

# Appeal Decision

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<b>Appeal Reference:</b>	2022/A0114
<b>Appeals by:</b>	Mr Daniel Johnston and Miss Aliasha McLean
<b>Appeals against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Proposed dwelling and garage on a farm
<b>Location:</b>	Approximately 30m North of 74 Cargin Road, Toome, BT41 3PB
<b>Planning Authority:</b>	Antrim and Newtownabbey Borough Council
<b>Application Reference:</b>	LA03/2022/0170/O
<b>Procedure:</b>	Written representations and Commissioner's site visit on 14 <sup>th</sup> May 2024
<b>Decisions by:</b>	Commissioner Kevin Gillespie, dated 20 <sup>th</sup> June 2024

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the appeal proposal is acceptable in principle in the countryside, visual integration, and impact on rural character.
3. 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.
4. The Antrim Area Plan 1984 - 2001 (AAP) 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 As the rural policies in the plan are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them.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.
5. 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.

6. 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. Another is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8. It follows that if the development complies with Policy CTY 8 or Policy CTY 10, it will also comply with Policy CTY 1 of PPS 21. Supplementary planning guidance is contained in Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside (BOT).
7. The appeal site, which is generally flat, comprises a broadly square roadside portion of land located on the eastern side of Cargin Road. It is cut from a larger agricultural field. The site is bounded by a 2 metre (approx.) high leylandii garden hedge and a 1 metre (approx.) post and wire fence along the southern boundary and by a combination of a 1 metre (approx.) high post and wire fence and a 1 metre (approx.) high ranch style fence along the western roadside boundary. The northern and eastern boundaries are undefined. To the south of the site lies No. 74 Cargin Road, a detached two storey dwelling and detached garage. Further to the south lies a group of agricultural buildings. No. 74 Cargin Road and the group of agricultural buildings have frontage to the Cargin Road.
8. Policy CTY 10 of PPS 21 indicates that planning permission will be granted for a dwelling house on a farm subject to the following criteria being met:
  - (a) the farm business is currently active and has been established for at least 6 years;
  - (b) no development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application; and
  - (c) the 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.
9. From the P1C form, I note that the appellant is a relative of the farmer whose Farm Business ID (217506) is being used to secure permission for a dwelling. I also 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 October 2006.
10. Whilst the evidence did not contain a Farm Schedule which details the quantum of land within the farm holding, the submitted Farm Map nonetheless shows several highlighted fields at Cargin Road which includes the field within which the appeal site lies, thereby linking the appeal site to the specified farm business.
11. With respect to criterion (a), there was no dispute between the parties that this farm business is established and currently active for the required period. In relation to criterion (b), I was not provided with any evidence that any dwelling(s) or development opportunities have been sold off from the farm holding within the past 10 years. Finally, turning to criterion (c), I agree with the Council that a new building would be visually linked with an established group of buildings on the

farm, that is, the dwelling at No. 74 Cargin Road and its associated agricultural sheds which are sited immediately to the south of the appeal site. For all these reasons, the appeal proposal complies with criteria (a), (b) and (c) of Policy CTY 10 of PPS 21.

12. Policy CTY 10 goes on to require that in circumstances such as those described above, the proposed site must also meet the requirements of Policies CTY 13 and 14 of PPS 21. The Council argued that the appeal proposal would create ribbon development to the detriment of rural character and also fail to integrate into the landscape.
13. Policy CTY 14 of PPS 21 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 adds that a new building will be unacceptable in five stated circumstances. One of these is (d) where it creates or adds to a ribbon of development and this is cross-referenced with Policy CTY 8 'Ribbon Development'.
14. The Council considered that the appeal development would create a ribbon of development with No. 74 Cargin Road and the group of agricultural buildings further to its south. No party made a case that the appeal development represented an exception to Policy CTY 8.
15. Travelling in both directions along Cargin Road towards the appeal site there would be transient views of these existing buildings and the appeal development, with a sequential awareness of the development fronting the road evident. Irrespective of the positioning of the appeal development within the site itself, it would create ribbon development along this part of the road as it would visually link with No. 74 Cargin Road and the group of agricultural buildings. As a result, it would add to the suburban style build-up of development at this part of the Cargin Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. For these reasons, the Council's second reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS is sustained.
16. Policy CTY 13 of PPS 21 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. Travelling from north/north-east to south along Cargin Road, a dwelling and garage on the appeal site would be a prominent feature in both critical short and long-distance views. This is due to the open aspect of the surrounding flat landscape combined with the lack of established natural boundaries and consequent lack of enclosure. Whilst the appellant pointed to the clustering with and backdrop afforded to the appeal site by No. 74 Cargin Road and the agricultural buildings further to the south, this alone is insufficient to visually integrate the proposed development. For the reasons detailed above, the appeal development does not meet Policy CTY 13 of PPS 21 and the Council's first reason for refusal is sustained.
17. Whilst the appellant referred to appeal decisions 2019/A008 and 2019/A0016, copies of these decisions were not provided to enable a full understanding of the context and circumstances specific to these decisions. It is not for me to compile

evidence. In any event, each case must be considered on its own merits and direct comparables are rare.

18. As the Council has sustained all the 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>
01	Site Location	1:2500	21 <sup>st</sup> February 2022

**COMMISSIONER KEVIN GILLESPIE**

**List of Documents**

**Planning Authority:-**

**“A1” Antrim and Newtownabbey Borough Council - Statement of Case**

**“A2” Antrim and Newtownabbey Borough Council – Rebuttal Statement**

**Appellant(s):-**

**“B1” 2020 Architects (Agent) - Statement of Case**

**“B2” 2020 Architects – Rebuttal Statement**