

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 25th March 2019

APPLICATION No: LA11/2018/0698/O

APPLICATION TYPE: Outline

PROPOSAL: Proposed erection of dwelling and domestic garage

LOCATION: Adjacent to and south east of 61 Woodend Road, Strabane

APPLICANT: Adam & Michelle Cummings

AGENT: ACA Architecture

APPLICATION RECEIVED: 26.07.2018

ADVERTISEMENT: 07.08.2018

STATUTORY EXPIRY: 23.08.2018

RECOMMENDATION: Refuse

REASON FOR PRESENTATION TO COMMITTEE: Recommendation to refuse. Site Visit held 13th March 2019 and Members in attendance as follows: Ald McClintock, Ald Bresland, 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

It is proposed to erect a farm dwelling and associated garage.

2. EIA Development

The proposal does not fall within Schedule 1 or Schedule 2 type development as per The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, and therefore EIA determination is not required.

3. HRA Carried Out

Assessment under the Habitats Regulations is not required as there is no watercourse directly abutting this site therefore it is unlikely that there will any adverse effects from development works on integrity of any National or European site. Similarly, there are no trees or landscape features on this site that will be adversely impacted by this proposal therefore it is unlikely that this proposal will adversely affect a priority species or their habitat that is afforded protection.

4. Site and Surrounding Area

The site straddles two existing fields and encompasses an existing laneway. The site is irregular in shape and all but the southern and north western boundaries are undefined. They are defined by post and wire fencing with some hedging interspersed. The site rises to the east but is quite level at the part where the dwelling and garage are proposed to be sited.

The site is located in countryside, outside of any settlement limits or other designation as per the Strabane Area Plan 1986 – 2001. Immediately adjacent to the site are two, two storey unassociated dwellings and their garage/outbuildings – 61 and 63 (also identified as 61a and 61b) Woodend Road. They benefit from individual accesses though this application proposes to share the access that serves No. 63. The farm holding upon which this proposal is associated is sited approx. 240.0m to the south west.

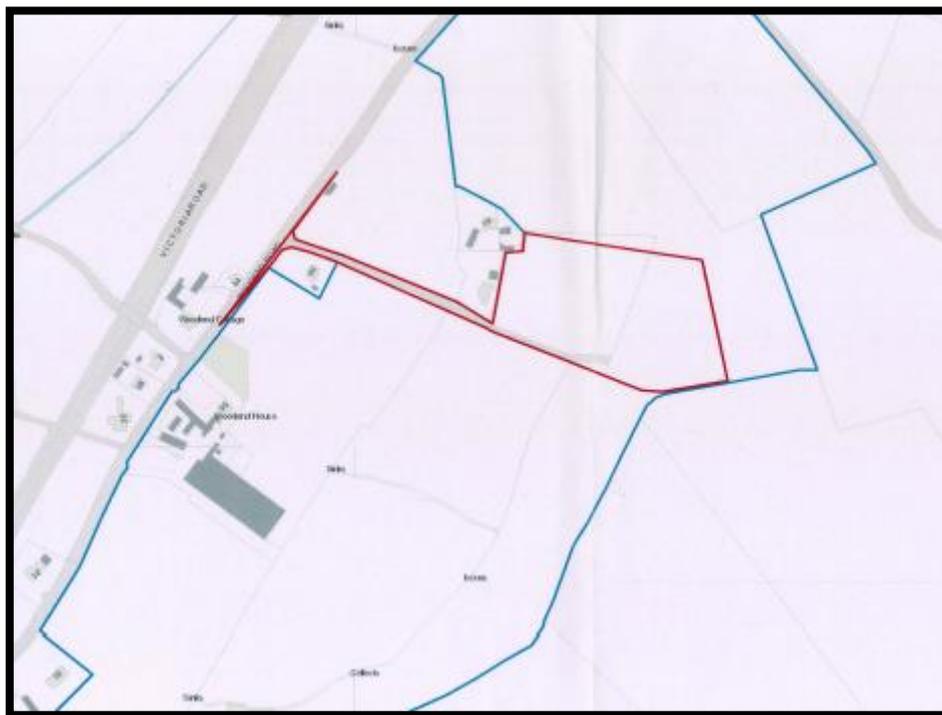


Figure 1: Site Location Plan

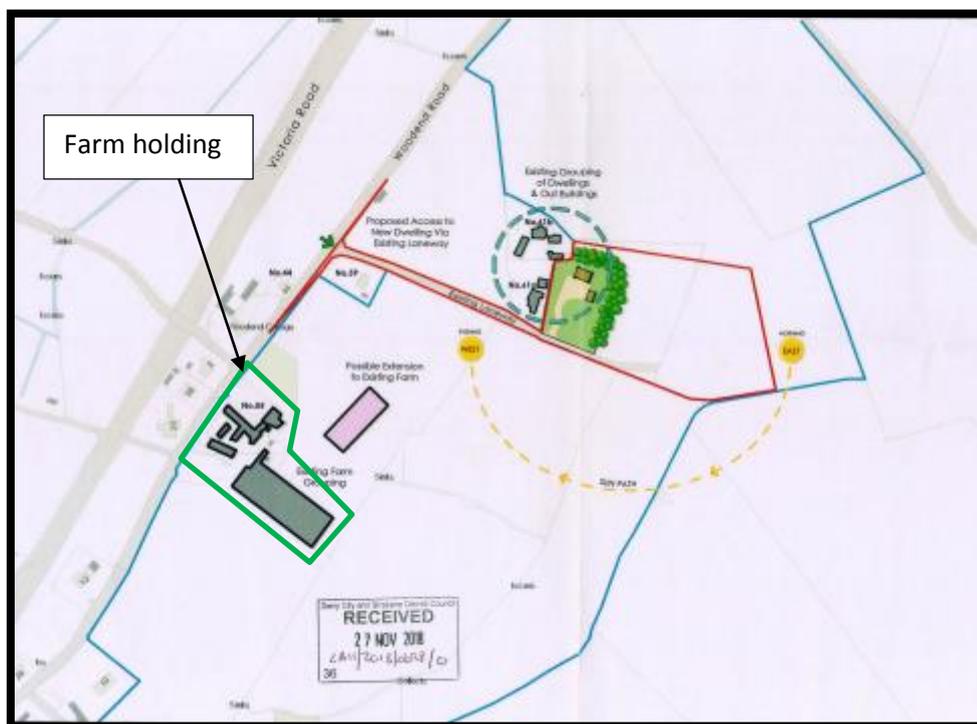


Figure 2: Conceptual Site Layout



Photo 1: Proposed Location for Siting of Dwelling taken from Existing Lane Proposed for Site Access



Photo 2: View from Woodend Road at Existing Access Lane to Site & No. 63



Photo 3: View from Woodend Road at Existing Access Lane to No. 61



Photo 4: Longer Range View from Rock Road

5. Site Constraints

- Rural area

6. Neighbour Notification Report

Neighbours Notified	
Neighbour Address	Date Neighbour Notified
44 Woodend Road, Ballymagorry, Tyrone, BT82 0BP,	8/3/18
59 Woodend Road Artigarvan Strabane	8/3/18
61 Woodend Road Artigarvan Strabane	8/3/18
63 Woodend Road Artigarvan Strabane	8/3/18

Neighbours Notified	
Neighbour Address	Date Neighbour Notified
44 Woodend Road, Ballymagorry, Tyrone, BT82 0BP,	10/10/18
59 Woodend Road Artigarvan Strabane	10/10/18
61 Woodend Road Artigarvan Strabane	10/10/18
63 Woodend Road Artigarvan Strabane	10/10/18

Neighbours Notified	
Neighbour Address	Date Neighbour Notified
44 Woodend Road, Ballymagorry, Tyrone, BT82 0BP,	12/7/18
59 Woodend Road Artigarvan Strabane	12/7/18
61 Woodend Road Artigarvan Strabane	12/7/18
63 Woodend Road Artigarvan Strabane	12/7/18

Neighbours Notified	
Neighbour Address	Date Neighbour Notified
61a Woodend Road Artigarvan Strabane	1/18/19
61b Woodend Road Artigarvan Strabane	1/18/19

7. Relevant Site History

None

8. Policy Framework

Regional Development Strategy 2035

Strabane Area plan 1986 - 2001

Strategic Planning Policy Statement

PPS 3 Access Movement and Parking

PPS 21 Sustainable Development in the Countryside

9. Consultee Responses

Environmental Health has no objection.

DfI Roads has no objection subject to standard conditions.

NIWater has no objection.

DAERA confirms the farm holding is active and established for at least six years.

10. Representations

No representations have been received to date.

11. Planning Assessment and Other Material Considerations

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires 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 specific provisions for residential development in the countryside. Current regional policy for consideration of development in the countryside is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) that is identified by the SPPS as a retained policy document.

Strategic Planning Policy Statement: The SPPS introduces transitional arrangements that will operate until the Council's Plan Strategy has been adopted. During this period planning authorities will apply the existing policy together with the SPPS. Any conflict between the SPPS and the retained policy must be resolved in favour of the SPPS. In this case there is no conflict.

It is proposed to erect a dwelling and garage in association with an existing farm holding located at 55 Woodend Road thus Policy CTY 10 of PPS 21 applies. Policy CTY 10 requires that all proposals for dwellings on a farm meet all of the following criteria:

- a) the farm business is active and established for at least 6 years.
- b) no development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.
- c) 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.

Criteria a) and b) of CTY 10 are met. DAERA has confirmed the farm is active and established for six years or more and a planning history search did not reveal any development opportunities sold off from the farm in the last ten years.

Regarding criterion c), as the subject site is located approx. 240m from the farm holding with which it is associated and not in proximity with any off site farm buildings it is not considered the proposal is visually linked or sited to cluster. Views of the site are very restricted. A single storey dwelling would not be visible from

the public road and a two storey only partly visible as the adjacent but unassociated dwellings largely obscure the site and also due to the topography of surrounding lands. The only clear views would be very localised in that they would only be obtainable from the site access and curtilages of the adjacent dwellings. As such, the site cannot be said to visually link with an established group of buildings on the farm either.

In addition to Policy CTY 10, policies CTY 13 and 14 (also of PPS21), Integration and Design of Buildings in the Countryside and Rural Character respectively also apply, as does CTY 16 Development Relying on Non Mains Sewerage as a septic tank is proposed for foul sewage. The application is for outline permission and as such no design detail has been submitted however it is clear that integration and prominence are not issues given the restricted views of the site. I consider that CTY 14 is fully met and that all but criterion (g) of CTY 13 is met.

As with the design, no detail of the proposed septic tank arrangement has been provided; nor did the Planning Department seek it as the principle of the proposal is not considered capable of approval under CTY 10 criterion c). Moreover, the red line of the application site has been drawn in such a way that no re-siting within the current red line would be considered to cluster or visually link with an established group buildings on the farm. It should be noted that the Planning Department has offered to provide advice on potentially acceptable sites (on a 'without prejudice' basis) near the farm holding should the applicants wish to reapply. To date this offer has not been taken up but remains open.

12. Conclusion

Having considered all material considerations, including the development plan, relevant planning policies and consultation responses it is considered that the application has not been demonstrated to meet policy requirements therefore refusal is recommended.

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 10 and Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside in that it would not, if permitted, cluster or visually link with an established group of buildings on the farm.