
Appeal Reference:	2023/A0041
Appeal by:	Mr Brendan McGill.
Appeal against:	The refusal of full planning permission.
Proposed Development:	The retention of a car storage yard within a small gap site.
Location:	Land at 15 Ballyrashane Road, Coleraine.
Planning Authority:	Causeway Coast & Glens Borough Council.
Application Reference:	LA01/2022/1030/F.
Procedure:	Informal Hearing on 1 st May 2024.
Decision by:	Commissioner Damien Hannon, dated 22 nd May 2024.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether it would have an unacceptable impact on rural character.
3. The appeal site and adjoining land has a considerable planning history encompassing both historical and ongoing enforcement action in respect of uses including vehicle sales. Nonetheless, regardless of any current or historic uses at the site or speculation regarding potential future uses, the appeal proposal before me is for the retention of a car storage yard and does not therefore warrant consideration of vehicle sales or any other retail use. The Council's reference to retail policy is therefore erroneous and its first reason for refusal based on retail policy embodied in paragraphs 6.273 – 6.281 of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development (SPPS), is therefore not sustained.
4. While the statutory Northern Area Plan 2016 (NAP), designates the appeal site as located in the countryside, it contains no policies relevant to the appeal proposal. The Council have chosen to rely on the provisions set out in paragraph 6.70 of the SPPS as policy support for their objection on rural character grounds. This paragraph reads 'all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed'. However, I agree with the appellant that this provision of the SPPS is intended as guidance for the preparation of LDPs and not as operational policy. I further consider relevant operational policy, to which the Council did not refer, to be contained in subsequent paragraphs and referred to in paragraph 6.73 as "the following strategic policy...". In this context therefore, while I shall consider their objection

on rural character grounds, I find the Council's third reason for refusal based on paragraph 6.70 of the SPPS to be misplaced and not sustained.

5. I find there to be no conflict between the provisions of the SPPS and retained policy regarding issues raised by this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21). Policy CTY 1 of PPS 21 sets out a range of types of development which are acceptable in principle in the countryside. The appellant argued the proposal to be acceptable in principle and compliant with Policy CTY 1 as the development of a small gap site in accordance with Policy CTY 8.
6. Policy CTY 8 is entitled 'Ribbon Development' and seeks to resist development that creates or adds to a ribbon of development as this can cause a detrimental change to, or further erode the rural character of an area. The policy adds however that exceptionally, it may, in certain circumstances, be acceptable to consider the infilling of a small gap site with an appropriate economic development proposal where this is of a scale in keeping with adjoining development, is of a high standard of design and would not impact adversely on the amenities of neighbouring residents.
7. A small gap site is described as one sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage. The policy defines a substantial and built-up frontage as including a line of 3 or more buildings along a road frontage without accompanying development to the rear.
8. I disagree with the Council's assertion that having another building to its rear and within its curtilage prohibits a building from contributing to a substantial and continuously built-up frontage for the purposes of Policy CTY 8. From the evidence submitted and by own observations, I consider that the dwellings numbered 17 and 15 and a commercial building at 11a fronting the Ballyrashane Road comprise both a ribbon of development and a substantial and continuously built-up frontage. Nos. 19, 21, 23 and 25 do not front Ballyrashane Road but a slip road and do not consequently form part of the same substantial and continuously built-up frontage.
9. The appeal site comprises not only the small space between the two relevant buildings namely the 20m between the dwelling at No.15 and the industrial building at No. 11a, but also the whole of the remaining front garden of No. 15. In these circumstances, I do not agree with the appellant that the appeal site constitutes a small gap site in an otherwise substantial and continuously built-up frontage as referenced in Policy CTY 8.
10. The area surrounding the appeal site exhibits a blend of residential and commercial uses including a mixed residential and caravan sales use. Nonetheless, it presents as predominantly rural and residential in character and I consider the existing open storage use, not to be of a high standard of design and of a scale in keeping with adjoining development, but rather to be visually intrusive and to thereby adversely impact on the amenities of neighbouring residents as well as the rural character of the area. The proposal does not meet the rural character test encompassed in Policy CTY 8 and the Council's objection on rural character grounds is well founded.

11. The appeal site does not constitute the development of a small gap site, set out in Policy CTY 8 as acceptable in the countryside under Policy CTY 1. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No such case, however, was advanced and the Council's objections, both in principle and on grounds of rural character are upheld and its second reason for refusal based on Policy CTY 1 of PPS 21 is sustained and is determining in this case.

This decision relates to the following two drawings referred to on the Council's decision notice: -

1:2500 scale Location Plan numbered 01a received 20th Dec 2022

1:500 scale Site Plan numbered 02 received on 3rd October 2022.

COMMISSIONER DAMIEN HANNON

List of Documents

Planning Authority:- COU 1 Statement of Case
Appellant:- APP 1 Statement of Case

List of Appearances

Planning Authority:- Joshua Chisim
Appellant:- Carol Gourley (CMcllvar Ltd)
Brendan McGill (Causeway Car Sales)
David Streeker (Causeway Car Sales)