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| Appeal Reference: | 2022/A0131 |
| Appeal by: | Mr Paul Jordan |
| Appeal against: | The refusal of outline planning permission |
| Proposed Development: | Site for dwelling and domestic garage on a farm based on Policy CTY 10 (Dwelling on a Farm) |
| Location: | 50m NW of 69 Oldwood Road, Randalstown |
| Planning Authority: | Antrim & Newtownabbey Borough Council |
| Application Reference: | LA03/2022/0639/O |
| Procedure: | Written representations and Commissioner's site visit on 9 July 2024 |
| Decision by: | Commissioner Paul Duffy, dated 16 July 2024 |

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 and its 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, 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 Local Development Plan (LDP), the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
4. The Antrim Area Plan 1984 – 2001 operates as the relevant LDP. In that plan, the site is located within the countryside and outside any settlement limit. However, as the rural policy in the plan is now outdated, having been overtaken by regional policy for development in the countryside, no determining weight can be attached to it.
5. The Strategic Planning Policy Statement (SPPS) sets out transitional arrangements that will operate until a Plan Strategy for a Council area is adopted. As no Plan Strategy has been adopted for Antrim and Newtownabbey, 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 contained within Planning Policy Statement 21 –

Sustainable Development in the Countryside (PPS 21), the retained policy provisions of PPS 21 remain applicable to the proposed development.

6. 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 on a farm in accordance with Policy CTY 10.
7. Outline planning permission is sought for a farm dwelling and domestic garage. The site comprises of a rectangular shaped plot within a roadside field directly adjacent number No. 69 Oldwood Road, Randalstown. At the time of my site visit, sheep were grazing within the field. The roadside boundary is defined by a wide grass verge and a native maintained hedgerow. The boundary between the appeal site and number 69 is defined by a post and wire fence. The rear site boundary is defined by a mature tree hedgerow and the remaining side boundary is undefined. No. 69 Oldwood Road is a detached bungalow as is No. 65A directly adjacent on its southeastern side. The surrounding area is characterised by flat open agricultural land with dispersed dwellings.
8. Policy CTY 10 of PPS 21 indicates that planning permission will be granted for a dwelling house on a farm where several criteria are met. The council is of the view that criterion (a) has not been met in so far as the farm business has not been active for the required 6 years. The council is also of the view that the appeal site is unacceptable as it would create a ribbon of development, contrary to criterion (d) of policy CTY 14 of PPS21 titled 'Rural Character'.
9. According to criterion (a) and the justification and amplification of the policy, new houses on farms will not be acceptable unless the existing farming business is both established and currently active. On the P1C Form which accompanied the planning application, the appellant has indicated that they have a DAERA Farm Business Identification Number, which was allocated in 1996. A customer ID number has also been provided and a DAERA farm map. In the consultation response from the Department of Agriculture, Environment and Rural Affairs dated 9 August 2022, the Department has confirmed that the Farm Business ID was allocated in 2016. Although the Farm Business ID was allocated more than 6 years ago, DAERA has also confirmed that the farm business has not been active for the required 6-year period, nor has any claimed payments been made through the Basic Payment Scheme in each of the last 6 years or are payments currently being claimed by the farm business. In the comments section of the consultation response, DAERA states that: "*Proposed site located on land associated with another farm business*". The Council's position on this issue is predicated on the information provided from DAERA.
10. The appellant disagreed and argues that the "*Policy does not require a high or any specified level of activity, but evidence must be provided to demonstrate at least some level of activity over the last 6 years in order to satisfy the policy requirements*". Additional supporting information was submitted including several invoices for a range of activities to demonstrate that the farm business had been active over the required period.

11. Yearly invoices have been submitted in relation to hedge cutting for the period 2017-2022. Invoices have also been submitted for hay baling between 2017-2020. An invoice has also been provided from a commercial garage for works to a 'Quad', dated 3 June 2021. Other invoices have been submitted for the purchase of sheep and fence posts. Given that the invoices are not specific to the appellants land and the majority are handwritten on generic dockets, the Council attached little weight to them. I concur.
12. Additionally, the council queried how the applicant was extracting silage from land associated with another farm business and requested additional information, such as bank statements to verify the invoices. No additional supporting information was forthcoming. The council also identified concerns regarding inconsistencies with the information supplied in relation to the quantity of hay bales harvested annually from the appeal site and the site's ability to also graze sheep on land which is associated with another farm business.
13. In his Statement of Case at appeal stage, the appellant refers to a google search to demonstrate that the quantity of hay bales harvested from the appeal site is achievable. Noting that the 2018 receipt for 300 bales of hay does not state round bales as incorrectly assumed by the council, whereas the google search demonstrates that 100 small square bales can be extracted per acre. Although this may provide an explanation for the quantity of hay bales harvested, it is not persuasive evidence nor does it explain how the land can be used for the harvesting of hay, whilst simultaneously being used for sheep farming and form part of another farm business.
14. The appellant has not addressed DAERAs comment that the proposed site is associated with another farm business, which would infer that this other farm business is currently active. No information has been provided on any lease agreement. The policy test is that the farm business is currently active and has been established for at least 6 years and not whether the appellant is an active farmer. The policy refers to the farm business (singular). As the appeal site is associated with another business, and no detail has been provided of the second farm business, in this evidential context, I must conclude that the proposal fails to comply with criterion (a) of policy CTY 10. Accordingly, the Council's second reason for refusal is sustained. Consequently, as I have found that the appeal proposal is not a type of development which in principle is acceptable in the countryside, it follows that Policy CTY1 is not met. Thus, the Council's first reason for refusal is also sustained.
15. Policy CTY 1 and CTY 10 also require proposals for development in the countryside to be sited and designed to integrate with their surroundings in accordance with the requirements of Policies CTY 13 and CTY14 of PPS21.
16. Policy CTY 14 – Rural Character, identifies criteria (a) to (e), detailing instances where a new building in the countryside will be unacceptable. The Council is of the view that the proposal would not meet criterion (d), in that, the building would, if permitted, create ribbon development along Oldwood Road.
17. In respect to ribbon development, Policy CTY 14 (d) is cross referenced with Policy CTY 8, which states that planning permission will be refused for a building

which creates or adds to a ribbon of development. Paragraph 5.32 of PPS21 states that ribbon development is detrimental to the character, appearance, and amenity of the countryside. The existing development at the appeal site comprises of two road frontage suburban styled bungalows Nos 65A & 69. The appeal site is directly adjacent No. 69 and the proposed two buildings would share a common frontage with the existing dwellings and visually link with them to extend the road frontage development. This would result in an unacceptable suburban style build-up of development and create a ribbon of development, which is contrary to criterion (d) of policy CTY 14. The council has therefore sustained its third reason for refusal.

18. The appellant is of the view that the site clusters with the existing farm buildings. In support of this position, the appellant provided two examples of planning approvals for farmhouses in the immediate locality on Oldwood Road, planning ref: LA03/2015/0306/O & LA03/2018/0008/O.
19. Regarding application LA03/2015/0306/F, from my reading of the evidence in that case, the Council gave determining weight to policy CTY10 which it was entitled to do in relation to the consolidation of development. Even if I were to follow this approach, the appeal would fail on criterion (a) of Policy CTY10 which has not been met. In LA03/2018/0008/O, the principle of a farm dwelling had been established and although the site was located some distance from the existing farm holding, there were two outbuildings associated with the farm southeast of the appeal. Therefore, that proposal would have been visually linked and sited to cluster with these existing buildings. Neither case is directly comparable with the current case.
20. As the council has sustained all three reasons for refusal, the appeal must fail.

COMMISSIONER PAUL DUFFY

List of Documents

Planning Authority:- Antrim & Newtownabbey Borough Council
Statement of Case, dated 23 June 2023
Rebuttal Statement, dated 7 July 2023

Appellant(s):- CMI Planners Ltd
Statement of Case, dated 23 June 2023