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| Appeal Reference: | 2023/A0116 |
| Appeal by: | Mr Thomas Mullen |
| Appeal against: | The refusal of outline planning permission |
| Proposed Development: | Site for a farm dwelling and detached garage |
| Location: | 70m south west of 11 Aughantarragh Road, Ballymartrim, Armagh |
| Planning Authority: | Armagh City, Banbridge and Craigavon Borough Council |
| Application Reference: | LA08/2023/2738/O |
| Procedure: | Written Representations with commissioner site visit on 6 th August 2024 |
| Decision by: | Commissioner Carrie McDonagh, dated 9 th August 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 would visually integrate into its surroundings.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an application, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that regard must be had to the LDP unless material considerations indicate otherwise. The Armagh Area Plan 2004 operates as the local development plan for the area. The site is located outside of any settlement limit in the countryside and there are no operational planning policies for the type of development proposed in the plan. The provisions of regional policy for residential development in the countryside is discussed below.
4. In accordance with the transitional arrangements as set out in the Strategic Planning Policy Statement (SPPS) and as there are no conflicts with regional policy on those issues relevant to the appeal proposal, Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) provides the relevant planning policy context.
5. Policy CTY 1 of PPS21 is titled 'Development in the Countryside'. It lists a range of types of development which, in principle, are acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for residential development in the countryside in specific

circumstances. One of these allows for a dwelling on a farm in accordance with Policy CTY 10 “Dwellings on Farms”.

6. Under Policy CTY 10, planning permission will be granted for a dwelling house on a farm where three criteria are met. The Council argues that the proposal does not comply with criterion (c). This requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons: or verifiable plans to expand the farm business at the existing building group.
7. The established group of buildings on the farm comprise of the appellant’s dwelling at 11 Aughantarragh Road, and “outbuildings” to its north. The dwelling and garage face the road, enclosed behind a wooden picket fence and accessed from the north-western corner. A single storey, white rendered building is set back behind a concrete verge. It is in two parts. The southern section closest the dwelling has its gable end to the road and the northern section has access via a stone porch which fronts the roadside. To the north, a large vehicular access, with grey gates, leads to a yard area enclosed by the road front building and a larger open fronted shed behind. These buildings lie to the east of the appeal site, on the opposite side of the Aughantarragh Road.
8. The 0.24h appeal site comprises a portion of a larger roadside agricultural field. The topography of the field falls away from the road in a westerly direction. The southern field boundary comprises of mature trees and hedgerows along its length, with a strong hedge forming the fields eastern roadside boundary. The proposed site is in the southern section of the field approximately midway along its length. The proposed access runs along the southern boundary and slopes downward from the road for approximately 37m. In a “flag type arrangement” the proposed dwelling and its curtilage would be set back from the road with an intervening portion of the field between. Apart from the southern boundary, the remaining site boundaries are undefined.
9. The policy test before me mainly deals with visually linkage and clustering as detailed above. Paragraph 5.41 of the justification and amplification to the policy indicates that to help minimise impact on the character and appearance of the landscape, farm dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, to read as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.
10. The Council identified three critical views of the proposal along the Aughantarragh Road: on approach from the south, from the north and from the northwest from a section of the road, also known as Corr Hill Lane. The proposal would not visually link or cluster with the existing buildings on the farm on approach from the south due to the strong roadside hedge, the alignment of the road and the topography, which obscures views of the field in which the appeal site is located. The trees along the southern boundary also screen views towards

the appeal site. A separate group of roadside buildings, to the south of the appeal site, further contribute to its screening and thus the proposal.

11. On approach from the north, the views of the farm buildings are short range due to the rising land, the road alignment and their set back from the road, combined with the height and position of No. 15 Aughantarragh Road. Any visual linkage or indeed clustering would be tenuous at best due to the proximity to the appellant's dwelling (53m) and location of the proposed access opposite their garden. However, the roadside hedge, topography and proposed set back in the field means there would be clear appreciation of the physical separation between the proposal and the buildings on the farm opposite.
12. In respect of the view towards the appeal site from the northwest section of Aughantarragh Road (Corr Hill Lane), depicted in a long-distance photograph presented by the appellant, it shows a panoramic view towards the linear row of buildings on the eastern side of the road. I agree that from this elevated position the proposal would read with the farm buildings behind. However, a portion of the agricultural field remaining between the appeal site and the road highlights the physical separation between the proposal and the buildings on the farm, contrary to the policy requirement. The appellant's clarification of the separation distances involved does not undermine the overall visual assessment which I have found to weigh against the proposal for the reasons given.
13. The proposed access arrangement does not utilise an existing lane, as required under Policy CTY 10. Nevertheless, I agree with the appellant that the policy references to "where practicable" indicates that there is no absolute requirement for a new dwelling on a farm to take access from an existing lane. Failure to do so is not a sole reason to reject a proposal.
14. Policy CTY 10 criterion (c) also contains a provision for an exception as outlined above in paragraph 6. The Council have suggested two alternative sites which 'group' with the buildings on the farm, one to the rear (east) of the farm buildings within field 038/1 and the second, within the northwestern section of the field in which the appeal site is located. The appellant did not engage with this part of the policy or provide any persuasive evidence to demonstrate why either site was not available to accord with the exceptional clause of the policy. Accordingly, the proposal fails criterion (c) as a dwelling sited on the appeal site would not visually link or cluster with an established group of buildings on the farm. Furthermore, the appeal development does not meet the policy when read as a whole for the reasons given. The proposal is therefore contrary to Policy CTY 10.
15. 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. The Council also argue that the proposal is contrary to criterion (g) of Policy CTY 13 "Integration and Design of Buildings in the Countryside". It states that a proposed dwelling on a farm will be unacceptable where it is not visually linked or sited to cluster with an established group of buildings on a farm and reiterates the locational requirements of Policy CTY 10 which aim to minimise the impact of development on visual amenity. I have already concluded on this matter above. Accordingly, the Council has sustained its second reason for refusal based upon Policy CTY 13 of PPS 21.

16. Policy CTY 1 of PPS 21 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. As no overriding reasons were advanced in the appeal to demonstrate why the development is essential, the proposal is not acceptable in principle in the countryside. The Council's first refusal reason is sustained.
17. As both reasons for refusal have been sustained, the appeal must fail.

This decision is based on:

Drawing 01 "Location Site Plan" at 1:2500 scale, dated 14.8. 2023.

COMMISSIONER CARRIE MCDONAGH

List of Documents

Planning Authority: - Armagh, City, Banbridge and Craigavon Borough Council

“A1” Statement of Case
“A2” Rebuttal Comments

Appellant: - Armagh Design Ltd on behalf of Thomas Mullen

“B1” Statement of Case
“B2” Rebuttal Comments