

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 25th March 2019

APPLICATION No: LA11/2018/0558/O

DATE OF APPLICATION: 14th June 2018

APPLICATION TYPE: Outline

PROPOSAL: Site for a dwelling house

LOCATION: Approximately 60m North West of 58 Carnanreagh Road, Claudy, BT47 4AU

APPLICANT: Mr Henry McLaughlin

AGENT: Tom McBride

ADVERTISEMENT/STATUTORY EXPIRY:

RECOMMENDATION: Refuse

REASON FOR PRESENTATION TO COMMITTEE: Recommendation to refuse. Site Visit held 13th March 2019. Members in attendance: Ald McClintock, Ald Breslin, Cllr Hastings, Cllr Logue, Cllr Kelly, Cllr Robinson.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

1. Description of Proposed Development

The proposal is for a dwelling.

2. Site and Surrounding Area

The site is set within the countryside as set out in the Derry Area Plan 2011. The proposed site is an irregular parcel of land which is located on the northern side of Carnanreagh Road approximately 60m North West of 58 Carnanreagh Road, Claudy. The proposed site is set slightly below the level of the public road and is agricultural grassland. Two agricultural buildings immediately abut the site to the south. The buildings provides a buffer between the proposed site and the public road located to the south. The site is enclosed with existing hedges and trees along the host field boundaries and the existing farm buildings to the south. A mature hedge defines the roadside boundary to the west.

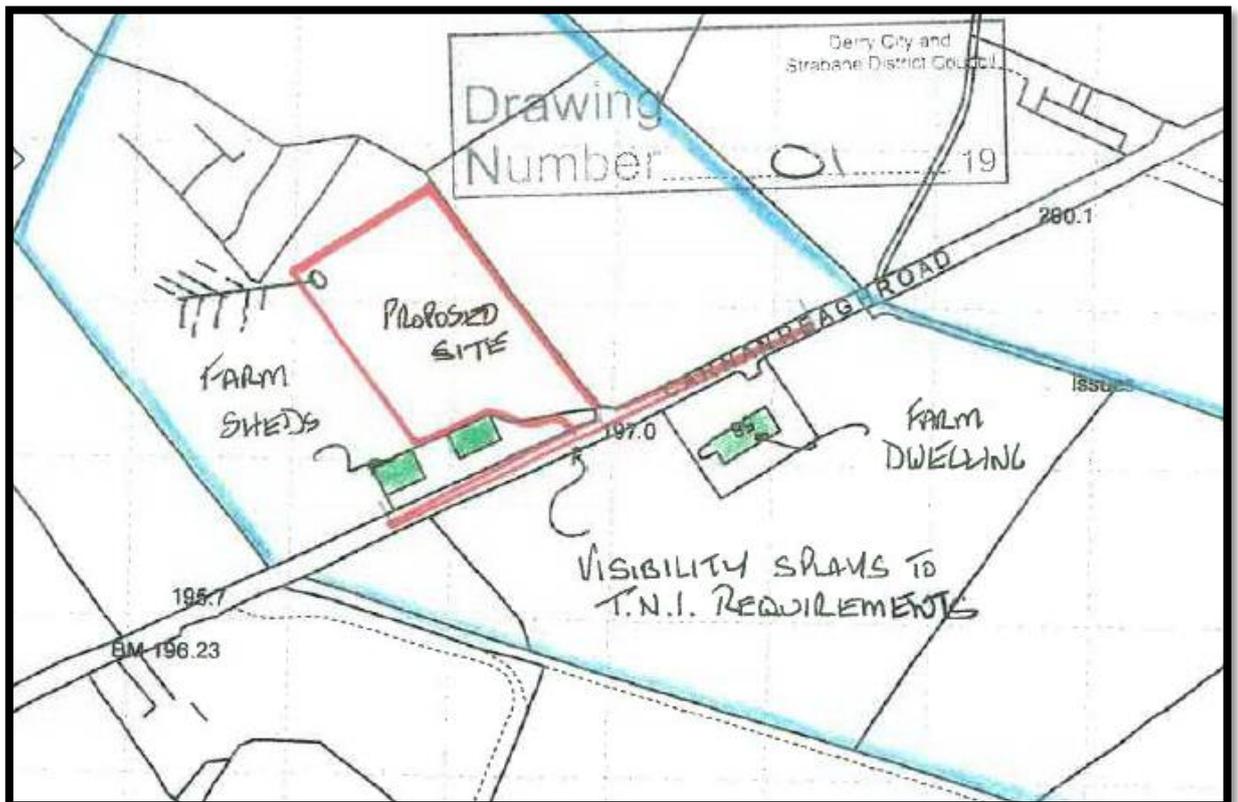
No 58 Carnanreagh Road (applicant's address) is located to the SE of the site on the opposite side of Carnanaragh Road on an elevated site.

3. EIA Determination

The proposal does not require an EIA determination.

4. Site Location Plan

Figure 1



5. Site Constraints

Area of Outstanding Natural Beauty.

6. Neighbour Notification Report

	Reference Number	Neighbour Address	Date Neighbour Notified
1	LA11/2018/0558/C	58 Carnareagh Road, Claudy, Londonderry, BT47 4AU,	25/06/2018

7. Relevant Site History

No relevant site history.

8. Policy Framework

Strategic Planning Policy Statement

Derry Area Plan 2011

PPS3 Access, Movement and Parking

PPS21 Sustainable Development in the Countryside

9. Consultee Responses, Internal/External

Transport NI- No Objection

NI Water- No Objection

DAERA- It has been highlighted that the site is farmed by another business and that the applicant is not in receipt of Single Farm Payment (SFP) or Less Favoured Area Compensatory Allowance (LFACA).

Loughs Agency- No objection

Environmental Health Service: No Objection subject to conditions

10. Representations

No representation received.

11. 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, unless material considerations indicate otherwise.

The SPPS echoes para 6.73 Dwellings on farms, the policy provisions of Planning Policy Statement 21: Sustainable development in the countryside (PPS21). 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. The applicant has argued that the proposal falls within one of the categories of appropriate development namely dwellings on a farm in accordance with Policy CTY 10.

Policy CTY10 Dwellings on a Farm

There are three policy tests under CTY10, all of which must be met if a dwelling on a farm is to meet policy requirements. These are as follows:

Criterion a) that the farm business is active and established for at least 6 years.

- The evidence provided by the applicant and a response from DAERA has highlighted that the applicant has not been an active farmer for more than 6 years. The applicant has a business number but the lands are being farmed by an alternative business number. The applicant indicated during a meeting facilitated by officers that at present all his lands are let out in conacre to another farmer. His intention in the future is to pass the lands to his daughter (whom the proposed dwelling is for). However at this time, officers deem the farming business not active and therefore the applicant has failed to address criteria (a).

Criterion b) requires that no development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

- A history search of the submitted farm maps indicated that there are no historical applications approved on the holding since 25 November 2008.

Criterion c) requires that the proposed dwelling is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

- The proposed site is visually linked with two agricultural buildings located immediately to the south of the site. However these lands are let out on conacre. Access to the proposed site is via an existing laneway which services the existing agricultural buildings.

CTY13 Integration and Design

The site is set to the rear of two existing farm buildings which are in the ownership of the applicant. The host agricultural field has mature hedging on all boundaries providing enclosure to the site especially when viewed from the south on Carnanreagh Road. The lands to the north within the host field, fall steeply away from the site. This creates a small plateau

on which the proposed dwelling and agricultural buildings would be located. There would be limited views of the site from the north which would be seen at a considerable distance and against a backdrop of agricultural buildings and rising land. A dwelling on site could be accommodated without being conspicuous in the landscape.

Figure 2 Site frontage on Carnanreagh road



Figure 3 View of site and agricultural buildings

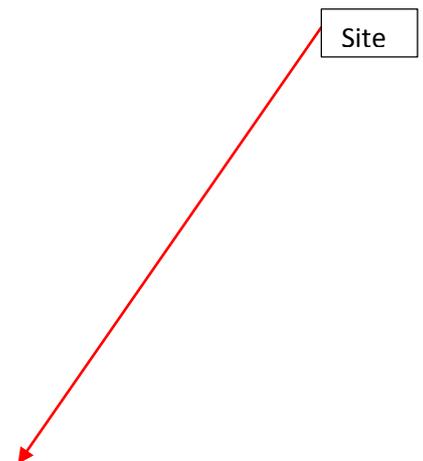




Figure 4 view of site between existing farm buildings



Figure 5 Views of site approaching from east on Carnanreagh road



CTY14 Rural Character

Due to the existing vegetation and enclosed nature of the site, a modest single storey dwelling could integrate successfully into the landscape and would not be unduly prominent and conspicuous in the landscape. A dwelling on this site would not have a negative impact upon the character of the rural area.

12. Conclusion

Having considered all material considerations, including relevant planning policies comprising the Strategic Planning Policy Statement, Derry Area Plan 2011, PPS3 (Access, Movement and Parking) and PPS21 (Sustainable Development in the Countryside) and consultation responses, it is considered that the proposal fails to meet criterion (a) of PPS21 Policy CTY10 (Dwellings on Farms) in that the farm business is not currently active. The principle of establishing a need for a single dwelling in the countryside has therefore not been demonstrated. The Planning Officer recommendation is to refuse this site for a dwelling on a farm at this particular location for the following reasons:

13. Reasons for refusal

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and that it has been established for at least six years.