

PLANNING APPEALS COMMISSION

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

**Appeal by Peter Knight
against the refusal of outline planning permission for a detached dwelling and
associated siteworks
on lands approximately 40m north of 194 Church Road, Holywood**

**Report
by**

Commissioner Rachel Taylor

Planning Authority Reference: LA06/2021/1493/O

Procedure: Informal Hearing on 8th August 2024

Report Date: 9th September 2024

1.0 **BACKGROUND**

1.1 Ards and North Down Borough Council received the application for planning permission on 23rd December 2021. By notice dated 21st December 2023 the Council refused permission giving the following reasons: -

1. **The proposal is contrary to the SPPS 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 SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long-term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of the case.**
3. **The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not constitute a small gap sufficient only to accommodate a maximum of two houses within an otherwise substantial and continuously built up frontage, and would, if permitted result in the creation of ribbon development along Church Road.**
4. **The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, would be unable to provide a suitable degree of enclosure for any building to integrate into the landscape and relies upon the use of new landscaping for integration.**
5. **The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted further erode the character of the area due to a build-up of development and create a ribbon of development.**

1.2 The Commission received the appeal on 5th April 2024 and advertised it in the local press on 18th April 2024. The Council forwarded one letter of support which was received with the application.

2.0 **SITE AND SURROUNDINGS**

2.1 The site is located on lands some 40 metres (m) north of the dwelling at No. 194 Church Road, Holywood. It is irregular in shape and forms part of a larger agricultural field.

2.2 The site is approximately level with the road at its western side and falls gently in an easterly direction. The western (roadside boundary) consists of a timber ranch fence and some sporadic hawthorn bushes. The northern and eastern (rear) boundaries consist of post and wire fencing. The southern boundary is partly undefined but

follows the line of a horse paddock associated with No. 194 which is defined by ranch fencing until it adjoins the road.

- 2.3 To the north of the site is a further agricultural field and an access lane to No. 192a Church Road, beyond which are two dwellings and outbuildings associated with Nos 190 and 192 Church Road. To the south of the site is No. 194 and its associated outbuildings. No 194 is a large detached split level dwelling set in extensive gardens with an access to the south west of the dwelling. Within its curtilage, there is a large mono-pitched roof outbuilding, and a pitched roof timber building containing four stables. There is also a gazebo and a secondary access to the property onto Church Road. To the north of the outbuilding, is a square shaped horse paddock.
- 2.4 The surrounding land use is primarily agricultural interspersed with single dwellings.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The North Down and Ards Area Plan 1984-1995 (NDAAP) remains the statutory adopted plan for this area and the draft Belfast Metropolitan Area Plan 2015 remains a material consideration. The appeal site is in the countryside, outside any settlement designated in both the extant and draft plans.
- 3.2 There are inconsistencies in the scale of the site location plan. It is not considered to be 'up to date' as to the north of the application site there are several buildings not shown on the plan. Accordingly, reliance has been placed on our own Orthophotography/GIS Mapping System for measurements.
- 3.3 The ownership information was taken in good faith but given the updated position we are content that the owner is aware of the application and appeal and that no prejudice would be caused by correcting the certificate.
- 3.4 The appeal site is located on the eastern side of the public road and immediately adjacent to an outbuilding which is within the domestic curtilage of No. 194 Church Road. The site is a relatively flat piece of land bounded by a post and wire fence on the north side. The roadside boundary is defined by a timber fence and some intermittent hedging. The site is open to view on approach from either direction.
- 3.5 Access to the application site would be via the existing access to No. 194 Church Road. The land sits at a similar level to the road. There are no hazards or constraints in this area. Outline permission is sought under Policy CTY6 of PPS 21 for a detached dwelling and associated site works.
- 3.6 Policy CTY1 of PPS 21 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.
- 3.7 Policy CTY6 of PPS 21 states that planning permission will be granted for a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicant's personal or domestic circumstances, and providing criteria (a) and (b) are met. Criterion (a) requires the applicant to provide satisfactory evidence that the new dwelling is a necessary response to the particular circumstances of the case and that genuine

hardship would be caused if planning permission were refused. Criterion (b) requires that no alternative solutions to a new dwelling exist; in this respect the policy refers to the provision of an extension or annex to the existing dwelling, or a temporary mobile home to deal with short term circumstances.

- 3.8 The bar set by Policy CTY6 is extremely high in that reasons need to be compelling and site-specific to demonstrate that genuine hardship would be caused if permission were to be refused. The onus is on the applicant to demonstrate that both criteria (a) and (b) of the policy are satisfied. In a letter dated 25th July 2022 and an e-mail dated 3rd August 2023, the applicant explained that he urgently requires a future home for himself and his daughter who requires 24-hour care. Medical evidence has been provided from Belfast Health and Social Care Trust in the form of patient review which provides details of clinics attended. No further medical evidence was provided.
- 3.9 In terms of the current circumstances, the appellant advised that he is unable to have his daughter stay with him in his rented property as she is now in a full-sized wheelchair that does not fit through some internal doors. At present, he is not the primary carer for his daughter (who resides with her mother) but he seeks to provide respite care at weekends to help. Now that his daughter has turned 18, she is no longer entitled to the fortnightly respite care provided for children and he is looking into obtaining adult respite care but is struggling to find a place for her. No evidence has been submitted to demonstrate this has occurred.
- 3.10 Policy CTY6 requires site specific reasons to be demonstrated on the grounds of personal or domestic circumstances. The site is located adjacent to No. 194 Church Road where the appellant's parent resides. However, no other reasons have been put forward by the applicant as to why it is essential that his new residence must be located at this specific site or how genuine hardship would arise.
- 3.11 The policy also requires the applicant to demonstrate that no alternative solutions to a new dwelling in the countryside exist. While it is noted that the applicant currently lives in rented accommodation, and that he is restricted in the extent to which that property can be adapted, the settlements of Dundonald and Holywood are approximately a five-minute drive away, where several properties would be available to purchase and modify to meet the needs of his daughter. The appellant, in his letter dated 25 July 2022, indicates that he has looked at other houses for sale but concludes that he cannot afford to buy and then adapt a house. No evidence has been submitted to prove this scenario would be less costly than the erection of a new dwelling on the application site. In any case, financial matters cannot be given determining weight. Offsetting a percentage of the building costs, the applicant has asserted that he does not think it reasonable to expect him to purchase a smaller dwelling within a settlement as it may involve him living in a different area. However, there would be a range of houses available within the wider area, including within the nearby settlement of Dundonald where he currently lives. Another alternative solution would entail an extension to provide ancillary accommodation at his parent's house at 194 Church Road suitable for his daughter's needs. Alternatively, one of the existing outbuildings could be converted to provide ancillary accommodation.
- 3.12 It is stated that the appellant intends to retire in three years' time so that he can care for his daughter 50% of the time rather than just at weekends, hence the need for a

permanent, suitable house. However, the policy requires the decision maker to look at present circumstances in relation to gauging any site-specific genuine need, rather than future circumstances. Furthermore, even in the event of the appellant taking on permanent joint care of his daughter, insufficient evidence has been submitted to demonstrate why a dwelling would be essential at this rural location. It is considered that the purchase and adaptation of an existing dwelling in the locality remains a feasible alternative solution to meet the present and future needs of the appellant and his daughter. The proposal fails to meet Policy CTY6.

- 3.13 It is not considered that the proposal represents one of the specified cases that Policy CTY1 of PPS 21 deems acceptable, in principle, in the countryside. Policy CTY1 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. The appellant did not demonstrate that there are any overriding reasons why the dwelling is essential, therefore the proposal is also contrary to Policy CTY1.
- 3.14 Council have a duty to assess any potential policy that a proposal may meet, albeit the applicant did not expressly apply for a dwelling under Policy CTY8. The proposed development does not meet the exception test contained within Policy CTY8 as the appeal site is not considered to be a small gap. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The exception test of Policy CTY8 makes provision for the development of a small gap site sufficient only to accommodate a maximum of two houses within an otherwise substantial and continuously built-up frontage which is defined as a line of 3 or more buildings along the road frontage. The site sits immediately adjacent to the domestic curtilage of No. 194 Church Road which contains one dwelling and two detached outbuildings. There are buildings to the north of the site at No. 190 Church Road.
- 3.15 With regards to the 'gap site', the gap between existing buildings (outbuilding at No. 190 Church Road and outbuilding at No. 194 Church Road) is approximately 126m. This would not represent a gap capable of accommodating more than two dwellings [sic]. Given the gap between the two buildings measures 126m, it could accommodate 2 dwellings each with a frontage of 63m, a frontage 14m less than the width of the average plot of 77m. Average plot frontages and widths have been measured using the GIS system respectively as No. 194 Church Road, Hollywood 105m (0.45 ha), and No. 190 Church Road, Hollywood 49m (0.53 ha). The average plot width is therefore 77m and the average plot area is 0.49ha.
- 3.16 The frontage of the proposed site is 42m, which is 35m less than the average plot width within the existing ribbon. The plot area of 0.2ha is less than half of those adjacent. The gap is not sufficient to accommodate 2 dwellings which would respect the existing development pattern along the frontage in terms of size scale, siting and plot size. The appeal site does not therefore constitute a small gap.
- 3.17 The surrounding area is not characterised by a significantly built-up frontage on either side of the public road nor does it contain any inconsequential "gap sites" which might otherwise amount to inconsequential development opportunities that may meet the criteria of Policy CTY8. Approval of a dwelling on this site would contribute to a ribbon of development in the countryside and read with the existing buildings. The proposal is contrary to the requirements of Policy CTY8.

- 3.18 Regarding integration in the countryside, as part of the application, a 1:500 scale block plan was submitted for illustrative purposes. A relatively modest dwelling has been shown within the middle section of the site. Planting of new hedgerows around the perimeter and 6 trees at several corner points are noted. However, given the site is relatively flat and exposed with post and wire fencing to demark existing boundaries, it lacks long established natural boundaries. Consequently, a dwelling in this location would be a prominent feature in the locale and would rely on the use of new landscaping for integration. The proposal is therefore contrary to the requirements of Policy CTY13.
- 3.19 As above, the proposal does not constitute an exception with regard to Policy CTY8 as there is no substantial and built-up frontage. Therefore, a dwelling on this site would create a ribbon of development and re-enforce the built up appearance of this section of Church Road, detrimental to the rural character of the countryside. The proposal is therefore considered to be contrary to the requirements of Policy CTY14.
- 3.20 The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement for Northern Ireland, Policies CTY1, CTY6, CTY8, CTY13 and CTY14 of PPS 21.
- 3.21 Should the Commission determine that planning permission be granted; the Council would recommend the following conditions:
- Time limit;
 - Siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site reserved;
 - A scale plan and accurate site survey at 1:500 (minimum) showing the access in accordance with the form RS1;
 - The area within the visibility splays and any forward sight line shall be cleared, prior to the commencement and such splays shall be retained and kept clear thereafter;
 - Detailed landscaping scheme;
 - Planting to the rear of the visibility splays;
 - Replacement planting of dying/dead within 5 years;
 - Existing/proposed ground levels plan including finished floor level;
 - 5m ridge height and 45 degree pitch;
 - 0.45 metres underbuild;
 - Provision of 2 parking spaces in curtilage;
 - No development shall take place on-site until the method of sewage disposal has been agreed in writing; and
 - The proposed development shall be broadly in line with the stamped approved site layout plan, Drawing No. 02.

4.0 APPELLANT'S CASE

- 4.1 The appellant confirmed at the hearing that his mother currently owns the land, not him, but that she intends to gift it to him. However, she is aware of the application. An amended certificate of land ownership can be provided to reflect these circumstances.

- 4.2 My application seeks to provide a long-term home in my retirement for my daughter, who has significant special needs from birth, which require 24-hour care, and there is no prospect of independent living. Her needs confine her to a wheelchair in the daytime. Due to her conditions, there has been adaptations made to the family home to facilitate her required equipment such as her wheelchair, hoists, upright standing frame, changing station, downstairs bathroom for washing/showering and a hospital type bed. This equipment helps with lifting, changing and bathing/showering my daughter and with all aspects of mobility.
- 4.3 My former home was extensively adapted to meet my daughter's needs, but following my divorce, I relinquished my equity in that property (9 years ago) to allow my ex-wife to continue living there and to care for our daughter. At a late stage in life, I have had to start over financially, moving in with my parents temporarily until I found a rental property nearby. Since then, I have worked hard and saved diligently, but the cost of property combined with the necessary adaptations to any available house in the area remains beyond my financial reach. The land for the proposed dwelling has been offered to me at no cost, making it the most viable option for providing my daughter with a long-term suitable home. If permission is refused, I would no longer be able to have my daughter live with me, and my ex-wife would not get the respite she needs.
- 4.4 I live in a rented house and have managed with the care arrangements at weekends since my divorce. My landlord has allowed me to put in a ramp but further adaptations such as the widening of doorways, room for a changing station and a downstairs bathing/showering facility are not in place. The specialised equipment takes up a lot of room and my rented house is not suitable, and I do not have the landlord's permission to make further major alterations.
- 4.5 I plan to retire within two years. The proposal is crucial for my ability to care for my daughter in my retirement years. Whilst I am still currently working, my daughter spends three days/nights with her mother, with care assistants attending on Tuesday nights to carry out bathing/showering, three days/nights in care with facilities for bathing/showering and with me all day Sunday and Sunday night. In the future, when I retire, I intend to have her stay with me for four days and nights each week and she will no longer need to be in a care home. My ex-wife has given her full consent to allow this to happen as there is nobody better than either of us to care for our daughter.
- 4.6 After my separation, I used to have my daughter staying with me from Friday lunchtime until Monday morning as she was smaller and easier to manage. However, as she has grown and her needs have increased, my rented house size limitations have made it increasingly difficult to accommodate her. A simple example is that her adult wheelchair is too wide for some of my doors, and my current facilities are now inadequate for all her care needs, so I simply must move into a suitable property as soon as possible. It took the Council two years to come to their decision, so I am well behind my long term goal.
- 4.7 In recent years my ex-wife found that looking after our daughter on her own every week had become too challenging. Since I was not able to look after her in my rental home, she managed to get a place for her in a respite care home. Up until she turned 18, my daughter used to go once or twice a month for respite care, but since

becoming an adult, that option was no longer available. I am currently the only respite care possible and if I do not have a suitable house this cannot happen. It is heart-wrenching for me to see her at 21 years old having to go into care three days a week. This situation has deeply motivated me to provide a suitable and permanent home for her in my retirement. The proposed dwelling with purpose-built adaptations is essential for her well-being and my ability to care for her.

- 4.8 My application was refused on the grounds that "genuine hardship" would not be caused by a refusal and that alternatives to a new build were available. This decision was made without a full understanding of my personal circumstances, as my repeated requests for a meeting with the planning office, were not granted.
- 4.9 Given the unique and challenging circumstances of my situation, I respectfully request that the Council's decision be reconsidered with a full understanding of the genuine hardship that would be caused by its refusal. I am confident that the proposal represents the most practical and my only affordable solution for ensuring my daughter's long-term care and quality of life.
- 4.10 I also ask for the circumstances of my elderly mother to be considered. My father has recently passed away. I have a duty of care especially now as our health care system is in a state of crisis. My mother lives at No. 194 Church Road and is in her mid-eighties and requires much more assistance than a few years ago. At the moment my sister looks after my mother as she lives beside her, but she now requires some extra help from me as there have been a few emergencies to deal with in recent years.
- 4.11 If I can get planning permission for a house beside my mother it will be built with full disabled access, a carer's bedroom and ensuite with wet room for my daughter plus I will be beside my mother's house and I will be able to help care for her also.
- 4.12 I have no alternative solutions other than to build on the site I own. I live in a rented house and have no ownership or legal interest in my mother's house to add an extension to it or make any alterations to it or any of the buildings. Given her age and health, she does not need the disruption of building work or my daughter living with her. My daughter will never be capable of independent living but will always be totally reliant on her carers and a new house will provide the appropriate place for her to live with me for the foreseeable future.
- 4.13 A letter of support from an elected representative was submitted to the Council during the processing of the application. The representative stated that the appellant's daughter has medical conditions that require her needing 24-hour care and supervision. As she is now over 18, the appellant's rented accommodation is unsuitable for her needs and he is unable to make alterations to it. The proposed dwelling would allow Mr. Knight to construct a purpose-built property with facilities to enable him to provide the intensive care needed for his daughter and also live beside his parent's home for future needs.

5.0 CONSIDERATION

Preliminary Matters

- 5.1 At the hearing, it was confirmed by the appellant that an incorrect Certificate of Ownership had been completed, however the landowner (his mother) was aware of the application. A corrected certificate was received post hearing. I am therefore content that the correct notice has now been served and that no prejudice has been caused to the landowner by consideration of this appeal.
- 5.2 With regards to the incorrect scale on the location plan, I am satisfied that the plan meets the legislative requirements prescribed in the Planning (General Development Procedure) Order (Northern Ireland) 2015, as the subject plan is sufficient to identify the land to which the proposal relates. It also shows the situation of the land in relation to the locality and in particular to the neighbouring land.

Reasoning

- 5.3 The main issues in this appeal are whether the proposal would: -
- be acceptable in principle in the countryside,
 - visually integrate into the countryside, and
 - be detrimental to the rural character of the area.
- 5.4 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 (LDP), 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.
- 5.5 The North Down and Ards Area Plan 1984 -1995 (NDAAP) operates as the LDP for the area the site is in. Within it, the appeal site is within the countryside and the greenbelt. The NDAAP contains policy for the Greenbelt/Strangford Lough AONB/Rural Policy Areas in terms of residential development. It indicates that the department may give sympathetic consideration to applicants who, because of special personal or domestic circumstances, require to live at a particular location in the rural area but that an appropriate occupancy condition will be attached to such approvals. Within draft BMAP 2004, the site is also located within greenbelt, however, it does not contain any policies material to the appeal development. The relevant rural policies in the LDP are now outdated having been overtaken by a succession of regional policies for development in the countryside, so no determining weight can be attached to them.
- 5.6 The Strategic Planning Policy Statement (SPPS) sets out transitional arrangements that will operate until a Plan Strategy (PS) for a Council area is adopted. As no PS has been adopted for this area, both the SPPS and the retained regional policies apply. In line with the transitional arrangements, as there is no conflict or change in policy direction between the SPPS and retained policy within Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21), the policy provisions of PPS 21 remain applicable to the proposed development.
- 5.7 Policy CTY1 of PPS 21 is titled 'Development in the Countryside'. It identifies a range of types of development which, in principle, are considered acceptable in the

countryside. One of these is a dwelling based on special personal or domestic circumstances in accordance with Policy CTY6.

- 5.8 Policy CTY6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met: (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances. The policy goes on to say that all permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.
- 5.9 At the hearing, the appellant clarified the daily routine of his daughter who requires 24-hour care for health conditions she has had from birth. Her physical needs have resulted in a variety of adaptations to the family home to accommodate the medical equipment she requires to be lifted, changed, bathed/showered and to help with all aspects of her mobility. The Council did not query the veracity of the medical evidence provided and I am content that it supports the medical conditions advanced.
- 5.10 The central plank of the appellant's case is that he currently rents a property and whilst he currently provides a level of care for his daughter, as he does not own this property, he cannot make the necessary adaptations required to keep her for longer periods. He wishes to spend more time with her in his retirement, which is estimated to be two years away. The long-term needs of the appellant's daughter are likely to remain as they currently are and, in my consideration, I can only take account of the personal and domestic circumstances which exist at present.
- 5.11 The appellant's daughter lives with her mother in the family home. Her mother is the main carer, and this is her sole occupation. It was clarified at the hearing that care assistants help in the family home for bathing/showering needs. It was further clarified that the family home has all the necessary adaptations and equipment. It was also confirmed that the daughter currently lives Monday to Wednesday with her mother, with assistants attending on Tuesdays for bathing/showering and that Thursday to Saturday she resides in a care home. The appellant works full time. Therefore, he currently only has weekends free to care for his daughter. This can cover either one or a two-night period over the weekend depending on her routine.
- 5.12 The appellant relinquished the marital home approximately nine years ago but he has managed with the care arrangements at weekends since then and his ex-wife currently gets some respite. It is noted that a ramp has been put in place in the rented accommodation, although further adaptations such as the widening of doorways, a changing station and a downstairs bathing/showering facility are not in place. Nevertheless, bathing/showering, which was mentioned as a particular area of concern in terms of the suitability of the rented accommodation, is currently carried

out by care assistants at the family home which has all the necessary adaptations, or in the care home.

- 5.13 The site-specific reasoning put forward for a dwelling in the countryside is financial in nature and any conversions or adaptations to the appellant's mother's house or his rented property were dismissed mainly based on ownership issues. No persuasive evidence, however, was provided to demonstrate that no alternative solutions exist and that all other solutions have been fully exhausted. I would have thought it is less expensive to adapt and/or add to an existing dwelling or outbuilding than build a new one or to rent an alternative property better suited to the stated medical circumstances. However, in the absence of documentary evidence of property searches having been undertaken and costings of various options, I cannot be satisfied that no alternative solutions are available. As confirmed at the hearing, the appellant's daughter lives in an adapted dwelling within a nearby settlement. There is no specific requirement in this case for a countryside location other than the appellant being gifted the appeal site. The appellant could meet the needs of his daughter by purchasing or renting a dwelling within a settlement with the necessary adaptations or adding them at a later date prior to his retirement.
- 5.14 Whilst I acknowledge the appellant's situation, the policy tests are quite stringent. The arguments presented do not justify the requirement for a second dwelling, nor one at this countryside location, especially as the appellant's daughter's needs are currently catered for and are unlikely to change. Whilst I acknowledge the appellant wants to spend time with his daughter and help with her care, this already takes place, albeit not to the satisfaction of the appellant. Should he wish to get further involved this could be facilitated within the parameters of the current arrangements either in the family home and/or care home which have the necessary adaptations. Other options also exist as referred to above.
- 5.15 Paragraph 5.28 of the justification and amplification of Policy CTY6 indicates that '*instances where a young adult who requires a continuing and high level of care but could also benefit from a greater degree of independent living*' may require a new house in the countryside. However, in this case, such independent living is not argued as the appellant confirmed that his daughter will never be capable of independent living. The appellant also advanced a case around caring for his mother, clarifying at the hearing that his father had recently passed away. However, no documentary evidence was provided to show the extra level of care now required and as reference was made to his sister living nearby, who assists.
- 5.16 When taken as a whole, the evidence presented does not establish a compelling, site-specific need for a dwelling for the appellant in the countryside which meets Policy CTY6. The appellant's daughter has medical needs which are currently being met by both parents in their respective dwellings with the addition of carers both at home and in a care home. I do not consider that a further dwelling is a necessary response to the stated circumstances and that genuine hardship would be caused if permission was refused. In addition, no verifiable evidence has been provided to demonstrate that no alternative solutions exist. For these reasons and notwithstanding the support from an elected representative, Policy CTY6 of PPS21 and the related provisions of the SPPS are not met. The second reason for refusal has therefore been sustained.

- 5.17 Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. This is cross referenced with Policy CTY14 of PPS 21 which is entitled Rural Character. It 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. A new building will be unacceptable where: (b) it results in a suburban style build-up of development when viewed with existing and approved buildings and (d) it creates or adds to a ribbon of development.
- 5.18 Policy CTY8 also 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. Whilst the appellant did not advance a case under the exception to Policy CTY8, the Council confirmed that they have a duty to assess any potential policy that a proposal may meet.
- 5.19 To the south of the site is No. 194 and two detached outbuildings and to the north are the dwellings at Nos 190 and 192 Church Road and their respective outbuildings. The gap between the outbuilding at No. 192 and the outbuilding at No. 194 measures approximately 126m based on the measurements presented by the Council, which were not disputed. The average plot width is 77m and the proposed appeal site has a frontage of 42m as presented by the Council. This gap would not be sufficient to accommodate up to a maximum of two dwellings which would respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The appeal site does not represent an exception to Policy CTY8. Furthermore, approval of a dwelling in the appeal site would have common frontage to Church Road and would also be visually linked with No. 194 and its associated outbuildings. The proposal would therefore add to a ribbon of development along Church Road.
- 5.20 The Council clarified at the hearing that the fifth refusal reason relates to suburban style build up of development. They argued this would be caused by the addition of a further dwelling (the proposal) along the roadside when read with the dwelling and outbuildings at No. 194 Church Road.
- 5.21 The critical views of the proposal would be from along Church Road on approach from the south after passing the dwelling at No. 194. Due to the road alignment, sustained views would be evident along the site's frontage. The other critical view would be from the north when travelling south past the entrance to Nos. 190 and 192 and their associated belt of trees. As concluded above, a dwelling on the appeal site would share common frontage with the road and would be visually linked with No. 194 and its associated outbuildings. The proposal would therefore contribute to this ribbon of development resulting in a suburban style build-up of development. For these reasons, this proposal fails to meet Policies CTY8 and CTY14 of PPS 21 and the related provisions of the SPPS. The third and fifth refusal reasons are therefore sustained.
- 5.22 Policy CTY13 of PPS 21 is entitled 'Integration and Design of Buildings in the Countryside'. It 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. A new building will be unacceptable where (b) 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 and (c) it relies primarily on the use of new landscaping for integration.

- 5.23 There are no natural boundaries delineating the site other than some hawthorn bushes along the roadside. As the site is exposed with no backdrop and lacks long established natural boundaries it is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. A new building would therefore rely mainly on the use of new landscaping for integration, contrary to Policy CTY13 of PPS21 and the related provisions of the SPPS. The fourth refusal reason is therefore sustained. Concerns raised around the procedures during the determination of the planning application are a matter for the Council.
- 5.24 Policy CTY6 has not been satisfied, nor have Policies CTY8, 13 and 14 of PPS 21. No overriding reasons have been presented to demonstrate why the appeal development is essential and could not be located in a settlement. The appeal proposal is therefore also contrary to CTY1 of PPS 21 and the related provisions of the SPPS. The first reason for refusal has 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	Council Date stamped
01A	Site Location Plan	1:2500	1 April 2022

List of Appearances

Planning Authority: - Ms Andrea Todd
Ms Louise Flynn
Ms Nicole Keizer (*observing only*)

Appellant(s): - Mr Peter Knight

List of Documents

Planning Authority: - "A" Statement of Case (A & ND BC)

Appellant: - "B" Statement of Case (Mr Peter Knight)