

Title of Report:	Planning Committee Report – LA01/2023/0133/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd May 2024
For Decision or For Information	For Decision

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: LA01/2023/0133/O

Ward: Lurigethan

App Type: Outline

Address: Lands adjacent and west of 15 Kilnadore Road, Cushendall
BT44 0SG

Proposal: Site for dwelling and garage

Con Area: N/A **Valid Date:** 10.02.2023

Listed Building Grade: N/A

Agent: Caoimhe O'Callaghan

Applicant: Ciaran O'Donnell and Maeve McAlister

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

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

EXECUTIVE SUMMARY

- Outline planning permission is sought for dwelling and a garage under Planning Policy Statement 21: Sustainable Development in the Countryside.
- The site is located just outside of the settlement development limit for Cushendall as identified in the Northern Area Plan (NAP) 2016 and lies within the Antrim Coast and Glens Area of Outstanding Natural Beauty and the Court McMartin Local Landscape Policy Area (LLPA).
- The principle of development is not considered acceptable under Policy CTY 1 as there are overriding reasons why that development is essential and could not be located in a settlement.
- The proposal is considered to be ribbon development and therefore fails to comply with Policy CTY 8 and Policy CTY 14.
- The principle of development is also not considered acceptable under Policy CTY 15 in that the proposal mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health, NIE, Translink, DfE (Geological Survey) and the Historic Environment Division (HED) were consulted in the application and raised no concerns.
- There have no representations.
- The application is recommended for refusal.

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located just outside of the settlement development limit for Cushendall as identified in the Northern Area Plan (NAP) 2016 and lies within the Antrim Coast and Glens Area of Outstanding Natural Beauty and the Court McMartin Local Landscape Policy Area (LLPA). The application site is located on lands adjacent and west of 15 Kilnadore Road, Cushendall.
- 2.2 The site comprises an irregular shaped plot which is accessed from the lane serving the existing property No. 15 Kilnadore Road.
- 2.3 The site is bound to the south-east by mature trees and vegetation, to the north-east by post and wire fencing and to the remaining boundaries by hedgerow and sporadic trees.
The site meets the settlement development for Cushendall to the east and to the north meets the Cushendall Conservation Area.
- 2.4 The site is neighboured by a residential dwelling and ancillary buildings to the north and three residential dwellings to the south.

3 RELEVANT HISTORY

- 3.1 Proposal: Dwelling house
Application Number: E/2011/0147/F
Decision: Permission Granted
Decision Date: 08 August 2011
- 3.4 Proposal: Proposed retirement farm dwelling and detached garage - (change of location and orientation to Approval Ref. E/2009/0035/F - same house type)

4 THE APPLICATION

4.1 Outline planning permission is sought for a dwelling and garage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Thirteen (13) neighbouring properties were notified. No letters of representation have been received.

5.2 Internal

Environmental Health Department: No objection

NI Water: No objections

DFI Roads: No objection

NIEA: No objection

HED: No objection

NIE: No objection

DfE: No objection

Translink: 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 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 both a new local plan strategy is adopted, councils will apply specified retained operational policies.

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

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

7.1 The application has been assessed against the following planning policy and guidance:

- Regional Development Strategy 2035.
- Northern Area Plan 2016.
- Strategic Planning Policy Statement.
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking.
- PPS 6: Built Heritage
- PPS 21: Sustainable Development in the Countryside.

7.2 Supplementary Planning Guidance

- Building on Tradition: A Sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

Planning Policy

8.1 The main considerations in the determination of this application relate to the principle of development and character of the rural area.

8.2 Access

8.3 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 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:

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

8.4 DFI Roads were consulted in relation to the proposal and offered no objection. The application as proposed is unlikely to prejudice road safety or significantly inconvenience the flow of traffic at this location.

PPS 2: Natural Heritage

8.5 Policy NH 6 advises that planning permission for new development within the AONB will only be granted if it is of an appropriate design, size and scale and meets the following criteria:

- The siting and scale of the proposal is sympathetic to the AONB;
- It respects or conserves features of importance to the character, appearance or heritage of the landscape; and
- The proposal respects local architectural styles and patterns, traditional boundary details and local materials, design and colours.

8.6 As this is an outline application the design of the dwelling is currently unknown and therefore Policy NH6 cannot fully be assessed. Given the proximity to the settlement development limit for Cushendall and its siting next to existing dwellings, a dwelling at this location is unlikely to impact on the importance and appearance of the landscape.

PPS 6: Built Heritage

8.7 The application site was identified as being in the vicinity of an archaeological monument and is visually linked with several listed buildings within the settlement. Policy BH2 and BH11 provide the policy context for the Protection of Archaeological Remains of Local Importance and their Settings (BH2), and Development affecting the Setting of a Listed Building (BH11).

8.8 HED have been consulted and advised they are content that the proposal as presented, satisfies the policy requirements of SPPS 6.12 and PPS6 subject to conditions in relation to Archaeological Mitigation as per Policy BH4.

PPS21: Sustainable development in the Countryside

8.9 Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in

document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Principle of Development

- 8.10 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.11 Policy CTY1 of PPS21 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. 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.

Policy CTY 8

- 8.12 Policy CTY 8 advises that planning permission will be refused for a building which creates or adds to a ribbon of development.
- 8.13 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 requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.14 The application site sits adjacent to the Cushendall Settlement Development Limit and as a result, would create a ribbon of development where the rural element of the Kilnadore Road begins. Ribbon development is detrimental to the character, appearance and amenity of the countryside and reinforces a built-up appearance often hampering the planned expansion of settlements.
- 8.15 The application site is not considered an exception under Policy CTY 8 as it does not constitute the development of a small gap site,

rather it would add to a ribbon of development and would potentially hamper the future expansion of the settlement.

Policy CTY13

- 8.16 Policy CTY13 of PPS21 states 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.

- 8.17 The site lacks established boundaries to the north-east and south-west and therefore a suitable degree of enclosure cannot be provided.

- 8.18 The proposal would rely primarily on the use of new landscaping to fully integrate the site. As this is an outline application, the design of the dwelling at this point is unknown and therefore cannot be assessed.

Policy CTY 14

- 8.19 Policy CTY 14 states that 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.

8.20 The plot size is significantly larger than neighbouring dwellings (within the settlement development limit). In addition to this, as the application is for a 'rural' dwelling the proposal does not respect the traditional pattern of settlement in the area. The application as proposed would have a detrimental impact on rural character.

8.21 Paragraph 5.78 and 5.79 of PPS 21 provide further information in relation to this. In assessing the cumulative impact of a building on rural character, consideration must be given to the capacity of the landscape to provide further development and the siting of the proposed development. In order to maintain rural character, the new building should adopt the spacing of traditional buildings in the locality. The application as proposed exhibits the siting and would appear as a dwelling within the settlement development limit rather than a rural dwelling in the countryside.

8.22 The proposal is also considered to create or add to a ribbon of development on the Kilnadore Road. It is considered that ribbon development is always detrimental to the rural character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern of the countryside.

Policy CTY 15

8.23 Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

8.24 A settlement's identity can be as much as a result of its setting within the surrounding countryside, as the quality of its buildings. Landscapes around settlements have a special role to play in maintaining the distinction between town and country, in preventing coalescence between adjacent built-up areas and in providing a rural setting to the built up area.

- 8.25 The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. Proposals that would mar this distinction or create urban sprawl will therefore be unacceptable.
- 8.26 The application site is adjacent to the settlement development limit for Cushendall. Development at this location is considered to mar the distinction between the built up area and surrounding countryside. The proposal fails to comply with Policy CTY 15.

Habitats Regulation Assessment

- 8.27 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.
- 9.2 The proposal does not meet the policy requirements under CTY1 for development in the countryside with no overriding reasons why that development is essential and could not be located in a settlement.
- 9.3 The proposal does not meet Policies CTY 8, 13, 14 and 15 in that the site if developed would constitute ribbon development, would fail to integrate, have a detrimental impact on rural character and would also mar the distinction between a settlement and the surrounding countryside.

10 Refusal Reasons

1. The proposal is contrary to paragraphs 6.70 and 6.73 of the SPPS and Policy CTY 8 of PPS 21: Sustainable Development in the Countryside in that the proposal if developed would constitute ribbon development.
2. The proposal is contrary to paragraphs 6.70 and 6.73 of the SPPS and Policy CTY 13 (b) & (c) of PPS 21: Sustainable Development in the Countryside in that the proposal lacks long established natural boundaries unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration;
3. The proposal is contrary to paragraphs 6.70 and 6.73 of the SPPS and Policy CTY 14 (c) and (d) of PPS 21: Sustainable Development in the Countryside in that the proposal does not respect the traditional pattern of settlement exhibited in the area and would be considered to create or add to a ribbon of development; and
4. The proposal is contrary to paragraphs 6.70, 6.71 and 6.73 of the SPPS and Policy CTY 15 of PPS 21: Sustainable Development in the Countryside in that the proposal mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

Site Location



From: cara mcshane

Sent: Friday, November 24, 2023 4:39 PM

To: Planning <Planning@causewaycoastandglens.gov.uk>; Denise Dickson <Denise.Dickson@causewaycoastandglens.gov.uk>; Oliver McMullan <>

Subject: LA01/2023/0133/O

A chairde

Can I request that the planning application (ref as above) is referred to the Planning Committee for further consideration? Additional information is attached.

Look forward to hearing from you in due course.

Go raibh míle maith agat

Cara

Addendum

LA01/2023/0133/O

- 1.0 Item 5.7 has been referred to PC for consideration, it was previously presented to PC in May and deferred for a site visit. It was presented to PC in September and deferred for consideration of additional information.
- 2.0 The agent for the application contacted officers and requested that the application be deferred for one month to afford members additional time to consider important material considerations, that were not referenced within the case officer report or the agenda papers.
- 3.0 A pack including the additional information has now been provided.
- 4.0 It is recommended that the committee agree to defer the application for one month to allow members the time to consider the additional information provided. This recommendation supersedes the recommendation provided in the Planning Committee Report.

SITE VISIT REPORT: Thursday 22nd August 2024

Committee Members: Alderman, Boyle, Callan, Coyle, Hunter (Chair), Scott, Stewart, S McKillop and; Councillors Anderson, C Archibald, Kennedy, McGurk, McMullan, Nicholl, Peacock, Storey and Watton(Vice Chair)

LA01/2023/0133/O – Land adjacent and west of 15 Kilnadore Road, Cushendall, BT440SG

App Type: Outline Application

Proposal: Site for dwelling and garage.

Apologies: D. Nicholl

Present: Councillors Kennedy, Hunter, McMullan and Watton

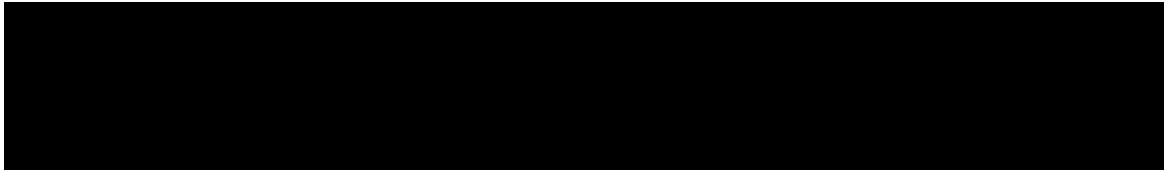
Officials: R.McGrath

Comments: Site visit took place on the lane adjacent to the site and within the front garden of no. 15. The Official outlined the details of the application and identified the site to members. The Official explained the reasons for refusal related to the fact the site did not meet any of the exceptions permitted under CTY 1 of PPS21 and was contrary to CTY1, 8, 14 & 15, due to the pattern of development relative to the existing built development and the settlement limit. Highlighted the lack of integration afforded to the site and the impact on the character of the area and the environmentally sensitive landscape.

The official outlined the principle of settlement limits in partly promoting and containing new development and how the proposed pattern of development could result in uncontrolled urban sprawl and set a damaging precedent. Highlighted the relationship with ribbon development and how the proposed pattern of development could potentially hamper the future expansion of the settlement.

Members then queried the settlement boundary and how it could be adjusted to accommodate a dwelling. The site could be reduced in size and set back with little impact. Councillor Hunter highlighted that's not the role of the Planning committee. Official confirmed that the appropriate mechanism for amending the settlement limit would be through the LDP process and to do so through a

planning application would set a damaging and wide ranging precedent for the borough and would undermine the integrity of the planning process.



Official explained that the settlement limit for Cushendall had been through due statutory process at the examination in public with the PAC, and that the planning policies had also been through statutory democratic process. It was the responsibility of the Committee to consider planning applications in the public interest and not that of the individual. Official acknowledged the difficulty members faced when considering applications for people they know.

There was some discussion on the challenges within the housing sector and the role of Planning. Members highlighted that development limits were a catch 22 as they contributed to higher property prices. Official outlined the work of LDP team on housing land supply and how the impact of land banking needed to be explored but reiterated that the current proposal was contrary to policy as it could potentially hinder future expansion of the settlement, resulting in urban sprawl into a highly sensitive landscape as outlined in the reasons for refusal.

Official sought any further questions before bringing the meeting to a close.

R.McGrath

22.08.2024