
Appeal Reference:	2022/A0079
Appeal by:	Damian O'Donnell
Appeal against:	The refusal of outline planning permission
Proposal:	Site for dwelling and domestic garage
Location:	50m southwest of 56 Roguery Road, Toomebridge, BT41 3TJ
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2022/0050/O
Procedure:	Written representations with Commissioner's site visit on 8 October 2024.
Decisions by:	Commissioner Mandy Jones dated 11 October 2024.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal would be acceptable in principle in the countryside and whether it would result in unacceptable build up.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan (LDP), so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the local development plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
4. The Antrim Area Plan 1984 – 2001 (AAP) continues to operate as the LDP for the area in which the appeal site is located. It is located outside any settlement limit and lies within the countryside as designated in the Plan which does not contain any specific policy or guidance pertinent to this appeal proposal.
5. Overarching regional policy is provided by the Strategic Planning Policy Statement for Northern Ireland (SPPS). It sets out transitional arrangements which will operate until a local authority has adopted a Plan Strategy (PS) for the whole area. No PS has been adopted for this area. The SPPS retains existing planning policy statements including Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).
6. Policy CTY 1 of Planning Policy Statement (PPS 21) : Sustainable Development in the Countryside lists types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of

sustainable development. This includes the development of a small gap within an otherwise substantial and continuously built up frontage in accordance with CTY 8 or a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a. Policy CTY 1 indicates that developments other than those listed will be permitted where there are overriding reasons why they are essential and could not be located in a settlement.

7. The appellant submitted no evidence to the planning authority to indicate which policy they considered the application complied with. I was told that the planning authority requested supporting information on a number of occasions however this was not forthcoming. No statement of case was submitted by the appellant to the appeal process either.
8. Policy CTY 8 – Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. 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.
9. The appeal site is located approximately 50m southwest of no 56 Roguery Road, Toomebridge. The appeal site is a corner plot between Roguery Road (south eastern boundary) and a private laneway (southwestern boundary). The appeal site comprises part of a larger agricultural field and the topography rises in a north easterly direction. The southeastern boundary which abuts the public road is defined with 1.5m high hedging; the southwestern boundary abutting the shared laneway is defined by a belt of trees and vegetation approximately 4m in height. The northwestern boundary is undefined and the northeastern common boundary shared with no 56 Roguery Road is defined with approximately 1.5m hedging.
10. The appeal site is directly southwest of an existing roadside ribbon of dwellings comprising of nos. 56,58,62,64,66,68,70,72a,72b and 74 Roguery Road. I concur with the Council that a dwelling on the appeal site would add to the southwest end of this existing ribbon of development.
11. The core of meeting the exception test within policy CTY 8 relies on the presence of a small gap between buildings to allow the principle of a dwelling within an already existing ribbon of development. In this case, the appeal site is on a corner plot situated at the southwestern end of an existing ribbon of development.
12. Paragraph 5.34 of the justification and amplification states that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built-up frontage. As discussed, to the northeast of the appeal site is an existing ribbon of development. To the southwest of the appeal site there is an extensive gap of approximately 350m between no 56 and the next nearest dwelling to the southwest – no 44 Roguery Road providing an extensive visual break in the developed appearance of this part of Roguery Road. The appeal site does not comprise a small gap site between existing built form which makes up a

substantial and continuously built-up frontage along Roguery Road. Rather, a dwelling on the appeal site would add to an existing ribbon of development to the northeast and does not meet the exception test within policy CTY 8.

13. The Council also considered the application in respect of a dwelling within an existing cluster under Policy CTY 2a of PPS 21 – New Dwellings in Existing Clusters. This states that planning permission will be granted for a dwelling at an existing cluster of development provided all of a number of criteria are met which includes that the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings; the cluster appears as a visual entity in the local landscape; the cluster is associated with a focal point such as a social / community building / facility, or is located at a crossroads; the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster; development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside and development would not adversely impact on residential amenity.
14. The northwestern side of Roguery Road is defined by a linear band of ribbon development comprising approximately ten dwellings. A further build-up of development is also evident on the opposite side of the road. As such, it was considered by the Council that there are a sufficient number of buildings to comprise a level of development along this section of Roguery Road to appear as a visual entity in the local landscape. In addition, the appeal site is located approximately 163m southwest of Gortgill Service Station which is considered to comprise a focal point associated with the cluster. As such, the Council considered the appeal proposal compliant with the first, second and third criteria of Policy CTY 2a.
15. The Council contends that the fourth, fifth and sixth criteria have not been met. In their opinion the appeal site is not bounded on at least two sides with other development in the cluster and cannot be absorbed into the existing cluster through rounding off and consolidation.
16. Within Policy CTY 2a, there is no justification or amplification to define what constitutes a cluster of development. However, the first three criteria give an indication of its meaning. Criterion one of Policy CTY 2a requires that ‘the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.’ This suggests that an existing cluster of development is to be formed by buildings. This is reinforced by the first part of criterion three, where the cluster must be associated with a focal point such as a social/community building/facility if not located at a cross-roads.
17. Criterion four requires that the site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster, which taking into consideration the above wording of policy, refers to three-dimensional buildings. The appeal site is bounded by no 56 to the northeastern boundary and a shared concrete laneway to the southwest. The appeal site is part of a larger agricultural field, and the northwestern boundary is undefined on the ground with the host field beyond and the south eastern boundary is defined by Roguery Road.

The appeal site is not bounded on at least two sides with development within the cluster as it is within a corner plot bounded by the road network, a shared laneway and an agricultural field. It is only bounded on one side by one building (no 56) in the cluster.

18. The Council referred to a previous appeal decision 2020/A0005 which considered that if the appeal site was bounded by the road network with adjacent development situated beyond the road that it was not considered that the site was bounded by other development in the cluster. It was contended by the Council that this previous decision confirms their interpretation when considering the southeastern boundary of the appeal site which abuts the public road with existing buildings beyond on the opposite side of Roguery Road. The separation of the appeal site from the cluster is compounded by the physical extent of the intervening Roguery Road. My conclusions are in line with those of this previous appeal decision referred to by the Council.
19. As the appeal site is not bounded on at least two sides with other development in the cluster, it fails to meet criterion four. As such, I do not consider that development on the appeal site can be absorbed into the existing cluster through rounding off and consolidation. I would agree with the Council that development on the appeal site would visually intrude into the open countryside extending development in a southwestern direction and would not meet the test set out in criterion five. However, I consider that criterion six could be met through detailed design at reserved matters stage to ensure that any development on the site would not adversely impact on residential amenity.
20. As no overriding reasons were submitted as to why the development is essential and could not be located in a settlement the appeal proposal is contrary to Policy CTY 1 and unacceptable in principle. The Council's first reason for refusal based on policies CTY1, CTY2a and CTY 8 have been sustained.
21. Policy CTY 14 – 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. It lists a number of circumstances in which a new building is considered to be unacceptable. This includes where it creates or adds to a ribbon of development and is cross referenced with Policy CTY 8. I have concluded, a dwelling on the appeal site will add to an existing linear form of ribbon of development along this part of Roguery Road and it is implicit that it would result in a suburban style build-up of development. The proposal also fails Policy CTY 14 and the Council's second reason for refusal is sustained. As both reasons for refusal have been sustained the appeal must fail.

This decision relates to the following drawings submitted with the application:

- Site Location Plan @ 1:2500 (date received by Council 14 March 2022)
Council ref : 01/1
- Site Block Plan @ 1:500 (date received by Council 14 March 2022)
Council ref: 02/1

COMMISSIONER MANDY JONES

List of Documents

Planning Authority: 'A' Statement of Case