

**Derry City and Strabane District Council Planning Committee Report**

**COMMITTEE DATE:** 11<sup>th</sup> April 2018

**APPLICATION No:** LA11/2017/0730/F

**APPLICATION TYPE:** Full

**PROPOSAL:** Conversion of existing outbuilding and extension to provide dwelling

**LOCATION:** Site adjacent to & West of No 44 Lisleen Road, Killen, Castleberg

**APPLICANT:** Norma Bogle

**AGENT:** David McKinley

**STATUTORY ADVERTISEMENT :** 22.08.2017

**STATUTORY EXPIRY:** 07.09.2017

**RECOMMENDATION:** Refuse

**REASON FOR PRESENTATION TO COMMITTEE:** Refusal

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

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**1. Description of Proposed Development**

Conversion of existing outbuilding and extension to provide dwelling

**2. EIA Development**

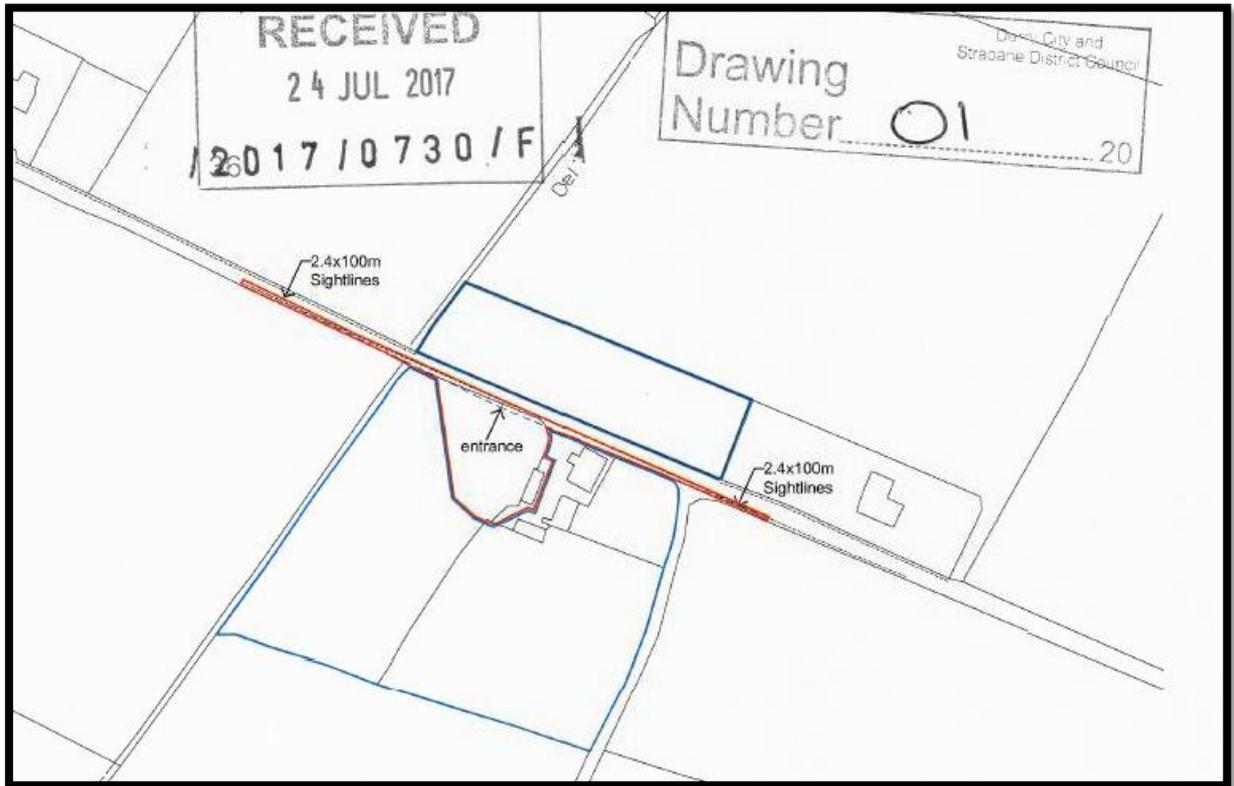
The proposal is not EIA development

**3. Site and Surrounding Area**

The proposed site is located to the immediate west of No 44 Lisleen Road and includes the existing single storey outbuilding which it is proposed to convert (figures 1 & 2). There are open views of the site when approaching from the west (figures 3 & 4). From this approach the site is viewed with No 44 Lisleen Road, itself a single storey dwelling and a number of small outbuildings to the immediate rear of the site. On approach from the east screening is provided by the existing building group.

The northern roadside boundary of the site is defined by a small roadside hedge, while the existing shed and a small wall define the southern boundary. All other boundaries are undefined.

The site is set within the countryside as set out in the Strabane Area Plan 2001. The area is rural in character with single storey dwellings scattered throughout the landscape.



**Figure 1 : Site Location plan**

**4. Site Constraints**

No constraints.

**5. Neighbour Notification Report**

**Neighbours Notified**

Neighbour Address	Date Neighbour Notified
44 Lisleen Road, Lisleen, Killen, Tyrone, BT81 7QR,	10/08/2017

## 6. Relevant Site History

LA11/2016/0358/O Site adjacent to No 44 Lisleen Road- Site for dwelling-Withdrawn

## 7. Policy Framework

Strabane Area Plan 2001

Strategic Planning Policy Statement

PPS21 Sustainable Development in the Countryside (Policy CTY4)

PPS2 Natural Heritage

## 8. Consultee Responses, Internal/External

**DFI Roads-** No objection

**Environmental Health Department:** no objection

**NI Water-** No Objection

### **Planning Assessment and Other Material Considerations**

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan (LDP), unless material considerations indicate otherwise. The Strabane Area Plan 1986-2001 operates as the LDP. It contains no specific provisions for the conversion of non-residential buildings in the countryside to residential use. Current regional policy for consideration of development in the countryside is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which is identified by the SPPS as a retained policy document.

The Strategic Planning Policy Statement (SPPS) introduces transitional arrangements which will operate until the Council's Plan Strategy has been adopted. During this period, planning authorities will apply the existing policy (in this case PPS21 policies CTY1 & CTY4 – the retained policy) together with the SPPS.

Policy CTY 1 of PPS21 lists the range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable

development. Conversion of a non-residential building to a dwelling is one type of development which is considered acceptable provided the proposal accords with the requirements of policy CTY4 – The Conversion and re-use of existing buildings of PPS21. Para 6.73 of the SPPS also provides policy for the conversion and re-use of existing buildings for residential use. In considering merits of the building to be converted, Policy CTY4 allows for the conversion of *suitable* buildings, whereas the SPPS specifies the conversion of *locally important* buildings. The SPPS states that where there is any conflict between the SPPS and the retained policy or any policy clarification provided in the SPPS that would conflict with the retained policy, the SPPS should be accorded greater weight in the assessment of individual planning applications.

The SPPS provides examples of the type of locally important buildings which would merit sympathetic conversion and includes school houses, churches and older traditional barns and outbuildings; conversion to a single dwelling would be acceptable where the proposal would secure the building's upkeep and retention.

This application proposes the conversion and extension of an existing outbuilding for domestic purposes. Figure 2 shows the outbuilding that it is proposed to convert. It is considered that this building is a modern outbuilding rather than an older traditional barn or outbuilding. As such this building is not of a type which would be considered a locally important building, it follows that it does not merit conversion. Furthermore to allow conversion of a modern agricultural building such as this for residential use, would set a precedent throughout the countryside for similar proposals.



**Figure 2 Photo of Existing Structure**

Officer's interpretation of policy is supported by a recent Planning Appeal Commission ruling under reference 2015/A0232. The appeal report states:

*"The SPPS does not define "locally important" but lists examples such as former school houses, churches and older traditional barns and outbuildings. I consider that these cited examples typically relate to buildings that generally have some design, architectural or historic merit. I nonetheless accept that this is not a definitive list and that there may be other factors that would result in a particular building being of importance to a locality. Whilst the appellant argues that the building is of personal significance and value to him, he has advanced no argument or detail as to why it is 'locally important'. The design, construction and stated use of the subject building are atypical of many other buildings seen in the countryside. Whilst each building must be assessed on its own merits, I agree with the planning authority that to permit the conversion of such a building to a dwelling in the countryside under the expressed policy would effectively create precedence for similar proposals. I conclude that the appeal building is not a locally important building and its conversion to a dwelling is not supported by the SPPS.*



**Figures 3 (above) and 4 (below): View of site and shed from west on Lisleen Road**



Existing shed and site

The agent Mr David McKinley provided an example of an approval granted for the conversion and extension of an agricultural shed to provide a dwelling under ref: LA09/2016/0305/F.

That application was considered by another council district. All applications are considered on their own merit and it is considered that the current application, as assessed above does not meet the policy tests for conversion of non-residential buildings to residential use. It has not been demonstrated that the subject building in this case is locally important.

#### **The proposed scheme of conversion**

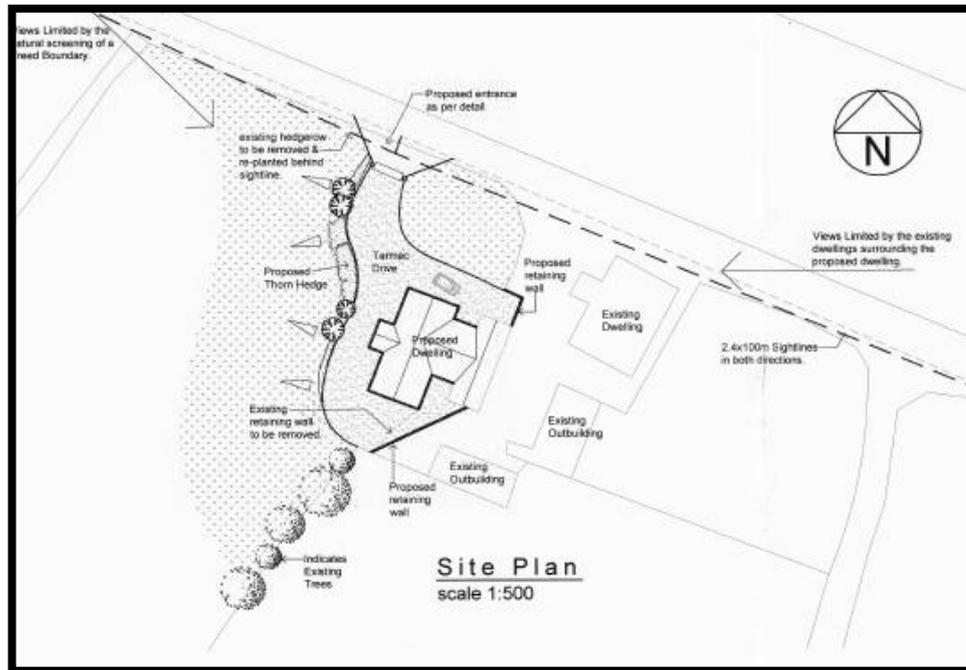
Both the SPPS and policy CTY4 require sympathetic conversion of the subject building. The SPPS is less prescriptive than policy CTY4 in respect of the meaning of sympathetic conversion. The SPPS states however that where the SPPS is less prescriptive on a particular planning policy matter than the retained policy, that this should not be judged to lessen the weight to be afforded to the retained policy. It is necessary therefore in this case to apply the requirements of policy CTY4 to consideration of the scale and design of the proposed conversion.

Policy CTY4, states that planning permission will be granted for sympathetic conversion ..... and the proposal will be required to be of a high design quality and meet the following criteria:

- The building is of permanent construction
- The reuse or conversion would maintain or enhance the form and would not have an adverse effect on the character or appearance of the locality.
- Any new extensions are sympathetic to scale, massing and architectural style and finishes of the existing building.
- Not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land/buildings
- The nature and scale of any proposed non-residential use is appropriate to countryside location.
- All necessary services are available
- Access to the public roads will not prejudice road safety.

The outbuilding can be seen from Figure 2 to be of permanent construction and main views are on approach from the west along Lisleen road. Policy requires that any new extensions should be sympathetic to the scale, massing and architectural style and finishes of the existing building. The conversion works proposed however, entail a substantial extension to the western elevation of the existing outbuilding resulting in a development approximately three times the size of the original structure. The proposed development can be seen in Figure 6, which shows the modest existing structure dwarfed by the proposed extension. It is considered that the scale of the proposed extension is not sympathetic in scale or massing with the existing outbuilding and instead the scale of the proposed extension dominates the outbuilding. Conversion works should maintain or enhance the form, character and architectural feature and design of the existing building. It is evident from Figure 2 that the building is a modern outbuilding which does not exhibit architectural features or design

which would merit its retention and upkeep. Furthermore external changes to the appearance of the outbuilding (i.e. addition of windows and blocking up of existing doors) result in the loss of its character as an outbuilding (figure 6).

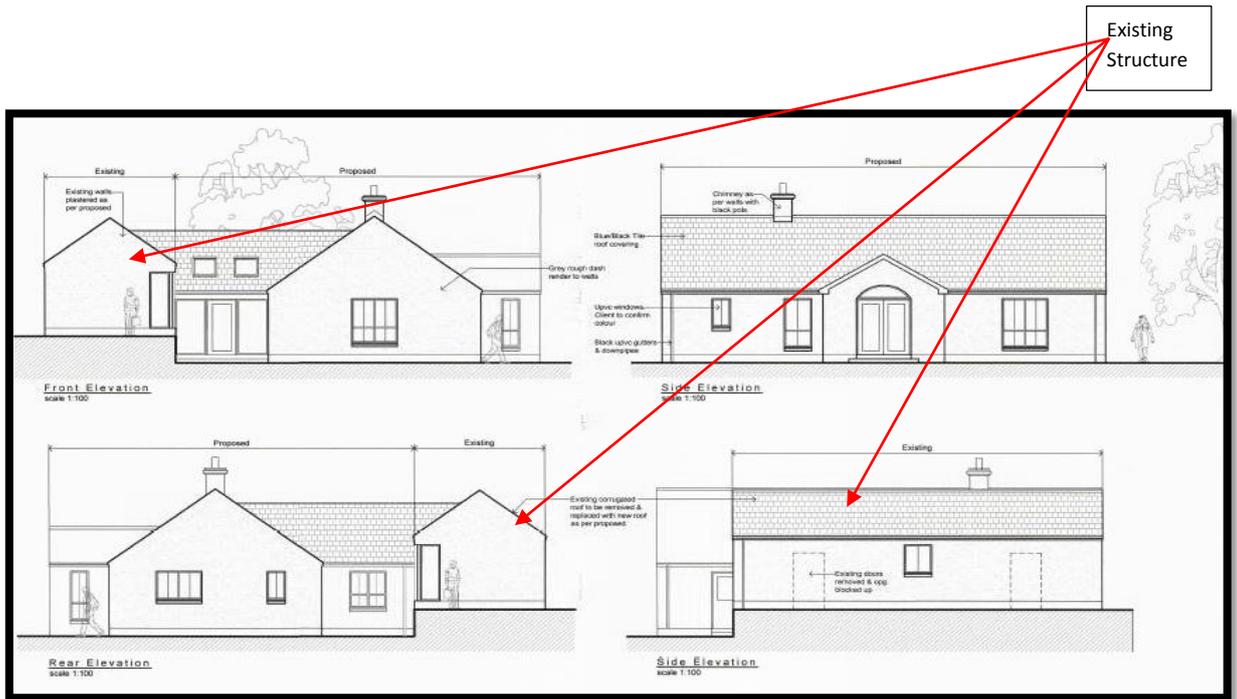


**Figure 5 Proposed Block Plan**

The residential use of the building would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land/buildings. All necessary services are available and DfI Roads is satisfied that access to the public roads will not prejudice road safety.

#### **NH2 Species Protected by law**

The proposal involves the conversion of an agricultural building. Such buildings can provide habitat suitable for protected species such as bats. An internal inspection of the building indicates that it is not being used by bats. It is not anticipated therefore that there would be any significant adverse impact on sites of nature conservation importance or species protected by law.



**Figure 6 Proposed Elevations**

**Conclusion:**

It is considered that this building is not a locally important building worthy of conversion as required by the SPPS. Instead the building is of modern agricultural appearance and exhibits no special architectural features which are enhanced or maintained by the proposal conversion. Its reuse for residential purposes is not necessary to secure its retention or indeed preservation. Furthermore, the scale of the proposed extension is not sympathetic to the scale and massing of the existing building. The conversion of this modern outbuildings for residential purposes would create an undesirable precedent in the countryside.

The proposal is therefore considered contrary to the SPPS and PPS21 policy CTY4 Conversion and reuse of existing buildings. As the proposal is not a form of development considered acceptable in the countryside is also contrary to policy CTY1 Development in the Countryside.

Refusal is recommended subject to the refusal reasons set out below.

**9. Reasons for refusal**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policies CTY1 & CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that existing building is not a locally important building which merits upkeep or retention.
3. The proposal is contrary to the SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the conversion and the new extension is not sympathetic to the scale and of the existing building.