

PLANNING APPEALS COMMISSION

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

**Appeal by Mr Guy Blackwell
against the refusal of full planning permission for the extension of residential
curtilage and erection of a domestic shed (retrospective)
at
190m southeast of 28A Lislunna Road, Kells.**

**Report
by
Commissioner Gareth McCallion**

Planning Authority Reference: LA03/2023/0577/F

Procedure: Written Representations with Accompanied Site Visit on 12th June 2024

Report Date: 9th September 2024

1.0 BACKGROUND

1.1. Antrim and Newtownabbey Borough Council (the Council) received the planning application on 26th June 2023. By notice dated 24th November 2023, the Council refused permission giving the following reasons: -

1. **The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY1 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 provisions contained in the Strategic Planning Policy Statement and Policies CTY13 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would appear a prominent feature in the landscape; the site lacks long established boundary treatments; the site relies primarily on new landscaping for integration; the design of the building is inappropriate for the site and locality; the proposal fails to blend with the existing landform; the proposal does not respect the traditional pattern of development exhibited in the area.**
3. **The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP2 of PPS 3 Access, Movement and Parking in that it has not been demonstrated the development will not prejudice road safety or significantly inconvenience the flow of traffic.**

1.2. The Commission received the appeal on 19th January 2024 and advertised it in the local press on 31st January 2024. The Council forwarded to the Commission representations it had received during the processing of the planning application and evidence has been submitted by a 3rd party at appeal stage.

2.0 SITE AND SURROUNDINGS

2.1 The appeal site is located off the Lislunnan Road, Kells, County Antrim. It is positioned along the road frontage and is rectangular in shape. Access to it is taken from the shared entrance off the Lislunnan Road. The access then separates into two laneways, each of which are divided by mature vegetation. These laneways serve several properties located to the northwest of the Lislunnan Road. One laneway provides access to a single dwelling, that of No. 26 Lislunnan Road. The second lane provides access to the dwellings at Nos. 28 and 28A Lislunnan Road, both located some distance to the north of the appeal site. This laneway also provides access from the public road to the properties at Nos. 26A and 26B Lislunnan Road, both of which are located southwest of No. 26 Lislunnan Road. The mouth of the shared access slopes down from the public road towards the laneways, with the gate into the appeal site situated below road level, a short distance from the public road.

2.2 Although its eastern boundary adjoins the Lislunnan Road, due to the falling topography of the land, the appeal site is situated below road level. The roadside boundary largely comprises of hedgerow planting with a black painted corrugated

metal fencing found beyond this hedge. At the north end of the eastern boundary, there is a gap in the hedgerow. Within this gap a small area of the appeal site has been partitioned by a post and wire fence. The southern boundary of the appeal site is largely delineated by a hedgerow. A black painted corrugated metal fence is found beyond this hedgerow.

- 2.3 A section of the northern boundary is defined by a tall hedgerow, interspersed with a few mature trees. Beyond this section lies the entrance to the appeal site, comprising a metal gate. Either side of the gate is a c.1.8metre high close boarded fence. This fence extends from the gate until the northern border meets with the western boundary of the appeal site. The western boundary of the site is defined by semi mature trees and scrub. A short section of the western boundary also contains wooden upright posts.
- 2.4 The surface of the appeal site is made up of stone and gravel. The shed, which is rectangular in shape, has been largely constructed using a timber frame and black painted corrugated metal. It is situated in the southeastern corner of the appeal site. The shed is largely enclosed, bar a partial opening at the northern section of its western elevation. At the time of my visit, the shed contained fragments of timber, concrete blocks and other materials, including paint pots and containers. There was also some equipment including worktables and sawhorses, together with several items of household furnishings and appliances. Within the remainder of the appeal site, outside of the shed, there was a collection of PVC doors and windows, wooden pallets, and a green coloured fictile oil tank.
- 2.5 The surrounding area largely comprises of agricultural grassland and single dispersed dwellings and farm buildings.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The Antrim Area Plan 1984 – 2001 (AAP) currently operates as the statutory local development plan. The site is located within the countryside as defined in the AAP. There are no specific operational policies or other provisions relevant to the determination of the appeal proposal contained in the Plan.
- 3.2 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough. The SPPS retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS21 'Sustainable Development in the Countryside'. In line with the transitional arrangements of the SPPS, the retained PPS21 provides the relevant policy context for the proposal.
- 3.3 Policy CTY1 of PPS21 indicates that there are certain types of development, acceptable in principle in the countryside, that will contribute to the aims of sustainable development. Policy CTY1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located within a development limit.
- 3.4 Policy CTY1 contains no provision for a residential curtilage to be extended further into the neighbouring countryside. Rather, it directs that consideration of an

extension to a dwelling house (in this case a domestic shed and extension to the curtilage of a dwelling) is set out in the Addendum of PPS7 'Residential Extensions and Alterations'. Additional policy requirements are included in Policies CTY13 and CTY14 of PPS 21.

- 3.5 The proposal seeks full planning permission for the retention of an extension to the curtilage associated with No. 28A Lislunnan Road and the retention of a domestic shed. The Appellant advises that the shed is to be used solely by the occupiers of No. 28A Lislunnan Road for the storage of trailers and cars during cold winter weather, owing to the existing laneway to the property being impassible during these periods.
- 3.6 The proposal is located approximately 190metres from the Appellant's existing curtilage and is accessed via a shared laneway. The Appellant's dwelling and the area to be extended are disconnected from each other, with intermittent agricultural fields, a shared lane, and neighbouring properties separating the two parcels of land.
- 3.7 The Appellant has advised that during inclement weather, cars are unable to drive up the existing laneway to the host property. No demonstrable evidence was provided to sustain this claim, nor were any images provided showing the conditions of the laneway during periods of inclement weather. It is noted that four other properties are located at the end of the laneways. No prior planning application has been submitted for a scheme of a similar nature from any neighbouring dwellings. Furthermore, if the laneway was impassable then this would only be for a very small number of days during periods of the most inclement weather.
- 3.8 Insufficient evidence has been presented to justify that the proposed development is essential in the countryside or that there are extenuating circumstances of sufficient weight to justify why the requirements of Policy CTY1 should be set aside. As the principle of development is not considered to have been established, the proposal is considered contrary to CTY1 of PPS 21.
- 3.9 Furthermore, as provided for within the Land Registry Map and outlined in the Case Officer Report, the host dwelling has been sold. As such, it is considered that the proposal will operate as an independent unit and not in association with the dwelling at No. 28A Lislunnan Road. Therefore, the proposal cannot be compliant with Addendum of PPS 7 'Residential Extensions and Alterations'.
- 3.10 All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY13 and CTY14 of PPS 21. Policy CTY13 requires a building in the countryside to be visually integrated into the surrounding landscape and is of an appropriate design. Policy CTY14 requires that a new building does not cause a detrimental change to, or further erode the rural character of an area.
- 3.11 The development proposes an extended curtilage which is located 190metres from the host property. It is considered that the appeal site is spatially divorced from No. 28a Lislunnan Road and thereby would not appear to be in anyway ancillary to that residential property. The development of this agricultural field now gives the impression of a separate unit of development within the countryside and does not appear domestic in character.

- 3.12 A viewpoint analysis was carried out by the Council, wherein it is considered that the shed, in particular its rear elevation and fence which defines the eastern boundary of the site is visible when travelling southwest along the Lislunna Road close to the entrance to No. 31, from the appeal site, and from close to No. 24 Lislunna Road when travelling northeast, with the shed appearing prominent within the landscape. The use of black corrugated cladding, approximately 2.7m in height, along the entire frontage of Lislunna Road appears particularly incongruous within the rural landscape; and is not a material associated with domestic boundary treatments within the countryside. This boundary treatment would also become much more exposed during the winter months when the natural vegetation would be less dense. A 1.8m high fence partially defines the western site and northern site boundaries, which are also visible from critical viewpoints along the Lislunna Road and is considered prominent and incongruous within the surrounding landscape. There are also concerns regarding the excessive size and scale of the yard given it is proposed only to be used to accommodate two trailers and a car.
- 3.13 A sparse hedgerow along the eastern roadside boundary provides a low degree of screening for the development. Tree planting is proposed to the northeastern corner of the appeal site; however, it is considered that the development would rely primarily on new landscaping for integration. This would require numerous growing seasons to provide any sufficient level of screening or enclosure to the site. The design of the building is considered inappropriate for the site and locality. It is considered that it fails to blend with the landform and is detrimental to the character prevalent in the surrounding area.
- 3.14 Furthermore, the development has also resulted in the unnecessary encroachment into the open countryside, eroding the rural character whilst not respecting the traditional settlement pattern exhibited in the surrounding area. None of the neighbouring properties have an extended curtilage located 190metres from the host property.
- 3.15 Therefore, the proposal is considered contrary to the policy provisions of Policies CTY13 and CTY14 of PPS 21.
- 3.16 The Department for Infrastructure Roads (DFI Roads) was consulted regarding the development proposal and responded with no objections subject to the Council's Planning Section being satisfied that intensification of use will not occur at the existing access. As discussed, the dwelling referred to by the Appellant as being their dwelling, has been sold. The appeal site has not been included in the sale. As such, it is considered that the proposal will operate as an independent unit, not in association with the dwelling at No. 28a Lislunna Road. Thereby, generating additional traffic movements and resulting in the intensification of use of the access. The proposal is therefore considered contrary to Policy AMP2 of PPS3.
- 3.17 Concerns have been raised by 3rd parties regarding the proposed tree planting on the northeastern corner of the site and the potential detrimental impact that this would have on the visibility splays and road safety. As outlined within the DFI response dated 27th September 2023, the existing vehicular access to the dwelling is sub-standard and measures should be taken to provide acceptable visibility splays. It is considered that the proposed planting, if implemented, may further reduce

visibility given the already restricted views from the access. Therefore, increasing road safety and traffic flow risk.

3.18 The Council has provided draft conditions on a without prejudice basis:

- Acknowledgement of retrospective nature of the development;
- Restriction of use; and
- Landscape management requirements including retention of existing nature boundary treatments.

4.0 3rd PARTY CASE

4.1 The proposal is contrary to PPS 21 in that the development is not a type identified in Policy CTY 1 as being acceptable in the countryside. The principle of development cannot be considered acceptable, and the decision of the Council in refusing planning permission should be upheld.

4.2 The development also fails to satisfy the requirements of Policies CTY13 and CTY 14 in that it is not designed to visually integrate with the surrounding landscape. Whilst the shed is designed to appear as a traditional agricultural building, the site of this and the extensive use of corrugated sheets as a form of fencing in extreme proximity to the public road means the development appears unduly prominent in the landscape and is visually intrusive when driving along the Lislunnan Road. The shed and fencing are also highly visible and prominent in the landscape from my property. Furthermore, the development is not sited in proximity to any other dwellings or existing buildings which would allow it to integrate sensitively with an existing group of buildings.

4.3 The boundary also partially contains 1.8metre high close boarded timber fencing, which replaced long standing, fruit bearing hedge. This type of boundary treatment is not typical in the rural countryside and again is out of keeping with the rural character. In the absence of the incongruous fencing, the site would lack long established natural boundaries and as such, a suitable degree of enclosure for the building would not be present to integrate the development into the landscape.

4.4 The location of the access has also created a serious road safety issue, with several near misses having taken place since the Appellant unlawfully developed the appeal site. The access to the appeal site is located close to the main access onto the Lislunnan Road. This main access serves two laneways and is used by several properties. The distance from the public road to the entrance to the appeal site means that vehicles turning left into the existing laneways have little appreciation of any vehicles emerging from the site. The access to the appeal site is also hidden by dense vegetation and hedgerows when approaching from No. 26 Lislunnan Road towards the public road, meaning that there is a risk of vehicles using the laneway colliding with those emerging from the site. The appeal site's access, and visibility associated within it is significantly reduced in both directions, the Appellant has limited appreciation for any vehicles (or young children who play in the laneway) coming up or travelling onto the lane from the public road.

- 4.5 It is noted that the annotation on the drawing states that this is to be used for the storage of cars and trailers during winter weather. If the access lane is impassable for the Appellant, it would be likely that driving conditions would be poor and stopping distances increased thus increasing the risk of collision between cars entering the lane and any emerging vehicle. Furthermore, periods of inclement weather, where vehicles experience difficulties travelling the local roads including the private lane, would normally be confined to short periods in this location.
- 4.6 I understand that the Appellant no longer lives at No. 28A Lislunnan Road, which forms part of this application site of “*extension of residential curtilage*”. However, the Appellant does own and control the lands at the mouth of the laneways, where it meets the road. There is a right of way across this aspect of the lane from the laneway which accesses No. 26 Lislunnan Road to the public road. However, the lack of ownership of No. 28A raises significant questions regarding the Appellant’s true intention for the use of this land given that the annotation suggests it is for the storage of cars and trailers when the laneway is impassable, and access cannot be gained to the house. If the Appellant no longer owns the house, there is no need or justification for the development.
- 4.7 In the DFI Roads response they advise that access will be unsafe where intensification will occur. On the understanding that the Appellant no longer resides at No. 28A Lislunnan Road, it stands to reason that intensification will occur with the Appellant’s comings and goings from the site for whatever purpose that may be. The Appellant is in the building trade and materials currently stored at the appeal site would suggest a commercial purpose. The commercial use of the appeal site goes against the very basis on which the Appellant submitted the retrospective application.
- 4.8 Furthermore, DFI Roads commented that the access was sub-standard. Even if it were the Appellant’s intention to park cars on the site for access to the dwelling during wintery weather, it is the case that because of this sub-standard access from the site to the road being the most severe in terms of gradient in the entire laneway which provides access to No. 28A, cars stored at this site would most likely not be successful in accessing the road under snowy or icy conditions. Having lived here for over 6 years, it is at this point of the laneway which serves this site where most cars have got stuck during snowy and icy conditions. This raises the question over the safety of this access point where children may be playing and where road traffic will be even greater because of commercial use of the appeal site.

5.0 APPELLANT’S CASE

- 5.1 No Statement of Case was submitted by or on behalf of the Appellant nor did the Appellant attend the accompanied site visit.

6.0 CONSIDERATION

- 6.1 The main issues in this appeal relate to whether the development:
- is acceptable in principle;
 - integrates into the countryside; and
 - prejudices road safety.

- 6.2 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 LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
- 6.3 The Antrim Area Plan 1984 – 2001 operates as the LDP for the area within which the appeal site lies. In that plan, the site is in the countryside. As the rural policies in the plan 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.
- 6.4 The SPPS sets out transitional arrangements that will operate until a Plan Strategy (PS) for the Council area is adopted. No Plan Strategy has been adopted for this Council area. During the transitional period, the SPPS retains certain Planning Policy Statements (PPSs) including PPS21 ‘Sustainable Development in the Countryside’ (PPS21) Planning Policy Statement 3 ‘Access, Movement and Parking’ (PPS3) and to Planning Policy Statement 7 (Addendum) ‘Residential Extensions and Alterations’ (PPS7A). It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. No conflict arises between the policy provisions of the SPPS, and the retained policy contained in the aforesaid PPSs in so far as it relates to the appeal proposal. Development Control Advice Note 15 ‘Vehicular Access Standards’ (DCAN15) is also a material consideration within the context of this appeal.
- 6.5 PPS 21 sets out planning policies for development in the countryside. Policy CTY1 ‘Development in the Countryside’ advises 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. Whilst the appeal proposal is not a type of development listed within CTY1 which, in principle, is acceptable, the policy states 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 settlement, or it is otherwise allocated for development in a development plan*”.
- 6.6 The appeal proposal is for the retrospective “*extension of residential curtilage and erection of a domestic shed*”. The curtilage to be extended is that of No. 28A Lislunna Road. The background papers to the appeal advise that the domestic shed will be used to store two cars and a trailer during adverse winter weather owing to the existing lane to No. 28A being impassable and will be used solely by the occupiers of that property.
- 6.7 As set out in its preamble, the addendum to PPS7A applies to all dwelling houses throughout the region, including single dwellings in the countryside. The evidence indicates that the subject dwelling, No. 28A Lislunna Road, has been sold off and this position has not been disputed by the Appellant. Consequently, PPS7A no longer applies as the appeal development cannot be considered as an extension to a dwelling. Even if PPS7A was engaged, it advocates that ancillary buildings should be designed as part of the overall layout to result in an integrated group of rural

buildings. The effect of the appeal development as a stand-alone facility would result in a detrimental change to the rural character of the area.

- 6.8 I now turn to the Appellant's justification for the appeal development. The two laneways, accessing properties off the Lislunnan Road slope downhill from the public road in a north easterly direction. These laneways, which are separated by dense hedgerows and trees, conjoin for a short distance before they rise to meet the Lislunnan Road. From my observations during my site visit, it was evident that the entrance to the appeal site, located along its northern boundary, is found almost entirely at the bottom of the descending slope of the existing access from the public road. Vehicles travelling along either of the laneways, towards the public road, would be traversing a moderate gradient and may encounter difficulties during winter weather due to the presence of ice and/or snow. However, these difficulties are likely to be more pronounced at the point where drivers are required to slow down on the sharper incline at the mouth of the existing access, before emerging onto the public road. With the entrance to the appeal site being located downhill of this slope, I am not persuaded that there would be any benefit in storing cars at the appeal site under winter conditions for the purposes of avoiding problems trying to gain access to the public road.
- 6.9 Conversely, when travelling from the Lislunnan Road along the laneways towards the dwellings, the most difficult terrain to negotiate in winter weather is likely to be found at the junction of the mouth of the existing access from the public road. The location of the entrance to the appeal site, and the drop in topography between it and the public road, would not provide an improvement to this situation with vehicles negotiating, not only the abrupt change in topography between the road and the mouth of the existing access, but also being required to manoeuvre precipitously to enter the appeal site at the bottom of the slope associated with this access. Consequently, I am not persuaded that the development of the appeal site and the shed therein, to store two cars and a trailer, during periods of inclement winter weather, wherein the route to the host dwelling may present as unpassable, will improve the current situation.
- 6.10 Both the Council and 3rd party, within their respective evidence, advise that any inclement weather which would affect vehicle movements along both laneways is typically short in duration and any inconvenience caused by potential adverse winter weather in this regard would be for a relatively limited period. From my site visit, I consider that there is sufficient space at the existing access point, as well as along the laneway to No. 28A, to temporarily park two cars and a trailer if difficulties arose during periods of inclement winter weather. Thus, I consider that the proposed development is not essential at this location in the countryside to address a short-lived inconvenience during the winter months.
- 6.11 Even if No. 28A is still under the control of the Appellant, and notwithstanding that some domestic fittings are present within the shed and the scale and size of the same being akin to that of a large domestic garage, given the degree of separation from the dwelling and my onsite observations, the remaining types and quantities of materials being stored within the shed and on site, which include PVC doors, windows, sawhorse and other construction equipment and supplies, would suggest that the site is being used for a purpose other than that which has been applied for and beyond the domestic use typically associated with a dwelling. Therefore, no

persuasive evidence has been provided, nor observed during my site visit, that the appeal site is to be used solely for the stowage of domestic cars and a trailer during periods of inclement winter weather. Indeed, as I observed, it appears that the appeal site is being used largely for the storage of a collection of mainly nondomestic items. Thus, for the reasons outlined above, I am reinforced in my opinion that the proposal is not a bona fide domestic extension to the curtilage of No. 28A Lislunnan Road, nor that the appeal site, including the shed within it, is being used exclusively to store two cars and a trailer during periods of inclement weather throughout the winter months.

- 6.12 Given my above reasoning, on the evidence supplied by the Council and the 3rd party to the appeal, it has been demonstrated that the proposal is not essential in the countryside and the material considerations presented do not convince me otherwise. The Council's first reason for refusal, pursuant to Policy CTY1 of PPS21, is sustained.
- 6.13 Policy CTY13 'Integration and Design of Buildings in the Countryside' states that "planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design". Policy CTY14 'Rural Character' advises 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. Both policies provide lists of criteria under which a new building will be acceptable.
- 6.14 Criterion (a) of both Policies CTY13 and CTY14 advise that, in the countryside, a new building will be unacceptable where it is a prominent feature in the landscape. Criterion (b) of CTY13 advises that the building will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Furthermore, criteria (c), (e) and (f) of CTY13 advise that it will be unacceptable if the building relies primarily on the use of new landscaping for integration or its design is inappropriate for the site and its locality or it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, respectively.
- 6.15 Taking account of the viewpoint analysis provided by the Council, from my own onsite observations while travelling in either direction along the Lislunnan Road towards the site, given the topography of and the mature vegetation enclosing the appeal site, the appeal development is not conspicuous in the landscape and is first discernible once you are close to the site, almost passing it along the public road, in either direction. The appeal site, including the shed, is largely enclosed on all sides by existing hedgerows, trees, and synthetic boundary treatments including black painted corrugated metal fencing. However, the positioning of the black corrugated fencings, which is fixed at a lower level than Lislunnan Road, along the inner eastern and southern boundaries of the site means that this fencing detail is largely screened from the public road by the existing roadside-level hedgerows and trees found along these boundaries. A small proportion of the black corrugated fencing protrudes above these existing natural boundaries, but not to an extent that it the fencing detail, even during winter months where the foliage may be reduced, is a prominent feature in the landscape.

- 6.16 At the time of my site visit, whilst wooden upright posts were in place, close boarded fencing was not found along any part of the western boundary. A short section of the northern boundary, either side of the gate at the entrance to the appeal site, is enclosed by a close boarded wooden fence c. 1.8 metres in height. This boundary can only be viewed when driving from the north, along the Lislunnan Road, towards the appeal site. From this location, the trees and tall hedgerows found along the northern boundary of the appeal site are the predominant features of this border. It is not until you are at the point where the access to the laneways meets the public road that you get a clear view of the entrance to the appeal site and the short section of fencing detail associated with the same. I do not consider the fencing detail found along a short section of the northern boundary to be a prominent feature in the landscape. I acknowledge the 3rd parties concerns regarding the rural character of the area and the employment of both types of fencing enclosing the appeal site which they consider is out of keeping in this type of area. Whilst I am not persuaded that the use of close boarded fencing, under 2 metres, over short distances along boundaries is out of keeping or would impact on the rural character in this case, the use of corrugated metal fencing at a height of some 2.7 metres could be considered as an uncharacteristic rural boundary treatment. Notwithstanding this, as discussed above, this synthetic boundary treatment, by virtue of its footing on the surface of the appeal site, which is topographically lower than that of the public road, coupled with the existing natural boundary treatments along the sites eastern and southern borders, means that this fencing detail is not a prominent feature in the landscape.
- 6.17 I note the 3rd party's comments regarding the view of the site from his property. Whilst this is not a public viewpoint, the western boundary of the appeal site, which faces the 3rd party's property, is largely defined by mature hedgerows. The appeal site and the shed are largely secreted by this boundary detail but also by virtue of the distance between it and the 3rd party's property. Therefore, as I have found that the fencing details along the eastern, southern, and northern boundaries of the appeal site are not prominent features in the landscape criterion (a) of Policies CTY 13 and CTY14 are not offended.
- 6.18 As discussed above, the appeal site is enclosed on all sides by both established natural boundaries and additional fencing details. Due to these boundary treatments, the building within the appeal site is largely hidden from views along the Lislunnan Road. The boundary treatments provide a suitable degree of enclosure for the appeal site allowing it to integrate into the landscape. Whilst some additional landscaping in the northeastern corner of the site is proposed, I consider from my site visit that the appeal site is largely enclosed by existing natural boundary treatments and does not rely primarily on the use of new landscaping for integration. Whilst the Council has objected under criterion (e) they have not substantiated their reasons for this. The building is sited in the south-eastern corner of the appeal site and is concealed by the aforementioned boundary treatments. As such and due also to the building's proportions, massing and siting, its design is not dominant or incongruent in the local landscape. I find the design of the building appropriate for the site and its locality and it blends with the landform. Therefore, for the reasoning set out above, I find that criteria (b), (c), (e) and (f) of Policy CTY13 are not offended. Thus, the Council's second reason for refusal, in so far as it relates to Policy CTY13 is not sustained.

- 6.19 Criterion (c) of Policy CTY14 advises that a new building will be unacceptable where it does not respect the traditional pattern of settlement exhibited in that area. I note that, criterion (c) of Policy CTY14 refers to the traditional pattern of development in terms of disposition and visual appearance of the land and buildings in the locality of the proposed development.
- 6.20 Although I have found that the appeal building is not a prominent feature in the landscape and has a suitable degree of enclosure to allow it to adequately integrate into the landscape, the fact that it is removed from the dwelling at No. 28A means that it does not reflect the traditional pattern of settlement exhibited in the area. To that extent it results in a detrimental change to the rural character of the surrounding area. Thus, for the reason outlined above, I find that criterion (c) of Policy CTY14 has not been met and the Council's second reason for refusal is sustained insofar as specified.
- 6.21 Policy AMP2 'Access to Public Roads' of PPS3, as revised in February 2005, states that "*planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where (a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and (b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes*". The appeal development is not accessed via a protected route; thus, the second criterion is not engaged.
- 6.22 Whilst there is no direct access from the appeal site onto the public road, I acknowledge the concerns raised by the Council and the 3rd party regarding the intensification of use. The Council, following consultation with the Department for Infrastructure (DFI Roads), were advised that DFI Roads had no objections subject to the Council being satisfied that intensification of use will not occur at the existing access. I note that paragraph 5.16 of the justification and amplification of Policy AMP 2, references Development Control Advice Note 15 'Vehicular Access Standards', 2nd Edition (1999) (DCAN15) regarding, inter alia, the intensified use of an existing access onto existing public roads. DCAN15 advises that intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more.
- 6.23 Both parties to the appeal have advised that, by virtue of the appeal site not being used for domestic purposes in association with No. 28A Lislunnan Road and instead being used for other purposes, intensification will occur. Whilst I have found that the appeal site, including the shed within it, is not being used exclusively to store two cars and a trailer during periods of inclement weather throughout the winter months, I have not been furnished with any evidence that an alternative use, beyond that which has been applied for, would increase the flow of traffic using the existing access by 5% or more. Other than my site visit, wherein I witnessed no traffic movements associated with the site, I have not been provided with any persuasive evidence, by either party, of tangible or likely intensification associated with the appeal site, including information regarding existing vehicular activity associated with all those properties which utilise the access and laneways daily.
- 6.24 I acknowledge the concerns of the 3rd party regarding vehicle movements approaching the laneways from the public road and their own experiences, including the activities of children using the laneway, as they approach the entrance to the

appeal site from their property. The matters, as raised, concern traffic movements of those parties using the private lane, and the vehicular movements associated with access to the appeal site which is taken from it. I noted earlier that each laneway is separated by mature vegetation, and there is little or no appreciation, from one lane to the other, of vehicle movements or activities taking place along them. However, other than anecdotal information, I have not been provided with any cogent evidence that, pursuant to prevailing policy, the vehicular movements associated with the appeal site prejudice road safety or will significantly inconvenience the flow of traffic. Furthermore, I note that the location of the proposed landscape planting is confined to lands which are behind the extant visibility splays associated with the access onto the public road. Therefore, I consider that, if planning permission was to be forthcoming, the proposed planting in this location would not prejudice road safety. The access arrangements from the public road are extant and quantifiable, and have I been given no substantive evidence to demonstrate that, pursuant to Policy AMP2 of PPS 3, the appeal development would prejudice road safety or significantly inconvenience the flow of traffic along the public road or result in intensification of use of the access. Therefore, for the reasoning provided above, the Council’s third reason for refusal is not sustained.

6.25 Nevertheless, for the reasons stated above, the appeal proposal is contrary to Policies CTY1 and CTY14 of PPS21 and the related provisions of the SPPS. The Council’s first and second reasons for refusal have been sustained, so far as stated, and are determining in this appeal.

7.0 RECOMMENDATION

7.1 I recommend to the Commission that the appeal be dismissed.

7.2 This recommendation relates to the following drawings: -

Drawing No.	Title	Scale	Date
Drg. No. 01	Location Map	1:2500	Received 26 th June 2023
Drg. No. 02	Site Plan	1:500	Received 26 th June 2023
Drg. No. 03	Plan and Elevations	1:100	Received 26 th June 2023

List of Appearances

Planning Authority: - Mr Gareth McShane, Antrim and Newtownabbey Borough Council.
Mr Harry Russell, Antrim and Newtownabbey Borough Council.

3rd party: - Mr Michael McNeill.

List of Documents

Planning Authority: - Statement of Case on behalf of Antrim and Newtownabbey Borough Council.

3rd party: - Statement of Case submitted by Mr M McNeill.

