

PLANNING APPEALS COMMISSION

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

2023/A0098

Appeal by Maria Dougan

against the refusal of outline planning permission for 2 No. Dwellings and Garages

at

**30m North East of 98 Craigstown Road, Randalstown (between No. 98 and No. 102
Craigstown Road, Randalstown).**

Report

by

Commissioner Gareth McCallion

Planning Authority Reference: LA03/2023/0602/O

**Procedure: Written Representations and Accompanied Site Visit held on 19th
June 2024**

Report Date: 3rd October 2024

1.0 BACKGROUND

1.1. Antrim and Newtownabbey Borough Council (the Council) received the planning application on 3rd August 2023. By notice dated 24th November 2023 the Council refused permission giving the following reasons: -

1. **The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policy CTY 1 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 within the Strategic Planning Policy Statement and fails to meet the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap within an otherwise substantial and continuously built up frontage.**
3. **The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, will result in a ribbon of development, resulting in a suburban style build up of development when viewed with the existing buildings along the Craigstown Road.**

1.2. The Commission received the appeal on 19th January 2024 and advertised it in the local press on 31st January 2024. No representations were received from third parties.

2.0 SITE AND SURROUNDINGS

2.1 The appeal site is located in the countryside on lands between the dwellings of Nos. 98 and 102 Craigstown Road. Access to it is taken directly off the Craigstown Road via an agricultural gate. The appeal site is largely made up of grassland, although there is a mix of scrub and saplings present throughout, with a belt of semi mature woodland planting and a post and wire fence located along the southeastern facing boundary, running alongside the public road.

2.2 The appeal site's southwestern boundary is undefined. Looking southwest, and a short distance from the appeal site, is the boundary of No. 98 Craigstown Road. This boundary is demarcated by a post and wire fence with scrub and large trees growing beyond the fencing. The northwestern boundary of the appeal site is undefined and some distance beyond the site is a mature woodland. The northeastern boundary of the appeal site is also undefined. A short distance to the northeast of the appeal site is the southwestern boundary for No. 102 Craigstown Road which is largely defined by a post and wire fence with various shrubs and trees interposed beyond the fencing.

2.3 The dwelling of No. 102 Craigstown Road is a single storey red brick building. This dwelling is set back some distance from the public road and there are no ancillary

buildings found within the curtilage of this property. The dwelling at No. 98 Craigstown Road is a two-storey building. It has a grey rendered finish and is sited close to the public road. A driveway and hardstanding parking area are found to the south of the dwelling. On the dwelling's northside is a modest garden area. This private amenity space is enclosed by mature hedgerows and trees along its northern and eastern boundaries. In the northwest corner of the garden and to the rear of No.98 is a single storey outbuilding (which the Appellant refers to as a garage). There is a wooden shed sited beyond this building and a caravan is also located directly beside the wooden shed, abutting the shed's southwestern gable. The shed and caravan are enclosed by a mixture of both close boarded and a post and wire fencing. Access to these structures is via a gateway in the fencing found at the rear of No. 98 Craigstown Road, to the south of the outbuilding.

- 2.4 The area surrounding the appeal site is open countryside, largely in agricultural use comprising of farms and associated farm buildings, dispersed rural housing and woodland.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 There are three reasons for refusal. They relate to the principle of development, that the proposal is not compliant with policy and would result in the erosion of rural character respectively.
- 3.2 Policy CTY 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) sets out a range of types of development which, in principle, are acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that the development of a small gap site within an otherwise substantial and continuously built-up frontage is a type of acceptable development in accordance with Policy CTY 8 of PPS21.
- 3.3 Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it does state that an exception will be permitted for the development of a small gap site, sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, provided it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations.
- 3.4 Policy CTY8 defines a substantial and continuously built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear. In this case, the appeal site comprises a gap between the dwellings at Nos. 98 and 102 Craigstown Road. It is accepted that both dwellings display frontage onto the Craigstown Road.
- 3.5 During the processing of the planning application, the Appellant confirmed that they considered the built up frontage to consist of the dwelling at No. 98 Craigstown Road, the sheds adjacent to No. 98 Craigstown Road and the dwelling at No. 102 Craigstown Road.
- 3.6 The 'sheds' comprise a wooden shed and a static caravan. These are located some 20 metres to the rear of the main dwelling at No. 98 Craigstown Road. Neither of

these buildings appear to benefit from the grant of planning permission and both are sited beyond a wooden fence and outside the physically defined curtilage of No. 98 Craigstown Road. Despite being located beyond the physical curtilage of No. 98 Craigstown Road, these buildings could be considered as accompanying development to the rear of that property. The policy states that “*a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear*”. Given their location, to the rear of No. 98 Craigstown Road and the mature roadside vegetation associated with this property, there are no direct public views of either of the buildings from the road. It is deemed that these buildings do not possess their own road frontage nor is there planning permission or a legal certificate which establishes whether the buildings are lawful. The Council maintains that for these reasons the appeal site does not represent a gap within an otherwise substantial and continuously built up frontage. Furthermore, contrary to the Appellant’s advice, these buildings are not visually linked and are predominantly screened by existing vegetation.

- 3.7 Therefore, it is contended that there are only two buildings (Nos. 98 and 102 Craigstown Road) that have a frontage to the road. There is no substantial and continuously built up frontage and subsequently no ‘gap site’ exists. As such the proposal does not comply with Policy CTY8.
- 3.8 Given that there is no evidence to suggest that the proposal falls to be considered under any other policy within PPS21, the appeal proposal is also considered to be contrary to Policy CTY1. Accordingly, there are no reasons why the development is essential in the rural location and could not be located within an existing settlement.
- 3.9 The proposal will have a detrimental impact on the rural character of the area due to the creation of a ribbon of development resulting in a suburban style build up. Policy CTY14 of PPS21 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. Criterion (d) of CTY14 indicates that a new building will be unacceptable where it creates or adds to a ribbon of development.
- 3.10 The appeal site currently provides a visual break along the roadside and it is considered that the infilling of this vegetated gap along the road frontage of the Craigstown Road would create a linear form of development extending from and consisting of No. 98 Craigstown Road in the southwest, the appeal site and No. 102 Craigstown Road in the northeast. The creation of a ribbon of development is contrary to policy and should be resisted.
- 3.11 The infilling of the visual break between Nos. 98 and 102 Craigstown Road would also result in an unnecessary suburban style build up of development in this rural area. Both the suburban style build up and the creation of ribbon development would have a detrimental impact on the existing rural character of the area and, therefore, the proposal is considered to be contrary to Policy CTY14.
- 3.12 There are no concerns regarding residential amenity and the proposal has not been refused on residential or neighbour amenity issues. Although lacking any defined boundaries or immediate enclosure, the large expanse of mature trees located on slightly elevated lands to the rear of the appeal site, although spatially removed from

the same, provide a visual backdrop that would allow for the integration of two appropriate designed dwellings.

3.13 If the Commission is of the opinion to approve, draft conditions are provided on a without prejudice basis:

- Time Limits;
- Details of design, siting, and external appearance;
- Site survey and access arrangements;
- Existing ground levels, finished floor levels and under-build levels;
- Ridge height of 5.5 metres above finished floor level; and
- Landscape, screening and programme of works.

4.0 APPELLANT'S CASE

4.1 The proposals are for 2 No. dwellings and garages to be constructed within a substantially built up frontage.

4.2 Policy CTY8 of PPS21 states that building *sited back, staggered or at angles with gaps between* them can still represent ribbon development, if they have a common frontage or they are visually linked (Appellant's emphasis). Even though the buildings are not sited in a row there is still visual linkage between the buildings and they have a common frontage to the road.

4.3 The garage, located within the curtilage of No. 98 has a door within the southern elevation, which abuts the garden area which extends to the road. A fence, which has been erected, extending from the garage's southern gable wall, is there to prevent livestock from entering the garden. Nevertheless, the garage shares a common frontage with No. 98. Whilst the vegetation at this time of the year may pose some difficulties, the properties of Nos. 98 and 102 Craigstown Road are all visibly linked from a viewpoint to the north of the appeal site and that of 102 Craigstown Road.

4.4 To the rear of the dwelling at No. 98 Craigstown Road and directly behind the garage found within its curtilage there is a wooden shed and caravan. These structures are cordoned off by post and wire fence from the host field beyond, to protect the properties from livestock. Whilst it is acknowledged that the caravan does not form part of the consideration as it is a temporary structure, these structures are within the curtilage of No. 98 Craigstown Road and are accessed via that property. It is contended that, the built up frontage consists of the dwelling at No. 98 Craigstown Road, the garage building to the rear of this dwelling, the large shed behind the garage associated with No. 98, and the dwelling at No. 102 Craigstown Road.

4.5 The site is large enough to accommodate 2 No. dwellings and garages without adversely affecting the residential amenity of the existing residents. Access to the proposed sites would be via a proposed new paired access onto the road with visibility splays to the satisfaction of Department for Infrastructure (DFI). The privacy and amenity of the existing residents of the neighbouring properties would not be significantly affected due to the topography and existing mature vegetation.

- 4.6 The site boundaries are defined by *mature* hedging and tree planting (Appellant's emphasis). All existing boundary vegetation is to be retained and augmented unless it requires to be clipped or removed for the purposes of providing access and visibility splays. The existing boundary treatments provide a suitable degree of enclosure and will permit the dwellings to be integrated into the local landscape. A new boundary hedge and tree planting between the two plots will be planted which will also permit integration. Any additional planting will only add to the existing high degree of enclosure.
- 4.7 It is contended that the proposal complies with the criteria of CTY8 of PPS21 in that the proposal is within a small gap sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage. The proposal respects the existing pattern of development along the Craigstown Road in terms of size, scale, siting and plot sizes and that it meets other planning and environmental requirements.

5.0 CONSIDERATION

- 5.1 The main issues in this appeal relate to whether the proposal would be acceptable in principle in the countryside and would adversely impact on rural character.
- 5.2 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 Local Development Plan (LDP), the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3 The Antrim Area Plan 1984 – 2001 (AAP) operates as the relevant LDP for the area within which the appeal site is located. Within it, the appeal site is in the countryside. As the rural policies in the AAP 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.
- 5.4 The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as the local Council adopts a Plan Strategy (PS). No PS has been adopted for this Council area. The SPPS retains certain existing Planning Policy Statements (PPS) including Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). No conflict arises between the policy provisions of the SPPS and the retained policy held in PPS21 in so far as it relates to the appeal proposal. Therefore, in accordance with the transitional arrangements, the appeal should be determined in line with the retained policies of PPS21.
- 5.5 Policy CTY 1 'Development in the Countryside' of PPS21 indicates that there are types of development which are acceptable in principle in the countryside. One such type, is the development of a small gap site within a substantially and continuously built up frontage in line with Policy CTY8. Policy CTY 8 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY 8 states that an exception will be permitted for

the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

- 5.6 Policy CTY8 defines a substantial and built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear. The Appellant and the Council have both advised that the dwellings of Nos. 98 and 102 have frontage onto the Craigstown Road. However, in this case there is a dispute as to whether the buildings, comprising a garage and a shed associated with No. 98, contribute to the substantial and continuously built up frontage in accordance with the exception to Policy CTY8.
- 5.7 Whilst a uniform building line is not a requirement of the policy, what is essential is that there is a series of buildings extending in a linear fashion along the road. In this case, the garage and shed are both found to the rear of the dwelling at No. 98 Craigstown Road. The shed is also enclosed on all sides by fencing and access is taken via a gateway within the western boundary of No. 98. Furthermore, I have not been provided with any persuasive evidence regarding the shed's lawfulness. Nevertheless, given its position and that of the garage, behind the host frontage dwelling, neither can be counted as qualifying buildings for the purposes of defining a substantial and continuously built up frontage. As such, within the evidential context provided, there are only two qualifying buildings, namely Nos. 98 and 102 Craigstown Road. Thus, the appeal site does not lie within a substantial and continuously built up frontage and the proposal does not meet the exception pursuant to Policy CTY8 of PPS21. Given the above, no infill opportunity arises in line with Policy CTY8. For the avoidance of doubt, and whilst academic to my overall conclusion, No. 102 does not actually have frontage to the road despite the party's position on this because its plot does not abut or share a boundary with the road but joins it only via its access. In line with previous Commission decisions, an access alone does not constitute frontage to the road.
- 5.8 Policy CTY14 'Rural Character' 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. The policy sets out several criteria wherein a new building in the countryside will be unacceptable. Criteria b) and d) of Policy CTY 14 relates to suburban style build up and ribbon development respectively.
- 5.9 The development of the appeal proposal would create a ribbon of development with No. 98 and 102 Craigstown Road, with the proposals having a common frontage with No. 98 and being visual linked with both Nos 98 and 102. For the same reasons, and reinforced by the appeal site's paired access arrangements, the proposal would lead to a suburban style build. Thus, for the reasoning provided above, I find that the proposal does not meet with criteria b) and d) of Policy CTY14 and the Council's third reason for refusal is sustained. Given the development does not meet with Policy CTY8, the principle of development in the countryside has not been established. No overriding reasons have been presented as to why the development is essential and could not be located in a settlement. Therefore, the proposal is contrary to Policy CTY1 of PPS21.

5.10 For the reasons stated above, the appeal proposal is contrary to Policies CTY 1, CTY 8 and CTY 14 and the related provisions of the SPPS. The Council's first, second and third reasons for refusal have been sustained.

6.0 RECOMMENDATION

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

6.2 This recommendation relates to the following drawing: -

Drawing No.	Title	Scale	Date
Drg No. 3323-1	Location Map	1:2500	Received by Council 3 rd August 2023

List of Appearances

Planning Authority: - Ms A Tipping, Antrim and Newtownabbey Borough Council.

Appellant: - Ms M Dougan, Appellant.
Mr N McKernan, Agent, Joseph E McKernan and Son.

List of Documents

Planning Authority: - Statement of Case, Antrim and Newtownabbey Borough Council.
Rebuttal Comments, Antrim and Newtownabbey Borough Council.

Appellant: - Statement of Case, Joseph E McKernan and Son.

