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<b>Appeal Reference:</b>	2022/A0078
<b>Appeals by:</b>	Mr Aidan McCamphill
<b>Appeals against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Proposed dwelling and garage on a farm
<b>Location:</b>	90m East of 59 Killagan Road, Glarryford
<b>Planning Authority:</b>	Causeway Coast and Glens Borough Council
<b>Application Reference:</b>	LA01/2021/0799/O
<b>Procedure:</b>	Written representations and Commissioner's site visit on 19 <sup>th</sup> April 2024
<b>Decisions by:</b>	Commissioner Kevin Gillespie, dated 9 <sup>th</sup> May 2024

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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The decision notice issued by the Council on 8<sup>th</sup> June 2022 contained four reasons for refusal. In the evidence at appeal stage, the Council confirmed that the fourth reason for refusal no longer applied. The appeal will therefore only be assessed in respect of the first, second and third reasons for refusal.

## Reasons

3. The main issue in this appeal is whether the proposal would be acceptable in principle in the countryside.
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. The Northern Area Plan 2016 (NAP) operates as the LDP for the area in which the appeal site is located. In it, the appeal site is in the countryside, outside of any settlement limit. As the rural policies in the plan are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. There are no other provisions in the operating LDP that are material to the determination of the appeal.

6. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out transitional arrangements that will operate until a Plan Strategy (PS) for the Council area is adopted. In this Council area, no PS has been adopted. Accordingly, during the transitional period, the SPPS retains certain Planning Policy Statements including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). As there is no conflict between the provisions of the SPPS and the retained policies on the issues raised in this appeal, in line with the transitional arrangements of the SPPS, the appeal should be determined in accordance with retained policy within PPS 21.
7. Policy CTY 1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these allows for a dwelling on a farm in accordance with Policy CTY 10. It follows that if the development satisfies Policy CTY 10, it will also satisfy Policy CTY 1 of PPS 21.
8. The appeal site comprises a broadly rectangular roadside portion of land located on the eastern side of Killagan Road. It is accessed from an existing lane finished in a mix of tarmacadam and stone. This lane serves an adjacent agricultural field and two detached dwellings and a yard containing a number of agricultural buildings. The appeal site is generally flat. It is laid in concrete and comprises 2No. portaframe buildings/sheds and several stockpiles of building materials/equipment. The site is bounded by a 2 metre (approx.) high metal security fence along the northern and part of the eastern boundary (with the remainder of the eastern boundary being undefined) and by mature hedging along the southern and western boundaries.
9. Policy CTY 10 of PPS 21 indicates that planning permission will be granted for a dwelling house on a farm subject to several criteria. The Council's objection relates to criteria (a) and (c) of the policy in so far as it considers that the appeal site is not part of an active and established farm business and that the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm.
10. From the P1C form, I note that the appellant is a relative of the farmer whose Farm Business ID (616983) is being used to secure permission for a dwelling on the farm. I note from the consultation response from the Department of Agriculture, Environment and Rural Affairs (DAERA) dated September 2021, that the farm business ID was allocated in November 1992.
11. The farm holding in respect of Farm Business ID 616983 comprises some 62.57 hectares of land as shown on the 2021 farm maps. It is split between two locations, one in the townland of Irishomerbane at Tullykittagh Road, Ballymena which comprises some 8.73 hectares of land and the other in the townland of Altarichard at Altarichard Road, Ballymoney which comprises some 53.84 hectares of land. None of these lands include the appeal site.
12. Within his evidence, the appellant refers to separate correspondence from DAERA to the farmer dated September 2017 which refers to a new outfarm at Killagan Road, Glarryford. However, other than an image (aerial photograph) within his evidence which shows a number of fields at Killagan Road, the appellant did not provide a verified Farm Map in respect thereto or any other information linking the

appeal site to the farm business. As such, it is not clear whether the outfarm at Killagan Road, as referred to by DAERA in its correspondence dated September 2017, forms part of Farm Business ID 616983. Furthermore, in his evidence the appellant states that the appeal site is adjacent to, but outwith, the lands associated with this business.

13. Policy CTY 10 provides for a dwellinghouse on a farm. Irrespective that there is no dispute that this farm business is established and currently active, for the reasons given above, the appeal site does not form part of the holding and as a result, the farm. Accordingly, the proposal is therefore contrary to Policy CTY 1 of PPS 21 and the related provisions of the SPPS in so far as stated. The Council's second reason for refusal and the third party's related concerns are also sustained.
14. Criteria (c) of Policy CTY 10 requires that a 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. The appellant contended that a dwelling sited to cluster with the two buildings currently located on the appeal site would meet this policy requirement.
15. As detailed previously, access to the proposed dwelling would utilise an existing lane. If this appeal is allowed, this discrete element of the criterion would be met. However, as is also detailed above, the appeal site is not on a farm. Therefore, the two existing buildings on the appeal site do not constitute an established group of buildings on the farm (emphasis added). As such, there are no established buildings on the farm for the proposed dwelling to cluster or be sited to group with. This element of Policy CTY 10 of PPS 21 is therefore not met.
16. Policy CTY 10 of PPS 21 goes on to state that 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 outfarm and where there are either demonstrable health and safety reasons or verifiable plans to expand at the farm business at the existing building group(s). I was not provided with any evidence of any other sites available at another group of buildings on the farm. Given this, I must conclude that the appeal proposal does not comply with criterion (c) of Policy CTY 10 of PPS 21. The Council's third reason for refusal is sustained and the third party's related concerns are also sustained.
17. For all the reasoning given above, I conclude that the appeal proposal does not meet criteria (a) and (c) of Policy CTY 10 of PPS 21. Policy CTY 1 thereof goes on to state 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 nearby settlement. No evidence was presented in this regard. The proposal is therefore also contrary to Policy CTY 1 so the first reason for refusal is sustained. As the Council has sustained its first, second and third reasons for refusal, the appeal must fail.

This decision is based on the following drawing(s):

<b>Drawing No.</b>	<b>Title</b>	<b>Scale</b>	<b>Received by the Council</b>
01A	Location Map	1:2500	13 <sup>th</sup> June 2022

**COMMISSIONER KEVIN GILLESPIE**

**List of Documents**

**Planning Authority:-**

**“A1” Causeway Coast and Glens Borough Council - Statement of Case**

**“A2” Causeway Coast and Glens Borough Council – Rebuttal Statement**

**Appellant(s):-**

**“B1” CMI Ltd. (Agent) - Statement of Case**

**Third Party:-**

**“C1” - Statement of Case**