

<b>COMMITTEE ITEM</b>	<b>3.4</b>
<b>APPLICATION NO</b>	<b>LA03/2023/0629/F</b>
<b>DEA</b>	<b>DUNSILLY</b>
<b>COMMITTEE INTEREST</b>	<b>ADDENDUM TO COMMITTEE REPORT</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	2 dwellings and garages
<b>SITE/LOCATION</b>	Approx. 50m East of 1 Tildarg Brae, Ballyclare, BT39 9ZA
<b>APPLICANT</b>	James Greer
<b>AGENT</b>	Maine Designs
<b>LAST SITE VISIT</b>	5th October 2023
<b>CASE OFFICER</b>	Gareth McShane Tel: 028 903 40411 Email: <a href="mailto:gareth.mcshane@antrimandnewtownabbey.gov.uk">gareth.mcshane@antrimandnewtownabbey.gov.uk</a>

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <https://planningregister.planningsystemni.gov.uk>**

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

This application was initially presented at the Planning Committee in February 2024, when it was decided that the application should be deferred to allow for an explanation of a recent Planning Appeals Commission (PAC) decision and for the application to be brought back to March Planning Committee.

Since the February Planning Committee meeting, the applicant has submitted further information including a revised Location Plan (Drawing No. 01/1) and a revised Site Layout Plan (Drawing No. 02/1), both of which were received on 7<sup>th</sup> March 2024. A Supporting Statement (Document 02), five (5) photos indicating site works that have been carried out since the February Planning Committee meeting (Document 03) and an email from the applicant relating to the submissions (Document 04) were also received on 7<sup>th</sup> March 2024.

The revised Location Plan (Drawing No. 01/1) indicates that the laneway no longer terminates at the storage shed (the application which is still under consideration) but extends beyond it, before continuing through an adjoining farmyard area to the south, which was previously blocked off. The laneway then links with an existing farm laneway before accessing onto the Collin Road.

The revised Site Layout Plan (Drawing No. 02/1) shows the contrived nature of the laneway, which has been created through the erection of a post and wire fence within the storage building's yard area. A barrier, which formed part of the southern boundary of the storage building's yard was removed in order to provide access into the previously enclosed neighbouring farm complex. The two (2) submitted photos (Document 03) indicate the construction works that have taken place.

The works referred to above have effectively created a thoroughfare from Tildarg Road South, extending along Tildarg Brae, through the yard area adjoining the storage shed and then through to the farmyard to the south of the application site at No. 6 Tildarg Road South, where it then links with the Collin Road. It is noted that these works require planning permission and none has been sought or granted.

Additionally, the applicant submitted a Supporting Statement (Document 02), within which Policy CTY 1, Policy CTY 8 and Policy CTY 14 of PPS 21 are referenced. It is stated within the document that Policy CTY 8 facilitates the development of a small gap capable of accommodating a maximum of two dwellings within a substantial and continuously built up frontage provided the development respects the settlement pattern of the area while adhering to a number of planning and environmental requirements. It goes on to state that the policy definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear and expresses that the justification and amplification section of Policy CTY 8 states clearly at Paragraph 5.33 "For the purposes of this policy a road frontage includes a footpath or private lane." The applicant also states that the dictionary definition of lane is "a narrow road; area of road for one stream of traffic".

The Supporting Statement states that the proposal involves the development of a small field fronting onto a laneway, which is a realigned extension of the existing laneway known as Tildarg Brae. It states that the Council is aware a new lane was constructed to provide access to the farm building and farmland beyond as the original access link directly through the farmyard was closed up when the farm and farmhouse were transferred to the current owners. It goes on to state that the original laneway was closed up, but a link from the new lane still remains through the original farmyard. It states that it was until recently cordoned off, due to re-stocking and movement of cattle within both farm complexes.

The Supporting Statement makes reference to the revised Site Layout Plan (Drawing No. 02/1) which shows the lane and the link through to the farmyard and beyond. The applicant contends that access directly from the original farmyard has always been in place and the farm building takes access from the lane and is set adjacent to the laneway which is contiguous with the farm building's southern boundary and links through to the original farmyard.

The Supporting Statement makes reference to Paragraph 6 of planning appeal Ref: 2016/A0146 which states that "a building has a frontage to a road...if the plot on which it stands abuts or shares a boundary with that road". The Supporting Statement also indicates that the development proposal complies with the aims and objectives of Policy CTY 8 and Policy CTY 14 of PPS 21 and states that the sites can be developed without impacting upon residential or visual amenity and no precedent will result for further development at this location.

In addition, it further states that the dwellings are for the applicant's two sons, one of whom is taking over the running of the farm holding and that the sites are adjacent to the only farm building on the holding. However, it is noted that no information to support an application for a dwelling on a farm under Policy CTY 10 has been submitted.

It is contended within the Supporting Statement that the original laneway which ran through Tildarg Brae, No. 6 Tildarg Road South (which was the applicant's previous farm holding but has since been sold on), and Collin Road was closed up. It continues that the new laneway was constructed to facilitate access to the farm building and farmland, which had a link to the original farmyard (No.6 Tildarg Road

South) but this was closed up due to re-stocking and cattle movements. It states this closing up has since been removed, with the removal of a barrier which formed the southeastern boundary of agricultural yard, thereby creating a laneway from Tildarg Brae to the original farmyard at No.6 Tildarg Road South.

The creation of the laneway requires the express grant of planning permission and no permission has been granted, therefore the laneway constructed cannot be considered within the policy consideration of this application. Furthermore, the agricultural store, which is still under consideration does not benefit from planning approval and as such cannot be considered as a lawful development at this time.

In light of the above evidence and the position adopted by the Planning Appeals Commission (PAC) in the recent appeal decision under planning appeal reference 2023/A0022, there is no change to the recommendation to refuse planning permission for the proposed development and the proposed refusal reasons remain unchanged from the publication of the case officer's report.

### **CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 and Policy CTY 8 of PPS 21;
- The design and appearance of the proposed dwellings are appropriate for the site and would integrate appropriately with the surrounding rural area;
- It is considered that the proposal is contrary to Policy CTY 14 as the development proposal will further add to the suburban build-up of development in the area when viewed with existing buildings;
- There is no significant residential amenity impact on any neighbouring properties; and
- There are no road safety concerns associated with the development proposal.

### **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION**

### **PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 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 policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage.
3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will add to the suburban style build-up of development when viewed with existing buildings.



**Site Location Plan**

Application Reference: LA03/2023/0629/F

Location: Approx 50m East of 1 Tildarg Brae, Ballyclare, BT39 9ZA

Proposal: 2 dwellings and garages

