

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

Appeal by

Mr Ian McFall

**against the refusal of outline planning permission for manager's dwelling for existing
allotments**

at

100m NE of 3 Lisglass Road, Ballyclare

Report

by

Commissioner Pamela O'Donnell

Planning Authority Reference: LA03/2021/0729/O

Procedure: Hearing 9th August 2022

Commissioner's Site Visit: 10th August 2022

Report Date: 26th October 2022

1.0 BACKGROUND

1.1 Antrim and Newtownabbey Borough Council received the planning application on 27th July 2021. By notice dated 9th December 2021, the Council refused planning permission giving the following reason: -

1. **The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work; and that the site is not located beside, or within, the boundaries of the business enterprise and does not integrate with the buildings on the site.**

1.2 The Commission received the appeal on 22nd February 2022 and advertised it in the local press on 10th March 2022. No representations were received from third parties.

2.0 SITE AND SURROUNDINGS

2.1 The appeal site is an irregular shaped parcel of land which is cut out of a larger agricultural field. It is bounded to the northeast and northwest by a mix of trees and post and wire fencing. A stream also abuts the northern boundary. The south eastern and south western boundaries are open and undefined. The landform across the site falls gradually from the south to the north. Within the host field there are what appear to be recently laid out allotment plots. Other plots are located in two fields to the south west of the appeal site and are separated from same by mature vegetation.

2.2 The appeal site lies in close proximity to the dual carriageway (A8) which connects Belfast to Larne. It is accessed from the Lisglass Road via a shared laneway which also gives access to Nos. 3 and 3a Lisglass Road and a child day care business. The proposed access would follow the course of a stream that abuts the northern boundary of the appeal site.

2.3 As outlined above, within the wider context of the appeal site, there are two dwellings at Nos.3 and 3a Lisglass Road. A large shed is located adjacent to No.3. This building is used in part as a child day care business. It is also used for domestic storage in association with No.3 Lisglass Road and as storage for equipment associated with the allotment business. A car parking area is situated north west of the child day care business. This area is used by tenants of the allotments and by those using the child day care business.

3.0 PLANNING AUTHORITY'S CASE

3.1 The appeal site is located 100 metres northeast of 3 Lisglass Road, Ballyclare. The site is located within the rural area outside of any development limit as defined by Draft Belfast Metropolitan Area Plan (dBMAP) published in 2004.

3.2 The site is currently a portion of an existing agricultural field. The proposed site is located approximately 200 metres east of the access point onto Lisglass Road. The

access point and first section of the laneway is shared with 2 no. dwellings and a children's day care nursery, as clarified at the hearing. The laneway then continues along a mature boundary, entering on the west side of the site.

- 3.3 The north western and north eastern boundaries of the site are defined by mature hedgerows approximately 2-4 metres in height. The south western and south eastern boundaries are currently undefined. Land on the site falls gradually in a northerly direction.
- 3.4 Agricultural lands extend beyond the site to the north, east and south. Allotments are located approximately 35 metres southwest of the site. There is a mature hedging/tree boundary between the allotments and the field in which the proposed site is located. The existing allotments, the day care nursery and the two neighbouring dwellings are all within the ownership of the applicant.
- 3.5 The appeal proposal is for the erection of a new manager's dwelling in accordance with policies CTY 1 - Development in the Countryside and CTY 7 - Dwellings for Non-Agricultural Business Enterprises of Planning Policy Statement 21 (PPS 21). This proposal seeks outline planning approval, therefore no submissions relating to the proposed design of the dwelling accompanied the planning application.
- 3.6 There is one reason for refusal which relates to the failure of the appellant to demonstrate a need for the dwelling in the location proposed; the unacceptable siting of the proposed dwelling, as it is too far removed from the allotments; and the failure to integrate the proposal with the existing buildings on the site.
- 3.7 Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a dwelling house in connection with an established non-agricultural business in accordance with Policy CTY 7 of PPS 21. At the hearing the Council official stated that this is the most appropriate policy in PPS 21 for assessing this proposal.
- 3.8 Policy CTY 7 states that permission will be granted where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. Where such a need is accepted the dwelling will need to be located beside or within the boundaries of the business enterprise and integrate with the buildings on the site.
- 3.9 The appellant's agent submitted a supporting letter on 17th August 2021 which put forward the following reasons as to why a dwelling on the site is necessary:
 - The appellant is handing over the management of the allotments to his son;
 - There is a need to carry out regular maintenance of the site e.g. cutting grass, weeding and maintenance of machinery and equipment;
 - To ensure no trade is being carried out on the allotments;
 - For customer service;
 - To provide security on the site;
 - To prevent the unlawful keeping of livestock and other animals on the site;
 - and

- For assisting with the maintenance associated with the adjacent day care nursery.
- 3.10 A further supporting statement was received from the appellant's agent on 10th November 2021, which stated that the appellant's son, who was to reside in the proposed dwelling is out of the country 2 weeks of every month, and therefore it was important for him to have a base on site the remaining 2 weeks of each month. The statement also re-emphasises the appellant's intention to expand the allotments to adjoin the proposed site of dwelling.
- 3.11 The appellant's dwelling is located at No. 3 Lisglass Road. This is closely grouped with the children's day care facility and is approximately 50 metres west of the existing allotments. There is no clear visual break between the appellant's dwelling and the allotments, with intervening lands housing a large shed, a day care nursery, and the access lane serving the latter as well as the allotments.
- 3.12 The reasons put forward within the supporting statements do not constitute an essential need to live at the site of the business. It is considered that tasks such as landscape maintenance, provision of customer service and preventing unauthorised uses on the allotments could be undertaken during business hours by an employed member of staff on the site who could then leave at the end of his or her shift.
- 3.13 As the appellant's son travels out of the country for a period of two weeks on a regular basis and consequently is not present on site full-time to look after the allotments, it is not considered that there is a site specific need to have a dwelling on the site. The appellant's agent's statement also re-emphasises plans to expand the business into the field immediately surrounding the proposed site. However, no planning application has been lodged for this, nor has any significant supporting information been received that would suggest such an expansion is imminent.
- 3.14 On the issue of security, Policy CTY 7 makes specific reference to this matter under the justification and amplification section by stating, "the need to provide improved security from theft and/or vandalism by having someone living on the site is unlikely on its own to warrant the grant of planning permission". Therefore, little weight can be given to this reason to support a case of need.
- 3.15 With regards to the requirement for someone to also assist with the adjacent day care business, the planning application was for a dwelling in relation to the allotments business. Therefore, any need for an additional business cannot be taken into account to support this application.
- 3.16 Policy CTY 7 of PPS 21 also states that where a business is operating satisfactorily without residential accommodation, specific reasoning will need to be provided as to why it is now necessary. No information of this nature has been provided. The allotments appeared to be well occupied when inspected and there is no evidence provided as to how the business is changing in a way that would require someone to live on site.
- 3.17 It is considered that rather than an essential need for an employee to live at the site, there is a desire for a dwelling on the site which is not sufficient to pass the policy test. Therefore, the proposal fails to meet the criteria of Policy CTY 7 of PPS 21 and

the proposal is unacceptable in principle. There is no planning history relevant to this appeal. However, there is a planning application for tourism accommodation within the land outlined in blue (LA03/2020/0385), now at appeal stage (2022/A0045). Planning permission has also been granted for a baby room and associated offices for the child day care business.

- 3.18 Policy CTY 7 states that the proposed dwelling will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. Notwithstanding the fact that the proposal is unacceptable in principle, the siting of the proposal has been assessed.
- 3.19 The proposed site is located approximately 35 metres northeast of the allotments, within a separate agricultural field. It is considered that its proposed location does not comply with the requirements set out within Policy CTY 7. Whilst the laneway to the site runs alongside the northern boundary of the existing allotments, the site itself is located within the far northern area of an adjacent field. There is a clear visual break of 35 metres between the existing allotments and the proposed setting. This separation will be further intensified by the mature vegetation in excess of 4 metres in height which is positioned along the north eastern boundary of the allotment business. This boundary will dramatically reduce any visual relationship between the site and the business, particularly given the lack of existing tall buildings on the allotments, reducing its visual appearance from a public viewpoint (particularly from along Lisglass Road).
- 3.20 The appellant has not provided details as to why the proposal could not be placed either immediately adjacent to the allotments or grouped closer to the existing buildings beside No.3 Lisglass Road and the day care nursery building. The critical views of the site have been taken from along the Lisglass Road in both directions and some long-distance views are from the dual carriageway (A8) which connects Belfast to Larne. Although the appellant has declared a necessity for his son to live in a dwelling on the appeal site such a dwelling will have little surveillance of the existing business and a diminished awareness should security issues arise.
- 3.21 The proposal is also contrary to Policy CTY 7 in that it would not be sited beside or within the boundaries of the existing business. Consequently, the refusal of planning permission was the correct decision.
- 3.22 In response to the issues of complaint put forward by the appellant in their SoC, the Council is satisfied that the correct procedures were undertaken. It is up to the appellant to provide their case of need to support their application. It is not for the Council to seek information or to amend inaccuracies in the information presented. In response to the appellant's concern regarding the use of the word 'employee', Policy CTY 7 specifically refers to 'employees' and not 'manager'. Hence the terminology used.
- 3.23 If the Commission is so minded to approve the development proposed the following conditions as summarised below should be included in its decision:
- a) Standard time limit;

- b) The siting, design and external appearance of the dwelling, the means of access thereto and the landscaping of the site shall be obtained from the Council, in writing.
- c) No development shall take place until a landscaping scheme has been submitted to and approved by the Council.
- d) The existing natural screenings of this site shall be retained. Existing hedging shall be retained at a minimum height of 2 metres and existing trees as shown retained at a minimum height of 4 metres.
- e) The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

4.0 APPELLANT'S CASE

- 4.1 The appellant is satisfied that Policy CTY 7 provides the most appropriate policy to assess the appeal proposal.
- 4.2 This proposal promotes a sustainable approach to development under the Regional Development Strategy (RDS) for Northern Ireland. The RDS further recognises that the application of the principles of sustainable development must also be at the heart of future rural development, and in this respect a strategic objective is to: "...conserve and enhance the environment, whilst improving the quality of life of the rural communities and developing the rural economy."
- 4.3 In relation to rural Northern Ireland, the overall aim of the RDS is to, "...develop an attractive and prosperous rural area, based on a balanced and integrated approach to the development of town, village and countryside, in order to sustain a strong and vibrant rural community, contributing to the overall well-being of the Region as a whole." The allotments have developed and grown over the period 2010 to 2020, therefore it is apparent that the requirement to be on site permanently is paramount.
- 4.4 This application meets the Aims and Objectives of paragraph 1.4 and 1.5 of PPS 21, in a manner which strikes a balance between the need to protect the countryside while supporting a rural family life and economy via farm diversification.
- 4.5 The primary reason why the appellant requires his son to take over the managing of the allotments is due to his ill health since February 2021. Due to this, the appellant has been unable to undertake any heavy work/manual labour at the allotments. At present he is only physically able to cut grass with a ride on mower for short periods of time. He now takes 2-3 days to complete tasks and waits on his son to return to carry out tasks he is unable to complete. Therefore, he has decided to hand over the management of the allotments to his son. This will allow his son to fulfil his role as manager/owner of the allotments and as such, it would be essential for him to live on the land within the small holding which the allotments are the major part. Allotment work is required from dawn until dusk. In total there are 115 allotments with 80 tenants and the site is not quite at capacity. Due to the extent of allotments, the appellant does not take time off, but when he does, he has to ensure his son is available, as the allotments do not close.
- 4.6 At the hearing the appellant indicated that he is employed as an estimator and can work from home. The appellant currently resides in a dwelling on site, and it was established that his daughter resides in the other dwelling. In relation to the day care

business, the appellant confirmed that both he and his wife own it, however he is a silent partner as his daughter manages it. His son is also employed by the child day care business, on a very occasional basis to undertake bus runs and to maintain the grounds at weekends (approximately 45 mins – 1 hour of cutting grass).

- 4.7 The appellant's son is employed mainly as a commercial pilot. At the hearing he advised that he is legally allowed to fly 900 hrs a year, which amounts to 22 weeks a year but he never does the maximum. Last year he was out of the country 87 days of the year. He would be at the allotments everyday when he is not flying, including weekends. He currently lives in Ballyclare (since November 2021) and has no children/dependants at present.
- 4.8 Some of the work involved in managing the allotments includes:
- Site preparations for future allotment expansion. This work involves the marking out of sites, strimming, hedge cutting, repair and erection of fences, sales enquiries, viewings of existing and new plots.
 - Sales of allotment stock such as compost, grow bags to allotment holders who would be left unserved if no manager was on site.
 - Ensuring the work required for the installation and maintenance of water irrigation systems are undertaken to provide tenants with a water supply on site (through natural sources & not from the mains). Checking that taps are off and that there are no leaks in the pipework.
 - Making sure that the site is secure, and that the access gate is locked, especially in the winter months when daylight hours are limited. There has been one break in previously approximately 7-8 years ago, nothing was stolen and there is no police report. The appellant is a member of farm watch.
 - Promoting a low carbon footprint. Traveling to and from Lisglass allotments via car goes against this. Therefore, a dwelling on site would be superior to everyday travel from a nearby settlement.
 - Promoting the ethos of living closer to and within nature. This is achieved by the use of materials during construction and by the produce from its gardens. This is unachievable from a nearby settlement, a manager's house on site would promote this.
 - Clearing of old allotments.
 - Ensuring the hygienic upkeep of the allotment toilet.
 - Undertaking the upkeep and maintenance of tools, lawnmowers etc are done on site in a farm shed and cannot be done off site in a nearby settlement.
 - Providing rental equipment to tenants, such as the strimmer and hedge cutter attachment. At the hearing the appellant confirmed they did not keep a logbook for rental equipment as these are requested on an ad hoc basis.
 - Ensuring that there is a limited number of vehicles and at certain times prohibiting non-essential driving on the grass roads in the autumn and winter months.
- 4.9 The manager's customers are plot holders - present and future, and they all deserve a quality service. For current plot holders this requires efficient day-to-day management, including a rapid and effective response to inquiries and a competent management of files and accounts. The plot holders are a resource too, their handiwork is the best advertisement there could be for allotment gardening. The

allotment tenants primarily bring their own tools and can arrive at various times of the day, can park cars at their allotments if they need to or within the car park.

- 4.10 As a minimum, allotment managers should insist that plots are cultivated in a way that does not interfere in a material way with the enjoyment of neighbouring tenants as per the signed agreement with plot holders. Key elements of the agreement include:
- removal of weed seed-heads before the seed has set;
 - control of pernicious weeds, such as those that spread through the extension of roots or by generating new plants from growing tips in contact with the soil;
 - removal of long grass or detritus that is likely to harbour slugs and snails; and
 - keeping paths free of hazards and ensuring grass paths are trimmed.
- This ensures the tenants use the plot as an allotment/leisure garden during daylight hours for growing selections of vegetables, fruit and flowers for personal use and consumption.
- 4.11 The manager's role is not only ensuring the tenants keep their plots clean, reasonably free from weeds and otherwise in a proper state of cultivation and good condition, but also, to ensure the larger grass pathways are kept cut and well maintained. Sometimes a barrier needs to be erected during periods when the ground is not suitable to be driven over. The manager will be entitled to claim compensation from a tenant who upon termination leaves a plot in a worse condition than when the tenancy started. This can involve the removal of quantities of material, and waste which usually requires transporting such to the local recycling centre. Doing such a task can take several days to bring the plot back to a re-lettable standard. In some cases, this work can only be done at specific seasonal intervals depending on the local wildlife habitat. Therefore, the need to be available on site all year round becomes more apparent.
- 4.12 Another role of the manager is to always ensure the security of the site. CCTV is present at the child day care nursery and this overlooks the car park for the nursery and allotments. In addition, some allotments holders have their own CCTV operating and they alert the manager if they notice anything suspicious via telephone or text messages. The manager must also ensure that no one deposits any refuse or any decaying matter (except manure and compost in such quantities as may be reasonably required for use in cultivation). Only materials compatible with horticultural use may be brought onto the plot and this must be removed on tenancy termination.
- 4.13 To ensure the future running of the business, it is essential that the appellant's son is on site 24 hours, 365 days a year. Not only to ensure security and protect the business from crime and theft, but his presence ensures he can run the business and raise a family. The business is very demanding. It's not 9-5 Monday to Friday. It requires attention daily. As the son currently resides off-site, approving this application at this location will allow the business to continue to operate while still allowing for the enjoyment of family time.
- 4.14 At the hearing the appellant emphasised the meaning of the word manager as, "A person responsible for controlling or administering an organization". This in no way defines the manager as an employee as described in the refusal reason.

- 4.15 It is felt that the Council's committee members were misled during the processing of the application which resulted in a lack of questioning or feedback from the members. The aerial maps document which was presented at the meeting was not up to date and did not show the extent of the allotments.
- 4.16 Concerns remain about some of the wording used in the Council's evidence at appeal and their case officer's report. The statement that the "site is not - located beside, or within, the boundaries of the business enterprise" is completely false as can be seen by the documents submitted. A competent site visit would demonstrate this. The proposed dwelling would be located beside, or within, the boundaries of the enterprise, and for it to integrate with the buildings on site, the appellant feels this could hinder the further development of the business. It should be noted that the marking out of allotments has commenced in the same field as the appeal site. If planning permission is not granted, the intention is to fill the entire field with allotments.
- 4.17 The statement made by the Council that, "there is a clear visual break between the allotments and application site" is false. Additionally, "the location of the site will offer limited surveillance of the business and a diminished awareness of the security and customer services" is false. There is a clear line of sight from the appeal site to the business entrance, this could be confirmed by a site visit. This line of sight is also illustrated by the photographs attached in the Statement of Case (SoC). Additionally, two CCTVs will become available from the new dwelling if granted permission. "The reasons put forward do not constitute an essential need to live at the site of their work", again this is untrue as there is already a dwelling at the business but due to ill health the occupant/manager is no longer working in the business. The refusal reason is subjective and there is adequate reasoning given to demonstrate compliance with Policy CTY 7.
- 4.18 We feel that we have demonstrated that the refusal reason is inadequate to refuse the application.

5.0 CONSIDERATION

- 5.1 The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
- 5.2 Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Belfast Metropolitan Area Plan 2015 (BMAP) has been declared unlawful. As a result, the Belfast Urban Area Plan 2001 (BUAP) now operates as the local development plan for the area wherein the appeal site lies, with the draft BMAP (dBMAP) 2004 remaining a material consideration. In both plans, the appeal site lies within the countryside. As the rural policies in both plans are now outdated, having been overtaken by a succession of regional policies for development in the countryside, no determining weight can be attached to them.

- 5.3 Regional planning policies of relevance to this appeal are set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and retained policy. There is no conflict or change in policy direction between the provisions of the SPPS and the retained Planning Policy Statement 21 on the issues raised in this appeal. Therefore, PPS 21 takes precedence in decision making in accordance with the transitional arrangements set out in the SPPS. The Regional Development Strategy (RDS) which was referred to by the appellant in support of the proposal, is not operational planning policy.
- 5.4 Policy CTY 1 of PPS21 sets out a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of which allows for a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7. Whilst the appellant has a small farm holding, a farm business number and referred to farm diversification in his evidence at appeal, he was satisfied at the hearing that the proposal engaged Policy CTY 7.
- 5.5 Policy CTY 7 of PPS 21 states that *“planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm’s employees to live at the site of their work”*. The policy goes on to state, *“where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site”*.
- 5.6 The wording of the policy indicates that the onus falls on the applicant/appellant to demonstrate a need for the dwelling. The appellant has raised concerns with the use of the word ‘employee’ by the Council. However, Policy CTY 7 specifically refers to ‘employees’ and not ‘manager’. The use of the former word in the policy does not reduce or dilute the job role as put forward by the appellant which is considered below.
- 5.7 The tenancy agreement for the allotment holders provides a list of requirements which each of the tenants must adhere to. It is noteworthy that the upkeep of each individual plot falls to the tenants, not a manager. The work associated with a ‘manager’ or ‘employee’ as detailed by the appellant is mainly seasonal or else it could be mainly undertaken on an ad hoc basis. Limited evidence was presented to suggest that the work had to be carried out day and night which would make it essential that a manager or employee reside on site. Onsite signage and an online booking system could aid with driving restrictions and the coordination of the hiring of the equipment. It is also noteworthy that during the period when the appellant was ill, the business continued to expand. This expansion has taken place without the need for the appellant’s son to reside at the site. No issues were raised at the hearing to suggest the business was in any difficulty. In fact, in the present current circumstances, it is expanding and is nearly at full capacity.
- 5.8 The appellant and his son are employed full time in other occupations. Neither are employed solely in connection with the allotments. The appellant and his wife are also the owners of the adjoining child day care business and at weekends he is required to help with that business. The son has confirmed that he too is employed by the child day care business on an ad hoc basis. Given this and my findings

above, I am not persuaded that the work associated with the allotments equates to a full-time job. Furthermore, it is difficult to sustain the argument that a dwelling is essential when the 'employee' or 'manager' is involved in other means of work especially when that work requires them to leave the country for a given length of time. As a pilot working circa 22 weeks per year how can he facilitate work which is alleged to need someone on site daily or for 365 days a year. The evidence in the round indicates that a site-specific need has not been demonstrated that makes it essential for the appellant's son to live at the site in connection with his work.

- 5.9 The appellant's son is a pilot and has raised carbon footprint as an issue. He indicates that travelling to and from Lisglass allotments via car increases his carbon footprint, so removing his need to travel by car by allowing a dwelling on the appeal site would yield environmental benefits. The appellant's son resides in Ballyclare which is approximately 3-4 miles away. This is a relatively short distance to travel. In order to reduce his carbon footprint alternative modes of transport could be used. In addition, the allotment holders mainly travel by car and in some cases they travel over considerable distances (one allotment holder comes from Hollywood). Accordingly, I do not consider that the proposal would diminish car travel to any meaningful extent or that it would significantly impact on wider carbon footprint levels.
- 5.10 The appellant has raised the issue of security of the allotments to justify his case of need. However, the justification and amplification of the policy indicates that security alone is unlikely to warrant the grant of planning permission. Both the appellant's and his daughter's dwelling are in close proximity to the existing allotments, which allows for informal surveillance. It was also confirmed that CCTV operates for the adjoining child day care business and this overlooks the car parking area which also covers some of the allotments. In addition to this, several of the allotment holders have their own CCTV. As the allotments are open from dawn to dusk it can be anticipated that tenants would be coming and going on a regular basis. This combined with those attending the site regularly to use the child day care facility means that there should be adequate surveillance of the business to negate security concerns. Moreover, the fact that CCTV can be utilised, even in part, to ensure no trade is carried out from the allotments, for site security reasons and to ensure tenants do not keep livestock, this admission diminishes the argument that a manager needs to reside onsite.
- 5.11 Based on the evidence presented, a site-specific need has not been demonstrated. Rather, the evidence would suggest that the role could be fulfilled through shift work whereby an employee or manager could leave the site at the end of their shift. Some of this specified work would not need to be undertaken every day as it would occur on an ad hoc or seasonal basis. If the appellant requires work to be undertaken, then his son could undertake this on his days off or at weekends, travelling the short distance from where he currently resides. All in all, the nature and timing of the work specified and the concerns regarding site security do not justify a dwelling for a manager or employee in accordance with the policy requirements. Accordingly, I find that the Council's objection on this issue is sustained.
- 5.12 Policy CTY 7 also has a site specific clause and it states, "*where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site.*" As outlined above, I have not been persuaded there is a 'need' for a dwelling in this case.

However, in the interests of completeness, the arguments presented on this issue are considered below.

- 5.13 The Council advised that the critical views (CVs) of the proposal were from the Lisglass Road in both directions. As allotments have been marked out within the host field, it is evident that the appeal site is within the boundaries of the business enterprise (which includes the child day care facility, the storage shed, the car parking area and the two dwellings). However, these buildings are sited some distance from the appeal site. Due to the physical and visual separation distance and the intervening vegetation, there would not be a clear line of sight between the appeal proposal and the subject buildings from the CVs. This means that a dwelling house would not integrate with the buildings on the site. I therefore find that the Council's objection on this issue is sustained.
- 5.14 The proposal does not represent one of the types of development considered to be acceptable in principle in the countryside. Policy CTY1 of PPS21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. There was no persuasive evidence to demonstrate that the proposal is essential. Accordingly, it would also be at odds with Policy CTY1 of PPS21. The Council's reason for refusal is therefore sustained.

6.0 RECOMMENDATION

- 6.1 I recommend to the Commission that the appeal is dismissed, and that planning permission is refused.
- 6.2 This recommendation relates to the following drawing: -
1. A 1:2500 Site location plan, date stamped received by Antrim and Newtownabbey Borough Council 04 Oct 2021, Drawing 01A

List of Documents

Planning Authority: - "A"- Statement of Case by Antrim and Newtownabbey Borough Council.

Appellant: - "B"- Statement of Case by Mr Ian McFall & Mr Ross McFall.

Hybrid Hearing

In attendance: -

Council Representative: - Mr Michael O'Reilly (In person)

Appellant: - Mr Ian McFall (Remotely)
Mr Ross McFall (Remotely)

