

Title of Report:	Planning Committee Report – LA01/2021/0191/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th October 2021
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	Senior Planning Officer

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: LA01/2021/0191/F **Ward:** Ballykelly

App Type: Full Planning

Address: 46 Ballykelly Road, Limavady

Proposal: Proposed 2.0m high security fence to front boundary

Con Area: N/A **Valid Date:** 16/04/2019

Listed Building Grade: N/A

Agent: 5050 Architecture, 3a Keldon Court, 17 Linenhall Street, Limavady

Applicant: Martin O'Hara, 46 Ballykelly Road, Limavady, BT49 9DS

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

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

EXECUTIVE SUMMARY

- Planning permission is sought for a 2.0m high security fence to front boundary
- The site is located in open countryside, between the settlement development limits of Ballykelly and Limavady, along the Protected Route. The site is not subject to any other specific designations or zonings.
- The proposal seeks to enclose the area to the front of the existing buildings with 2m fencing along the front elevation.
- It is considered that the proposed fencing is unsympathetic in the rural location and is unduly prominent from the public road and has an unacceptable impact on rural character.
- DfI Roads and NED have been consulted and raise no objection.
- The proposal is contrary to Paragraph 6.70 of the SPPS in that it does not integrate into its setting, respect rural character and is not appropriately designed. Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://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 PERMISSION** subject to the reason set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located south of the Ballykelly Road, approx. 1 mile east of Ballykelly. The surrounding area is rural in nature, characterised by agricultural fields and detached dwellings and a small number of commercial properties set back from the public road.
- 2.2 The application site is located at the roadside at no. 46 Ballykelly Road, separated from the road by an approx. 2.5m wide grass strip and lay by. The location features a modest building used for the sale of vehicles, Martin O'Hara and Sons, with a larger building, under the applicant's ownership adjacent. The application site engulfs the lay by area to the front of these buildings and continues around the side and rear of Martin O'Hara Sales.
- 2.3 The application site sits outside of the settlement development limits of Ballykelly, as defined in the Northern Area Plan. It is situated on a Protected Route. The site not subject to any other specific zonings or designations.

3 RELEVANT HISTORY

B/2007/0157/F – Retention and extension of existing car parking area, erection of security fencing– Refused 12th March 2012

LA01/2019/0421/F 46 Ballykelly Road, Limavady, Retention of 2.4m high security fence & proposed 2m fence & 800mm wall

with 1.2m fence above. APPLICATION WITHDRAWN
16.12.2019

LA01/2019/1200/LDP 46 Ballykelly road, Limavady, Proposed
2m High Security Fence and 1m high stone wall & gates
PERMITTED DEVELOPMENT

4 THE APPLICATION

- 4.1 Full Planning Permission is sought for a 2.0m high security fence to front boundary.
- 4.2 A similar proposal, LA01/2019/0421/F, which included the works subject of this application, along with further fencing, was presented to the Planning Committee in November 2019 and was deferred for a site visit. Following the site visit, the applicant withdrew that application.
- 4.3 A Proposed Certificate of Lawful Development was subsequently submitted for those works, excluding the road side fencing, as permitted development within the General Permitted Development Order. This CLUPD was then certified as permitted development on 12.02.2020. As a 2.0 metre high fence adjacent to a road is not permitted development, a planning application is required.

Habitats Regulation Assessment

- 4.4 The potential impact 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

There are no letters of support or objection to the proposal.

5.2 Internal

DfI Roads has no objection to the proposal

NIEA has no objection to the proposal

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)

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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, movement and parking

Planning Policy Statement 21 PPS21; Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle and visual impact, and road safety.

Planning Policy

- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.
- 8.3 The site is located in the open countryside located between the settlement development limit of Ballykelly and Limavady, as defined in the Northern Area Plan 2016. There are no formal plan designations relating to the site, although it is located along a Protected Route.
- 8.4 The immediate area is characterised by agricultural fields to the north, east and west, and the detached buildings and associated hardstanding at the rear to the south, with agricultural fields beyond these.

Principle and Visual Impact

- 8.5 Policy CTY 1 sets out the types of development considered acceptable subject to satisfying specific policy tests. Planning Policy Statement 21 – Sustainable Development in the Countryside. The main objectives of PPS 21 include to conserve the landscape and natural resources of the rural area and to and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution, and to promote high standards in the design, siting and landscaping of development in the countryside. Policy CTY13 – Integration and Design of Buildings in the Countryside focuses on the development of new buildings, however in this instance it is necessary to consider criterion (e) which states that development will be unacceptable where ancillary works do not integrate with their surroundings. Policy CTY14 – Rural Character also provides policy context for new buildings in the countryside, however criterion (e) states that development would be unacceptable where the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

- 8.6 The proposed security fencing and gates are considered to be ancillary to the car sales and display space associated with 46 Ballykelly Road. Given the foregoing, Policies CTY 13 and 14 specifically relate to new buildings and their ancillary works, thus provide background guidance only. For this reason, the SPPS is considered to be best placed for considering this proposal and will be the policy basis for this assessment and determination. The Strategic Planning Policy Statement for Northern Ireland (SPPS) (Paragraph 6.70) applies to the proposed fencing. The policy states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.7 There are critical views when travelling east and west along the Ballykelly Road. Views towards the site are relatively unrestricted, and remain within your line of sight for a period of travel. The proposal is considered to have a high level of visibility, given the openness of the site and prominence of fencing of a highly industrious appearance to the front of the principal building line, next to the road. Despite the site having a commercial premises, the proposal must be assessed within its wider rural location, and how it respects and reflects the overall character.
- 8.8 The application site is open and visible when considering the separation distance between the building frontages and the public road. There are no other examples of security fencing of this scale or design within the vicinity of the application site. The application site is rural in nature, where it is considered that the visual amenity would be detrimentally interrupted by the incongruous nature of the proposal, and prominence when viewed from the public road.
- 8.9 A previous application was refused on the site in March 2012 in which 2m high security fencing was proposed in the same position as that proposed, and an application for a similar proposal was withdrawn in December 2019.
- 8.10 Having regard to the SPPS, including the previous refusal on the application site, the design and its high visual impact, it is considered that the proposal does not comply with policy.

Road Safety

8.11 Dfl Roads is the competent authority on roads matters and was consulted in relation to the proposed impact on road safety. Dfl Roads raises no objection to the proposal and it is considered the proposal will not have an unacceptable impact on road safety.

9 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan and all other material considerations. The fencing is unsympathetic in this rural area and is unduly prominent from the public road. The proposal is considered to be contrary to the SPPS, and refusal is recommended.

10 REFUSAL REASON:

1. The proposal is contrary to Paragraph 6.70 of the SPPS in that it does not integrate into its setting, respect rural character, and is not appropriately designed.

Site Location Plan

ACEmap® Single

Printed: 02/01/2017 Customer Ref

Centre Point (Easting, Northing): 265176, 422982

46 BALLYKELLY ROAD, RASCAHAN BALLYKELLY BT49 9DS, 185531881

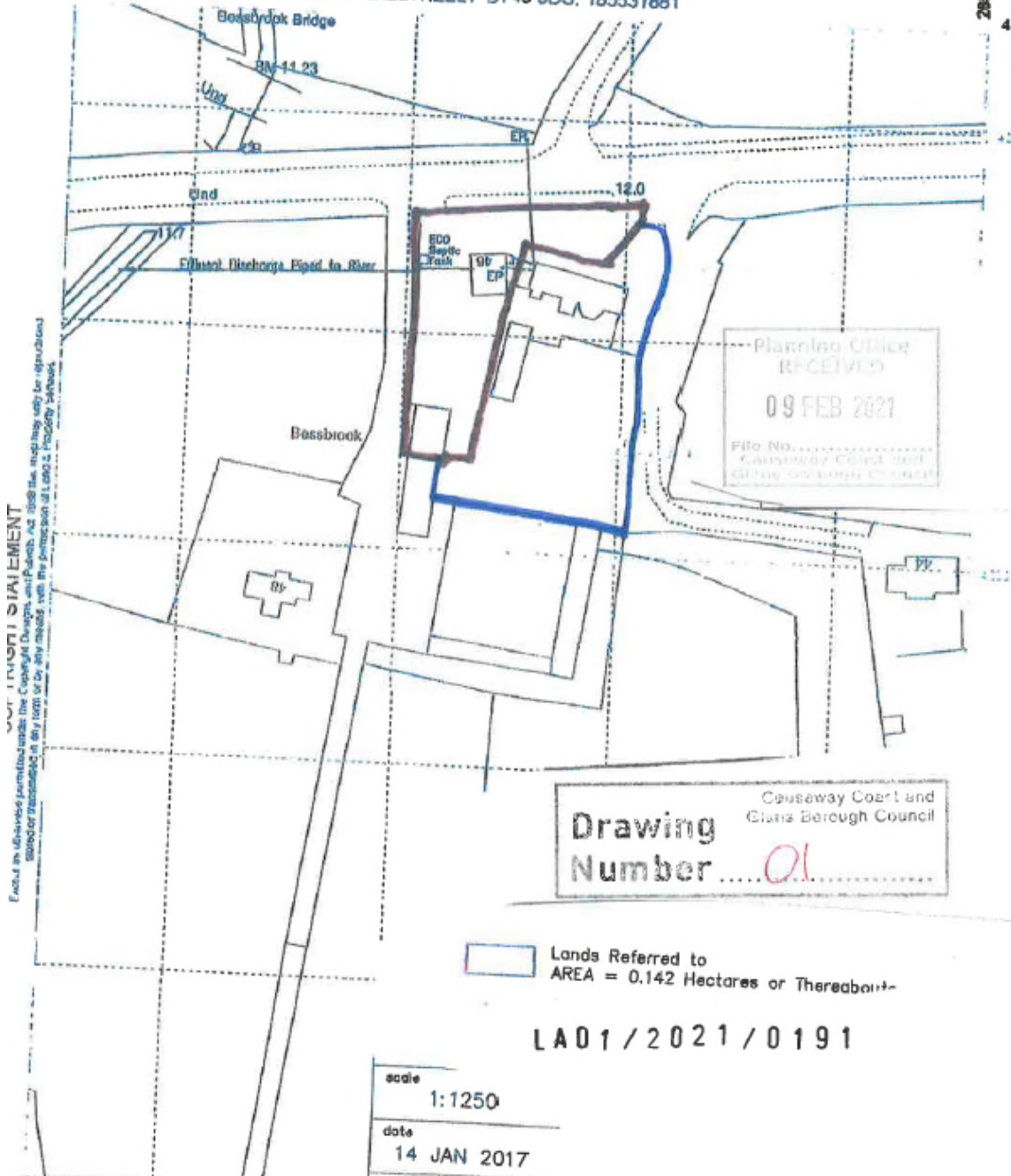


Scale: 1:1 250

Order no ORD34019

Plan No 02905NW

MAP No. 1E



Site Plan

