

Appeal Decision

Appeal Reference:	2022/A0035
Appeals by:	Mr Mark McCann
Appeals against:	The refusal of full planning permission
Proposed Development:	Proposed farm shed for storage
Location:	Approximately 300m South of 7 Ballylurgan Road, Randalstown, BT41 2NN
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2021/1008/F
Procedure:	Written representations and Commissioner's site visit on 4 th June 2024
Decisions by:	Commissioner Kevin Gillespie, dated 27 th June 2024

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the appeal development would be acceptable in principle in the countryside and visually integrate into the landscape.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
4. The Antrim Area Plan 1984 - 2001 (AAP) operates as the LDP for the area in which the appeal site is located. In it, the appeal site is in the countryside, outside of any settlement limit. As the rural policies in the plan are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. There are no other provisions in the operating LDP that are material to the determination of the appeal.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out transitional arrangements that will operate until a Plan Strategy (PS) for the Council area is adopted. In this Council area, no PS has been adopted. Accordingly, during the transitional period, the SPPS retains certain Planning Policy Statements including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). As there is no conflict between the provisions of the SPPS and the retained policies on the issues raised in this

appeal, in line with the transitional arrangements of the SPPS, the appeal should be determined in accordance with retained policy within PPS 21.

6. Policy CTY 1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these allows for agricultural and forestry development in accordance with Policy CTY 12. It follows that if the development satisfies Policy CTY12 it will also satisfy Policy CTY 1 of PPS 21. Supplementary planning guidance is contained in Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside (BOT).
7. The appeal site, which is generally flat, comprises a broadly triangular roadside portion of land located on the eastern side of Ballylurgan Road. It is cut from a larger agricultural field. The site is bounded by a 1 metre (approx.) high post and wire fence along the northern, eastern and western (roadside) boundaries. The southern boundary is undefined. The appeal site is surrounded on all sides by agricultural fields which are devoid of any buildings.
8. The appeal building is a square, pitched roof shed measuring approximately 20m x 20m externally, with a height of approximately 6.6m to the ridge line. The roof and the upper walls are to be covered by profiled metal cladding with the lower part of the walls to be finished in wet dash render. Access to the interior would be provided by a 5m (approx.) wide roller shutter door and a pedestrian door both of which would be located on the front or western elevation facing the public road with a further pedestrian door located on the rear elevation. The appeal building, which would be located within the eastern portion of the appeal site on a rectangular hard-cored yard area, would be accessed directly from the Ballylurgan Road via an agricultural gate and a proposed 4.2m wide laneway.
9. Paragraph 5.56 of PPS 21 states that for the purposes of Policy CTY 12, the determining criteria for an active and established business will be that set out in Policy CTY 10 of PPS 21, that is, that the farm business is currently active and has been established for at least 6 years.
10. The Department of Agriculture, Environment & Rural Affairs (DAERA) consultation response dated 12th November 2021 confirmed that the appellant's farm business (ID number 623581) was first established in December 1991. There was also no dispute between the parties that this farm business is established and currently active. Therefore, the appeal proposal complies with the fundamental requirement of Policy CTY 12.
11. Policy CTY 12 of PPS 21 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria. The Council's reason for refusal engages criterion (a) of the policy. They argue that it has not been demonstrated that the appeal development is necessary for the efficient use of the holding.
12. The appellant stated that the farm business was started by his grandfather before being passed to his father and then, following his passing, he became the sole owner in 2019. In 2021, the appellant's wife joined the business. The 2021 Farm Map shows the farm business comprising some 23.84 hectares of land upon which the appellant, who is a sheep farmer, currently has in excess of some 20 animals.

The appellant's evidence indicates that he has no farm buildings of his own and that until now, the farm business used an existing farm building adjacent to his late father's home at No. 64 Barnish Road. In a letter to the Commission dated August 2022, the appellant's mother advised that this building was used by her late husband (the appellant's father) to store machinery associated with the farm business. Upon his passing, she stated that the appellant inherited the farm business but not any buildings and that he no longer has use of this building. She concluded by stating that she wants a quiet life without the daily interruptions associated with using the building to store farm machinery.

13. Given the proximity of this building to the dwelling at No. 64 Barnish Road, I accept that the residential amenity currently enjoyed by the appellant's mother could be adversely impacted by noise and general disturbance deriving from the daily movement of vehicles associated with the farm business using this building.
14. In his rebuttal statement, the appellant states that currently, the equipment/machinery relating to the farm business (tractors/trailers/quad-bike/ride-on lawnmower) is stored temporarily in a building/shed sited to the north-east of the dwelling at No. 42c Barnish Road (the registered address of the farm business). However, the appellant states that he is now under instruction to vacate this building.
15. The farm has been in the family for at least three generations and the two buildings associated it, as referred to above, remain within the family ownership. It would appear that over the years, only one building was used at a given time in connection with the business. I also note that the building currently being used for storage is relatively new and large in scale and although the appellant indicates he is to vacate it, he has provided no convincing explanation to clarify why this newly erected building, which is located near the farm house and owned by a family member, is no longer available for the continued storage of the farm machinery. In the evidential context provided, it has not been demonstrated that an additional building is necessary for the efficient use of the holding. Accordingly, the proposal fails to comply with criterion (a) of Policy CTY 12.
16. Where a new building is proposed on a farm, Policy CTY 12 of PPS 21 also requires the building to be sited beside existing buildings on the farm. Although the appellant has claimed that there are no buildings on the farm, the farm is registered to his home address, No. 42c Barnish Road, therefore the farmhouse represents an existing building on the farm. The appeal building would not be sited beside No. 42c, an existing building on the farm, nor has any compelling evidence been provided to verify that there are no other buildings on the farm holding.
17. Notwithstanding the above, Policy CTY 12 states that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons. Given the limited information before me, I cannot be satisfied that the appeal building is essential for the efficient functioning of the business. I am reinforced in this by the fact the appellant has been engaged in his farming activities for some time whilst using family-owned buildings. Also, as I was also not provided with any health and safety reasons to justify the development, I find that the exceptional test of Policy CTY 12 is not met.

18. For the reasons given, I conclude that the proposal does not comply with Policy CTY 12 of PPS 21 read as a whole. Consequently, it also fails to meet Policy CTY 1 of PPS 21. Accordingly, the Council's first reason for refusal is sustained.
19. Policy CTY 13 of PPS 21 is titled 'Integration and Design of Buildings in the Countryside'. It indicates that a new building will be unacceptable where any of seven criteria are engaged. The Council's objection engages criterion (b).
20. Travelling in both directions along Ballylurgan Road, an agricultural building on the appeal site would be a prominent feature in both critical short and long-distance views. This is due to the open and exposed aspect of the surrounding flat landscape combined with the lack of established natural boundaries and consequent lack of enclosure for the proposed building. Also given the reliance on new planting as shown on Drawing No. 02 which would take time to mature, I conclude that the appeal development would not visually integrate into the landscape contrary to criterion (b) of Policy CTY 13 and the related provisions of the SPPS. Accordingly, for these reasons, the Council's second reason for refusal is sustained.
21. Policy CTY 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It goes on to state that a new building will be unacceptable in five stated circumstances. One of these is (a) where it is unduly prominent in the landscape.
22. As detailed previously, the appeal site is set within an open and exposed landscape. This, combined with the scale and massing of the appeal development and the lack of established natural boundaries around the site, would create a form of development that would be unduly prominent in the landscape. Consequently, it would detrimentally erode the rural character within this part of the countryside. Accordingly, the Council's third reason for refusal based on Policy CTY 14 of PPS 21 and the related provisions of the SPPS is sustained.
23. As the Council has sustained all the reasons for refusal as stated, the appeal must fail.

This decision is based on the following drawing(s):

Drawing No.	Title	Scale	Received by the Council
01	Location Map	1:2500 @ A4	14 th October 2021
02	Site Plan	1:500 @A2	14 th October 2021
03	Proposed Sketches	1:100 @A2	14 th October 2021

COMMISSIONER KEVIN GILLESPIE

List of Documents

Planning Authority:-

“A1” Antrim and Newtownabbey Borough Council - Statement of Case

“A2” Antrim and Newtownabbey Borough Council – Rebuttal Statement

Appellant(s):-

“B1” 2020 Architects (Agent) - Statement of Case

“B2” 2020 Architects – Rebuttal Statement