTY12 in that the development would, if permitted, harm the amenity of residents in adjoining properties by reason of its scale and dominance.	



Refusal Reason 3: N/A

Additional Supporting Information: there is an agricultural need identified for the shed which the applicant has demonstrated. There is a pending enforcement appeal and a decision on this planning application is premature while the appeal is ongoing.

Appeal Decision 2024/E0015



Enforcement Appeal Decision

4th Floor
92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2024/E0015
Appeal by:	Mr Gabriel Emerson
Appeal against:	An Enforcement Notice
Alleged breach:	Alleged unauthorised (i) erection of shed (ii) laying of stones to create hardstanding yard (iii) movement of earth and construction of retaining walls
Location:	Land at 12m NW of 6 Kilnadore Brae, Cushendall
Planning Authority:	Causeway Coast and Glens Borough Council
Application Reference:	LA01/2023/0096/CA
Procedure:	Informal Hearing on 17 th October 2024
Decision by:	Commissioner Diane O'Neill, dated 1 st November 2024

Grounds of Appeal

1. The appeal was brought under Grounds (a) and (g) as set out in Section 143 (3) of the Planning Act (NI) 2011 (the Act). There is a deemed planning application by virtue of Section 145 (5) of the Act.

Ground (a) and the Deemed Planning Application

2. The main issues in this appeal relate to:
 - the principle of and need for the development
 - the impact of the development on residential amenity
3. Section 45(1) of the Act requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that 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.
4. In this appeal the Northern Area Plan 2016 (NAP) is the relevant local development plan. In that plan the site is located within the countryside. The development is located within the Antrim Coast and Glens Area of Outstanding Natural Beauty, Local Landscape Policy Area CLL01: Court McMartin and is within the consultation zone of a number of identified archaeological sites. The NAP has no material policies for dealing with the appeal proposal.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS, published in September 2015) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of

the SPPS. It cites an example whereby the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy and states that in that instance the SPPS should be accorded greater weight in the assessment of individual planning applications.

6. Paragraph 6.73 of the SPPS identifies a number of strategic policies for residential and non-residential development in the countryside which should be taken into account in the determination of planning applications. The strategic policy in relation to agriculture and forestry development states that provision should be made for development on an active and established (for a minimum of 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 be acceptable in exceptional circumstances.
7. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21, published June 2010). Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development including agricultural and forestry development in accordance with Policy CTY 12.
8. Policy CTY 12 states that 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 that 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) that 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 also need to provide sufficient information to confirm that 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. 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.
9. Although the Council accepted that the appellant's farm business was active and established, it raised a number of objections to the development namely that it had not been demonstrated that it is necessary for the efficient use of the agricultural holding and that it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise; that it would not be sited beside existing farm buildings; that the alternative site is not essential for the efficient functioning of the business or for demonstrable health and safety reasons.
10. The appeal site abuts the settlement development limit of Cushendall, including an area zoned in NAP for housing (Designation CLH 10) and an existing workshop. Due to the topography, the site is positioned at a higher level than the existing single storey residential properties at Nos.5 and 6 Kilnadore Brae and the

workshop. A post and wire fence and dispersed planting are located along the common boundary of Nos.5 and 6 Kilnadore Brae and the appeal site.

11. The appellant's main holding is located at 45 Middlepark Road, Cushendall, approximately 0.5 mile /3 minutes' drive away from the appeal site. At the main holding there are four sheds. The appellant also has a further agricultural building located approximately 600m from the main holding which the appellant stated at the hearing is used to house farm animals and machinery. The Council did not dispute this claim. The appeal building is an agricultural shed which is constructed of concrete and profiled green metal cladding. It has a pitched roof structure and a mono-pitch extension. It measures approximately 33.5m x 22.5m x 7m. There are also concrete retaining walls and stone hardstanding on site.
12. The appellant argued that the development was necessary in order to house plant machinery and hay which is used on the farm. It was stated that there were no suitable buildings and no scope to erect any sizeable sheds within the main farm holding.
13. At the hearing the appellant provided an inventory of machinery that is stored within the appeal building. This included 11 tractors, 10 trailers, 3 livestock trailers, 9 items of forage equipment, 10 items of tillage equipment, a slurry mixer and tanker, a linkbox and forklift. This appears to be an excessive amount of equipment given the relatively modest circa 22.7ha holding. A number of items are also duplicates. Not all these items appeared to be housed within the appeal building during my site visit. I also witnessed the storage of some non-agricultural related items within the appeal building including metal shelving, furniture, a domestic cooker and numerous bags of insulation. At the hearing the appellant stated that the tractors and trailers have been purchased since the appeal building was erected. No evidence was presented of when such purchases were made. Whilst the appellant argued that the equipment would not have been purchased if it was not required, their acquisition after the construction of the appeal building demonstrates that the agricultural holding was able to operate until then without the extensive amount of equipment that has now been acquired. The purchase of such an extensive amount of equipment may have created the storage issue.
14. From the Council's site visit and my own observations on site it is apparent that the four existing sheds on the holding are being considerably underutilised with only a relatively small area being used to house a modest number of cows and for agricultural related storage. A tractor and forklift are accommodated within the existing sheds. The rest of the storage area is being used to house items including domestic fuel, building and waste materials and car tyres. There is a lot of empty storage space. Even if not all the present sheds could accommodate all of the appellant's equipment, I am not persuaded that the level of equipment listed by the appellant is necessary for the efficient functioning of the agricultural holding or that the scale of the appeal building is required. Despite the arguments about the financial cost of doing so, I am also not persuaded that the holding could not be redeveloped so that it is better utilised. The appellant claimed that sheds 3 and 4 are used for lambing/calving in the wintertime. However, there was no evidence of agricultural usage during my site visit with them being used to store domestic fuel, bicycles and a substantial amount of discarded materials. This was also the Council's observation during their site visit. Even the removal of these relatively modest sheds, which would not incur a substantial expense, would allow modern

agricultural machinery to leave the main holding in a forward gear or would free up an area within the main holding to construct a more appropriate agricultural building. The access to the main holding is also of a better standard than that to the appeal site. I am not persuaded that the sloping gradient of the agricultural land between the main farm holding and the appeal shed and the lack of any existing laneways or access points to other land justifies the appeal development. No evidence was presented of road accidents occurring at the main holding which is accessed via a quiet shared laneway.

15. Whilst the Council has not raised an objection to criteria (b), (c) and (d) of Policy CTY 12, the test within criterion (e) of Policy CTY 12 is whether the development will result in detrimental impact on the amenity of residential dwellings outside the holding. The appeal building is located to the north-west of the modest single storey dwellings at Nos.5 and 6 Kilnadore Brae with them sharing a common boundary. The residents' private amenity space is located to the north-west of the dwellings, in the area between the appeal site and the dwellings. Irrespective of existing or future planting and the lack of objection from the current residents of the properties, the substantial height and scale of the building, the difference in ground levels and the small separation distance results in the appeal building having an overly dominant and detrimental impact on the outlook and amenity space of Nos.5 and 6 Kilnadore Brae. The appellant stated that the workshop adjacent to the appeal site may have a greater impact on the residential amenity of the residential properties, however there is a greater separation distance, the workshop is at a lower ground and of a smaller scale. Noise pollution from the appeal development was also not raised as a matter of concern by the Council.
16. The appeal development does not comply with Policy CTY 12 of PPS 21. It therefore does not represent one of the types of development that are considered to be acceptable in principle in the countryside and I am not persuaded that the development is essential. It is therefore contrary to Policy CTY 1 of PPS 21. The Council's concerns are sustained. The appeal on ground (a) fails and the deemed planning application is refused.

Ground (g)-that the period for compliance specified in the Notice falls short of what should reasonably be allowed

17. The Enforcement Notice requires that all the steps required to remedy the alleged breaches are carried out within 112 days from the date the notice takes effect.
18. The appellant stated that just over 3 months was insufficient time to redevelop the main holding, which would be the only option, and suggested a time period of 12 months. Whilst it is accepted that this is a working farm, no substantial evidence was represented as to why 12 months was considered necessary. The Council raised no objection to the time period being extended to 6 months given the extensive amount of equipment that the appellant will have to rehome or sell. I concur that 6 months would be a reasonable time period given the amount of equipment said to be in the appellant's possession. The appeal on ground (g) succeeds.

Decision

19. The decision is as follows:-

- The appeal on Ground (a) fails and the deemed planning application is refused.
- The period for compliance as set out in Part 4 of the Enforcement Notice is varied to 6 months and the appeal on Ground (g) succeeds to that extent
- The Enforcement Notice, as so varied, is upheld

This decision is based on the following drawings:-

Drawing 1:2500 site location plan Rev A dated November 2023

Drawing 1:500 block plan Rev A dated November 2023

Drawing 1:100 elevations and 1:500 cross-section Rev A dated November 2023

Drawing 1:100 floor plan Rev A dated November 2023

COMMISSIONER DIANE O'NEILL

List of Documents

Planning Authority
(Causeway Coast and Glens Borough Council):-

Statement of Case PA 1

Appellant (Gravis Planning-agent):-

Statement of Case A1
Letters to the Council and planting
plan presented at the hearing

List of appearances

Planning Authority
(Causeway Coast and Glens Borough Council):-

Mr Ciaran Rodgers (attended
remotely)
Mr Joseph McCaughan (attended
remotely)

Appellant:-

Mr Chris Bryson, Gravis Planning
(agent)