

## Derry City and Strabane District Council Planning Committee Report

**COMMITTEE DATE:** 4<sup>th</sup> November 2020

**APPLICATION NO:** LA11/2020/0295/O

**APPLICATION TYPE:** Outline

**DATE OF APPLICATION:** 17<sup>th</sup> April 2020

**PROPOSAL:** Erection of a dwelling and garage on a farm

**LOCATION:** Approximately 120m south west of 18 Ligford Road, Strabane

**APPLICANT:** Mr Michael Dooher

**AGENT:** Oonagh Given

**ADVERTISEMENT:** 04.06.2020

**STATUTORY EXPIRY:** 18.06.2020

**RECOMMENDATION:** REFUSE

**REASON FOR PRESENTATION TO COMMITTEE:** Refusal Recommendation

All planning application forms, drawings, consultations, letters, representations 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

This proposal is seeking outline planning permission for a farm dwelling at lands approximately south west of 18 Ligford Road, Strabane.

## **2. EIA Determination**

This application has been screened by Council and as the development is not within a category listed in either Schedule 1 or Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, it is therefore considered that an EIA determination is not required.

## **3. Habitats Regulations Assessment**

It was advised following informal consultation with SES that assessment under the Habitats Regulations is not required as the site is a sufficient distance from the Sulickey Burn and it was determined that this proposal could not have any conceivable effect on the selection features, conservation objectives or status of any European site. SES have stated the following;

“The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.”

Also, there are no significant trees or landscape features on this application site which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

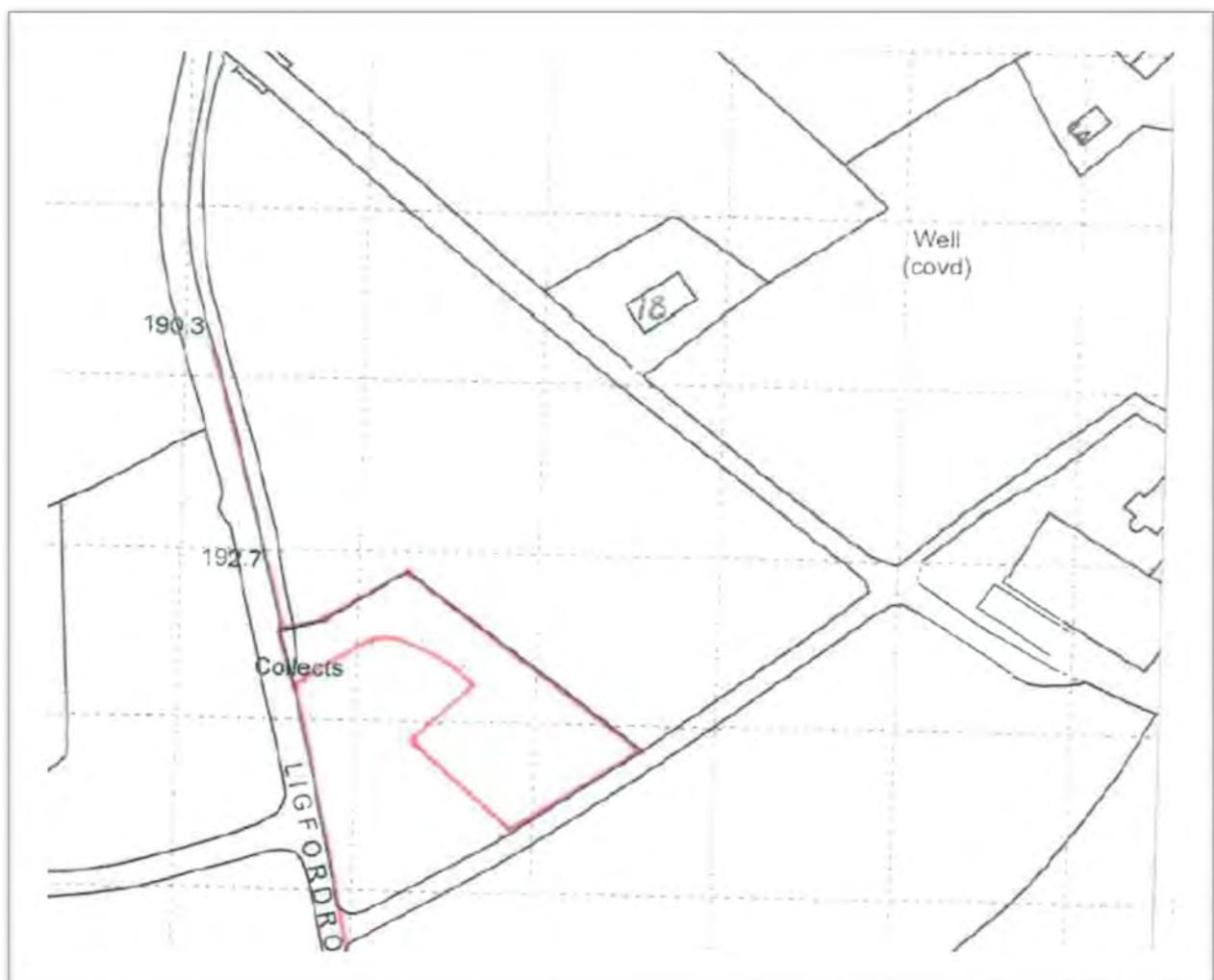
## **4. Site and Surrounding Area**

The site is located south west of No. 18 Ligford Road, within the rural area as defined in the Strabane Area Plan 1986-2001. The site is also located within the Sperrins Area of Outstanding Natural Beauty (AONB).

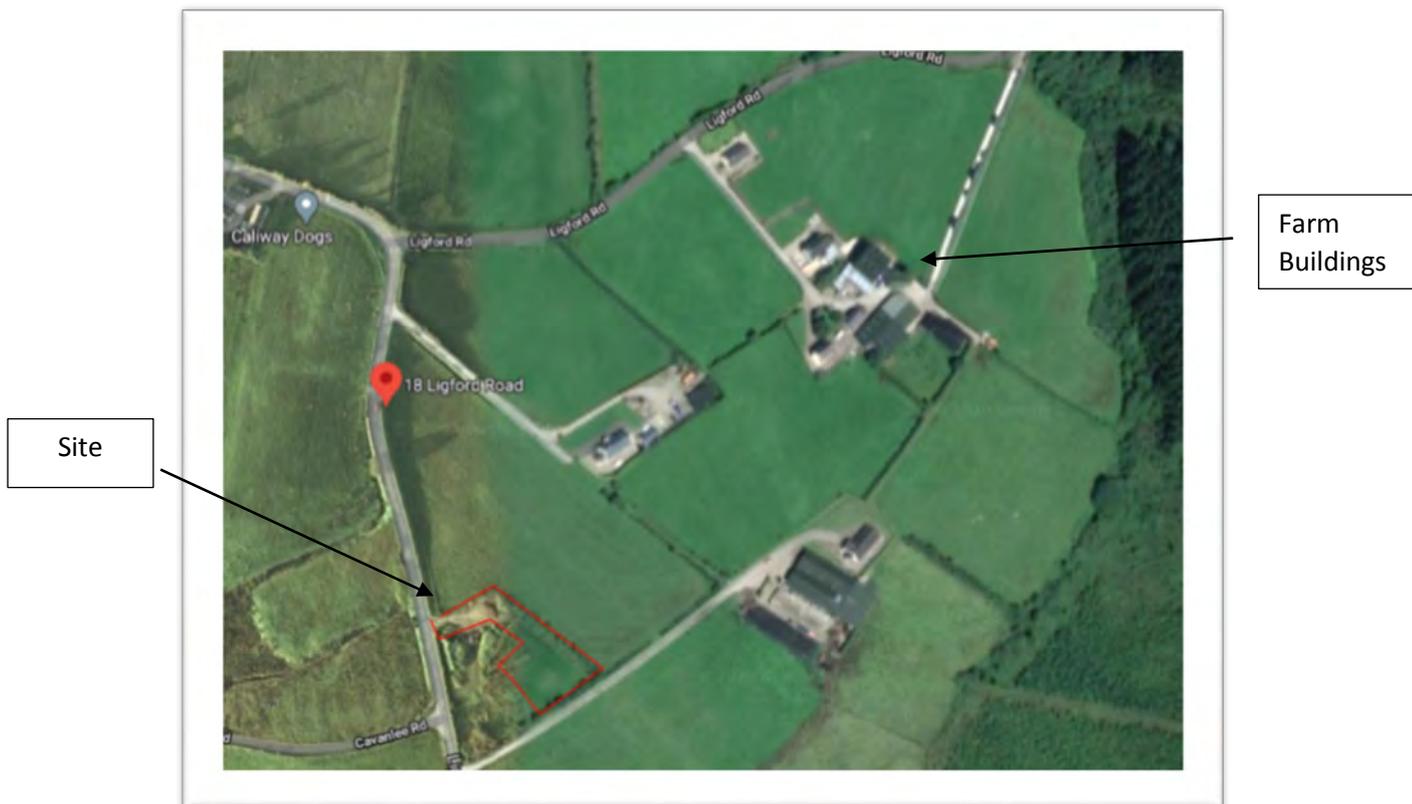
The application site has an area of 0.224 ha and is comprised of a portion of a larger roadside agricultural field on the eastern side of Ligford Road. The sites boundaries appear to have been manufactured to create an earth bund with planting on top of the bund along the north eastern, south eastern and south western boundaries (See photos below). A small portion of the agricultural field remains between the south west site boundary

and the roadside boundary of the field. There is an existing farm laneway immediately south of the application site which leads to farm buildings which are not in connection with this farm holding or planning application. The site has an existing agricultural entrance at present as indicated on the red line where the new proposed access onto Ligford Road will be. The roadside boundary along Ligford Road has a large grass verge with the field boundaries defined by a post and wire fence. No. 18 (the applicants address) is sited to the north of the application site and is accessed via an existing laneway from the Ligford Road also. The farm and farm dwelling (No. 14 Ligford Road) in connection with this application for a farm dwelling is approximately 240 metres NE of the application site. It appears to have two existing accesses to the farm and a number of dwellings also.

**Figure 1 – Site Location Plan**



**Figure 2 Aerial Photo of Application Site**



From Figure 2 above, it is evident the site is detached from the buildings on the farm located to the North East, located approx. 240m away

Figures 3-7 below show views of this roadside site from the Ligford Road and also the earth bund around three of the sites boundaries with new planting on top.

**Figure 3 - Photo showing site from existing agricultural access**



**Figure 4 - Photo showing planted earth bund**



**Figure 5 – Photo showing earth bund**



**Figure 6 - Photo taken from roadside verge showing site set back from the road adjacent to existing agricultural laneway**



**Figure 7 - Photo showing roadside verge along Ligford Road looking North.**



## 5. Site Constraints

The site is within the Sperrins AONB.

## 6. Neighbour Notifications

### Neighbours Notified

Neighbour Address	Date Neighbour Notified
14 Ligford Road, Strabane, Tyrone, BT82 8PJ	20/05/2020
18a ,Ligford Road, Strabane, Tyrone, BT82 8PJ	20/05/2020
18 Ligford Road, Strabane, Tyrone, BT82 8PJ	20/05/2020

## 7. Recent Relevant Site History

There is no recent planning history on this application site.

## **8. Policy Framework**

Regional Development Strategy (RDS) 2035

Strabane Area Plan 1986 – 2001

Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

PPS 21 aims to manage development in the countryside in a manner consistent with achieving the strategic objectives of the Regional Development Strategy for Northern Ireland 2035.

- Policy CTY 1 Development in the Countryside
- Policy CTY 10 Farm Dwellings
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

## **9. Consultee Responses**

DFI Roads – No objections to the proposal.

Visibility splays of 2.4 by 90 metres are required and a Forward Sight Distance of 90 metres. They have stated that the red line on the site location plan should be amended to include the visibility splays, shown to the tangent point and not a single line. Amended plans have not been forwarded to the Planning Authority.

NI Water – No objections. Standard informatives apply

Environmental Health – No objections. Standard informatives apply

DAERA – No objections

Loughs Agency – No objections

## 10. Representations

There have been no letters of support or objection submitted in relation to this application.

## 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 proposal has been assessed against the policy framework listed in paragraph 8 above and all other material considerations.

The site is located within the rural countryside and as the SAP operates as the LDP the policies contained within PPS 21 will be applicable to all development proposals in the rural area. 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 aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

**PPS 21 (Sustainable Development in the Countryside)** is the primary policy when considering this proposal. The first issue to assess in this proposal is the principle of this development. In this respect the proposal must meet one of the criteria of Policy CTY 1 of PPS 21.

**Policy CTY 1 Development in the Countryside:** This sets out the range of types of development which in principle are considered to be acceptable in the countryside. With regard to this proposal, Policy CTY 10 applies. Policy CTY 1 further states that all proposals in the countryside must be sited and designed to integrate sympathetically with their surroundings and must meet other planning and environmental considerations, such as drainage, access and road safety.

**Policy CTY 10 Dwellings on Farms:** This policy states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building 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. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - demonstrable health and safety reasons; or
  - verifiable plans to expand the farm business at the existing building group(s).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

In consideration of this proposal under Policy CTY 10, point (a) it first must be established that the farm business is currently active and established for more than 6 years. DAERA have confirmed that this is the case and have also confirmed that the site is located on the 2020 farm map for this farm business ID number. The farm details provided showed this farm business has a total of 26.65 hectares which amounts of a number of fields surrounding the farm grouping and principle farm complex at No. 14 Ligford Road. The applicant resides at No. 18 Ligford Road which is to the south west of the farm holding and to the north east of the application site.

With regards to part (b) of CTY 10, a planning history search of the holding has been carried out. It was concluded there have been no applications for farm dwellings approved or sold off on the land indicated as being in the ownership of this farm business ID within the last 10 years.

With regards to part (c) of Policy CTY 10, the site is detached from the farm grouping by approx. 240m, with a number of intervening fields south of the farm grouping on a roadside agricultural field in a relatively open landscape. It is considered the application site does not cluster or visually link with the farm grouping at No. 14 Ligford Road due to the separation distance, when viewed from the surrounding vantage points on the Ligford Road. The site is open and completely detached from the farm linked with this business ID. A detailed supporting statement was submitted with the application outlining the reasons for choosing this site over sites in close proximity to the main farm grouping. This statement also agreed that the site does not meet criteria c of Policy CTY 10. Having assessed the site in terms of the above policy it is considered the site does not meet the requirements of part c of Policy CTY 10 in that the chosen site does not either cluster or visually link with buildings on the farm.

In terms of the access, part (c) of CTY 10 also states that “where practicable, access to the dwelling should be obtained from an existing lane.” The supporting statement stated that the applicant approached the Bank about acquiring a mortgage and was told he would not be granted a mortgage if the house was sharing an existing access. New accesses in themselves have integration issues and can open up a site further. Whilst the site is set back from the road, the site is still open in the rural area. Other options of sites closer to the farm grouping should be explored, to ensure the policy requirements of Policy CTY 10.

**Policy CTY 13 - Integration and Design & Policy CTY 14 Rural Character**

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 and where it does not cause a detrimental change to, or further erode the rural character of an area. Both these policies highlight a number of reasons why a new building would be considered unacceptable in the countryside. These policies refer to integration, prominence, inappropriate design and whether development proposals will have a detrimental impact to the rural character of the area.

In terms of integration, whilst views of the application site are generally localised to the area from the Ligford Road, Cavanalee Road and Spout Road to the West, this roadside field is open when travelling in either direction along the Ligford Road and the site lacks a suitable degree of vegetation and therefore natural enclosure. Policy CTY 13 discourages the use of new landscaping to provide integration of the development proposal. Large earth bunds with planting on top are not a common feature of the rural landscape. As a result the site is considered to be contrary to Policy CTY 13 of PPS21.

In terms of assessing impact on rural character, considering the surrounding landscape and undulating rural topography a new dwelling on this roadside agricultural field would be unduly prominent and a new domestic access onto Ligford Road would have a detrimental impact into the rural area resulting in an unacceptable form of suburban roadside development in the countryside. Para 5.62 of PPS 21 states that a group of existing buildings, such as a farm complex may also provide an opportunity to sensitively integrate a new building provided this does not adversely impact on rural character. It is considered a dwelling on this site would appear as a roadside dwelling, and not visually linked/sited to cluster with an existing farm group, therefore altering the rural character of the area due to lack of integration and prominence, and is therefore contrary to Policy CTY 14 of PPS 21.

**Area of Outstanding Natural Beauty (AONB)**

The site is located within the Sperrins Area of Outstanding Natural Beauty. A detailed Design & Access Statement was submitted with the application suggesting a dwelling with

a low elevation would be appropriate for the site. Policy NH 6 of PPS 2 refers to development in an AONB. A Design and Access Statement was submitted with the proposal which outlined the site characteristics, context, layout and concept. However, as this is an outline proposal, issues such as detailed design, form, materials, landscaping etc, is only dealt with at Full or Reserved Matters stage.

### **Access**

PPS3 Access, Movement and Parking: Policy AMP 2 Access to Public Roads states that 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 it will not:

- prejudice road safety or significantly inconvenience the flow of traffic and;
- conflict with Policy AMP 3.

Further consideration will be given to the number of access points onto the public road, the nature and scale of the development, the contribution of the proposal to creation of a quality environment and the standard of the existing road network together with the speed and volume of traffic.

A new domestic access is proposed onto Ligford Road. PPS 3 deals with new accesses. In terms of road safety, Policy AMP 2 Access to Public Roads states that 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 it will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads have been consulted and have stated that the proposed visibility splays of 2.4 by 90 metres are achievable and a forward sight distance of 90 metres, this has not been shown correctly on the site location plan. However officers are of the view the access arrangements could be resolved.

## **12. Conclusion and Recommendation**

To conclude, it is considered this proposal is contrary to criteria (c) of Policy CTY 10 and Policies CTY 13 & 14 of PPS 21 in that the application site is not visually linked or sited to cluster with an established group of buildings on the farm; and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, thereby having a detrimental impact on the rural character of the surrounding area.

Having considered all material considerations, including the development plan, relevant planning policies, consultations etc. refusal is recommended for the reasons set out in Section 13 below.

## **13. Reasons for Refusal**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY 10 of Planning Policy Statement 21, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a new dwelling to satisfactorily integrate into the surrounding rural landscape.
- 4.
5. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, and the Strategic Planning Policy Statement 2015 (SPPS) in that a dwelling on this site would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to erode the rural character of the countryside.