

Appeal Decision

4th Floor
92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710

E: info@pacni.gov.uk

Appeal Reference: 2023/A0059
Appeal by: Rosaleen McNulty
Appeal against: The refusal of full planning permission.
Proposed Development: Retention of an external storage area for 3no. wind turbine towers, associated blades and 2no. stacked storage units, on redundant concrete hardstand and temporary 1.8 metre high fencing (Temporary permission for a period of 3 years)
Location: Approximately 37m South of 55a Nutts Corner Road
Crumlin
Planning Authority: Antrim & Newtownabbey Borough Council
Application Reference: LA03/2023/0158/F
Procedure: Written representations and accompanied site visit on 12th March 2024
Decision by: Commissioner Cathy McKeary, dated 16th April 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 if it would be visually integrated.
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, 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 Local Development Plan (LDP), the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
4. In this appeal, the Antrim Area Plan 1984-2001 (AAP) operates as the relevant LDP. In that plan the site is located in the countryside. It is not within any land use zoning or other designation. However, the plan indicates that 'Nutts Corner' is not suitable for some types of development, but that permission will normally be given for small scale commercial and industrial activities in existing buildings such as disused agricultural or commercial buildings or on derelict sites provided there are no objections relating to unsightliness, noise, smell and excessive or dangerous traffic generation. This will be considered later in this report.

5. The SPPS sets out transitional arrangements that will operate until a Plan Strategy for the Council area is adopted. No Plan Strategy has been adopted for this Council yet. During the transitional period, the SPPS retains certain Planning Policy Statements (PPSs) including Planning Policy Statement 4 'Planning and Economic Development' (PPS4) and Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). There is no conflict between the SPPS and PPS4 and PPS21 insofar as they relate to the appeal proposal.
6. The appeal site is situated to the rear of the dwellings at Nos. 55A, 55 and 55B Nutts Corner Road. The site comprises a discrete section of hardstanding that once formed part of an airfield. The site is almost entirely flat. The retrospective proposal seeks to retain the site as a storage area for three wind turbine towers, associated blades and two stacked storage units on redundant concrete hardstand along with temporary 1.8m high fencing. During my site visit, the turbines and associated items were laid out along the length of the hardstanding and the storage containers were located at either end of the turbine towers. The site is bounded by wire mesh security fence panels of around 1.8m in height. Access is provided from agricultural gates some 200m to the west of the site. The wider Nutts Corner area is a mix of residential, agricultural and commercial uses with their associated buildings and structures.
7. Policy CTY1 of PPS21 states that there are 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. It says that planning permission will be granted for non-residential development in the countryside for industry and business uses in accordance with PPS4. It also acknowledges that there are a range of other types of non-residential development that may be acceptable in principle in the countryside but that these will continue to be considered in accordance with existing published planning policies. Policy CTY1 also requires that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.
8. PPS4 'Planning and Economic Development' sets out the Department's planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2004. Class B4 covers the use for storage or as a distribution centre. The development is the storage of wind turbine parts and other ancillary equipment in the countryside at Nutts Corner. Policy PED2 of PPS 4 sets out the policy context for considering economic development in the countryside.
9. Policy PED2 thereof directs the reader to four different policies depending on the nature of the proposal. In this instance, I concur with the Council that it has not been demonstrated that the proposal engages any of the four policies. It is not (i) the expansion of an established economic development use, (ii) the redevelopment of an established economic development use, (iii) major industrial development or (iv) a small rural project. Furthermore, the appellant did not

engage with PPS4 as they do not consider the proposal to be development. There is no operational development on the site, nor is any proposed, however, the storage of the turbine parts and other equipment materially changes the use of the land from a historical airfield to storage for these items. This, therefore, constitutes a material change of use. Under Section 23 of the Act, a material change of use of land, even for a temporary period, is development and therefore Policy PED2 of PPS4 is applicable.

10. The headnote of Policy PED 2 states that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances. The appellant states in their supporting statement for the planning application that, due to the size and complex nature of the transportation, there are no other storage opportunities within the “surrounding townscape”. However, this assertion is not supported with any documentary evidence for example. They rely heavily on the location being convenient given its proximity to the final destination for the turbines. They also argue that the site provides the required quantum of storage area. They have not adequately explained how or why these circumstances can be considered to be ‘exceptional’.
11. The appellant had previously indicated to the Council that they considered the proposal to be ‘storage and distribution’. Paragraph 5.11 of Policy PED2 states that, *“Development proposals relating to large scale storage and distribution use will, in general, be more tightly controlled in the countryside than proposals for other economic development uses. It is considered that such proposals are usually more difficult to absorb into the countryside without detrimental impact on rural amenity and their capacity for generating employment is generally less than other uses.”* This justifies a cautious approach regarding the appeal development in relation to rural amenity which the appellant has not adequately justified setting aside.
12. Policy PED9 of PPS4 sets out general criteria that all economic development proposals will be expected to meet. The Council considers that the proposal fails to provide a high-quality design and layout and satisfactory measures to assist with integration into the landscape. These objections relate to criteria (j) and (m) of the policy. Criterion (b) of Policy CTY13 of PPS21 also advocates that a site should have long established natural boundaries or be able to provide a suitable degree of enclosure for proposals to integrate into the landscape.
13. The appeal site has an open aspect to the road, has no natural boundaries and is defined by panels of temporary wire security fencing. Moreover, due to its flat topography and surrounding landform, there is no backdrop to help to visually integrate the development. Travelling west from around No. 60 along the Nutts Corner Road there are clear views of the site for approximately 200m due to the low hedges and sparse vegetation at the roadside.
14. The appellant has endeavoured to limit the visual impact by laying the turbines horizontally and in a compact form. However, where the site can be viewed from the road, the turbines remain a dominant feature in the landscape due to their size and scale. The appeal site is approximately 25m from the rear of the dwellings at Nos. 55A, 55 and 55B Nutts Corner Road and the turbine towers, even though laid horizontally, dominate the rear view from these dwellings and dwarf them given

their scale. The flat terrain combined with their sheer size and scale of the turbines reinforces their dominance in the landscape and general unsightliness.

15. While views of the proposal are limited along Nutts Corner Road, where they are available, the proposal is dominant and does not integrate into the landscape. The appellant considers that there are other prominent buildings and structures in the area. They also consider that landscaping is not required due to the temporary nature of the proposal. The area around Nutts Corner has a mix of building types and structures, however none are directly comparable to the size and scale of the wind turbines which are stored close to dwellings and the public road. Whilst some of the buildings put forward for comparison purposes do not have landscaping or enclosure, that does not justify setting aside the policy objections to this proposal, albeit for a temporary period. Furthermore, a temporary permission is usually for a one-year period, not a three-year period which is sought in this appeal. In any event, I do not accept that the 'temporary' timeframe, the convenience of the location or the security issues advanced, outweigh the need to meet the integration requirements as set out in policies PED9 of PPS4 and CTY13 of PPS21 and the presumption against unsightliness laid out in the AAP.
16. The third party raised other issues including, appropriateness of the development in this area, the proximity of the development to their dwelling and the impact on wildlife. Having considered these, I am not persuaded that they would, either individually or cumulatively, warrant the withholding of planning permission. Notwithstanding this, for the reasons given above the development is contrary to paragraph 25.5 of the AAP. The proposal also does not represent one of the types of development which are considered acceptable in the countryside and there is no evidence of any overriding reasons why the development is essential. The proposal, therefore, is contrary to the AAP, and policies CTY1 and CTY13 of PPS21. It also fails to comply with policies PED2 and PED9 of PPS4. The Council's refusal reasons are sustained and the appeal must fail.

This decision is based on the following drawings:-

| Drawing No. | Title | Scale | Date |
|--------------------|--------------------|--------------|--|
| 01 | Site location plan | 1:2500 | stamped received 6th March 2023 by Antrim and Newtownabbey Borough Council |
| 02 | Existing site plan | 1:1000 | stamped received 6th March 2023 by Antrim and Newtownabbey Borough Council |
| 03 | Elevations | 1:500 | stamped received 6 th March 2023 by Antrim and Newtownabbey Borough Council |

COMMISSIONER CATHY MCKEARY

List of Appearances

Planning Authority:- Sairead De Brún (Antrim & Newtownabbey Borough Council)

Appellants:- Rosaleen McNulty (Si Energy)
David McElrea (Si Energy)
Dan McNulty (Architect)

List of Documents

Planning Authority:- Statement of case by Antrim & Newtownabbey Borough Council
Rebuttal by Antrim & Newtownabbey Borough Council

Appellant:- Statement of case by Rosaleen McNulty