

**CLYDE SHANKS**

Planning Development

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**Planning LDP Team**

Lisburn & Castlereagh City Council  
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 Lagan Valley Island  
 Lisburn  
 BT27 4RL

BY EMAIL &amp; POST

Our ref: JEB1004

Email: [REDACTED]

10<sup>th</sup> January 2020

Dear Sirs,

**RESPONSE TO LOCAL DEVELOPMENT PLAN 2032 - DRAFT PLAN STRATEGY**

We write in response to the Council's recently published draft Plan Strategy (dPS) for the emerging Local Development Plan (LDP) on behalf of our client [REDACTED] in respect of lands adjacent and north to Kings Oak Meadow, Kesh Bridge (See Annex 1 & 2 for Site Location Plan and Site Aerial). Our response relates to the strategic theme of housing and specifically the role and function of small settlements within the Council area.

**Introduction**

The dPS is the first formal publication of the LCCC LDP setting out the Council's growth ambition and a 15 year framework to support the economic and social needs in line with regional strategies and policies, while providing for the delivery of sustainable development.

The dPS for LCCC is the first document in a two stage process, the second being the Local Policies Plan (LPP) which combined form the LDP for the area.

As stated above this representation focuses on the strategic theme of housing and the spatial growth strategy which takes direction from the Regional Development Strategy (RDS) in order to ensure that settlements within the Council area are sustainable places to live, work and visit.

Recognising that this is the first formal component of the LDP our client reserves the right to comment further as subsequent LDP publications published.

### Spatial Strategy

As set out in chapter 4 of the dPS the spatial strategy for LCCC is to define a spatial strategy that supports the development and regeneration of the area socially, economically and environmentally. It goes on to set out a series of objectives including;

*'Provide a settlement hierarchy, defining development limits and allocating land for housing growth in accordance with sequential approach of the RDS'*

It is welcomed that the spatial strategy aims to support the growth and regeneration of our city, towns and villages, sustaining and living and working in the countryside.

### Settlement Hierarchy

The settlement hierarchy for LCCC provides the framework upon which the LDP is devised, consistent with the RDS it recognises the relationship between people and places and seeks to support the role and function of individual settlements.

In relation to small settlements it is welcomed that LCCC recognise that small settlements act as a focal point for the rural community and take the form of rural clusters or cross roads development. It is also understood that in relation to their growth, infill and small scale opportunities will be available for small scale housing and other opportunities in order to sustain the rural community providing it does not compromise the character of these settlements.

We further support the Councils recognition that the villages and small settlements have a unique part to play in sustaining vibrancy, creating a sense of place and providing a education and local services.

### Strategic Housing Allocation

It is understood that LCCC have calculated a figure of 11,550 units and provides the overall strategic housing allocation falling slightly short of the remaining capacity of 11,578 dwellings.

Table 3 of the LCCC dPS sets out the Strategic Housing Allocation over the Plan Period. It identifies a total of 1,231 potential remaining units within the Villages & Small Settlements which represents approx. 11.7% of the total housing split.

While it is accepted that the villages and small settlements represent a small proportion within the settlement hierarchy, it is unclear where there may be a potential shortfall or oversupply of available housing lands. In the absence of this it is difficult to decipher where there could be potential areas for growth. We would consider the

approach to group villages and small settlements together in the same section under table 3 of the dPS to be unsound particularly as they represent two separate categories within the Settlement Hierarchy.

In relation to the housing allocation for small settlements it is welcomed that the dPS aims to sustain the overall strength of the rural community living in towns, villages, small rural settlements and the open countryside which includes revitalising small towns, villages and small settlements.

### Site Specifics

The site is located off the Kesh Road outwith the settlement limit of Kesh Bridge extending approximately 0.2 Ha in area. Residential development abuts the site to the south and east and is bound to the north by an existing strip of mature trees adjacent to the M1 motorway (See Annex 3 for LDP Extract).

The site abuts Kings Oak Meadow which was recently completed for 24 no. dwellings. The site is enclosed on all borders and has a relatively flat topography and is not expected to have underlying issues by way of historical flooding, protected species, contamination or tree preservation orders (TPO's).

The site benefits from an existing access available following the completion of the adjacent approval for 24 No. dwellings as described above and hosts a natural buffer which provides significant screening between the site and the M1 Motorway.

### Characteristics of the Area

The majority of the surrounding area is contained within the settlement limit of Kesh Bridge as designated in the Lisburn Area Plan (LAP) 2001. There is also a Local Landscape Policy Area (LLPA): KE02 for locally significant buildings and their surroundings - Priesthill Methodist Church and hall. These are features which are considered to contribute to the environmental quality, integrity and character of the area.

Notably the LLPA at KE 02 originally designated for Kesh House did not translate into the adopted BMAP following the granting of planning permission for the adjacent 24 units.

### Planning History

There is no specific planning history pertaining to the subject lands however as referenced above planning permission was approved in November 2013 for the erection of 24 No. dwellings with garages and associated siteworks (reference S/2012/0192/F) which has since been implemented and the houses occupied.

The extent of lands approved within this application extends approximately 1.05 Ha abutting the site on its southern and eastern boundaries.

During the adoption process of BMAP two objections (51 & 3079) were submitted which sought the inclusion of 0.26 Ha of land to the north of the settlement of Kesh Bridge on the eastern side of the Kesh Road.

The PAC accepted that this would mirror the settlement line on the opposite side of the road and found that given its low lying infill nature, its inclusion would constitute a logical rounding off and consolidation of the settlement limit. It should be noted that this recommendation was accepted despite the absence of a naturally defined eastern boundary.

This site exhibits very similar physical characteristics to that of our client's lands which also constitutes a logical rounding off and consolidation of the settlement limit combined with the existing naturally defined boundaries on its northern and western boundaries.

### Pre-Application Discussion (PAD)

A PAD meeting was held with LCCC in November 2019 (LA05/2019/0607/PAD) to discuss the possibility of bringing this site forward for planning permission in advance of the publication of the LDP. The discussion focused on the principle of development, with the case being made that the rigid polices of PPS21 could be set aside given the strong naturally defined boundaries and consolidation of the settlement limit and precedent set given the extension of the settlement limit on the opposite side of the Kesh Road.

It should also be noted that no significant underlying site constraints were identified during the consultation process.

### Planning Appeal Decision 2013/A0133

This appeal decision (See Annex 4) follows the refusal of planning permission for the proposed new dwelling on lands to the rear of 48 Halfpenny Gate Road, Lisburn.

This was refused on the basis that the proposal is contrary to Policy CTY1 of PPS21 in that there were no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

The main issues considered in this appeal were whether the proposal would be unacceptable in principle in the countryside and whether it mars the distinction between the built-up area and the surrounding countryside.

It follows that the appeal was subsequently upheld for the following reasons;

- *The site benefits from high mature boundary vegetation on its northern, western and eastern sides therefore views of proposal from Halfpenny Gate Road would be limited;*
- *It would appear as part of the existing settlement form and would therefore not mar the distinction between the settlement and the surrounding countryside;*
- *The sites western boundary is a substantive tall hedgerow of some depth which will provide a much stronger edge to the settlement limit than the existing boundary; and*
- *The proposal would consolidate the existing settlement form and provide a stronger, more compact and logical edge to the settlement at this location*

In considering this appeal judgement against Policy CTY1 of PPS21 which states;

*“Development will only be permitted where there are overriding reasons why that development is essential and could be located in a settlement”*

This appeal therefore demonstrates that the improved settlement limit is a material consideration that off-sets the failure of the proposal to comply with the criterion set out in CTY1 and that an improved settlement limit in this context satisfies this policy exception test.

### **Planning Appeal Decision: 2017/A0147 Tullaghans Road, Dunloy**

This appeal follows the refusal of planning permission for the proposed 2 No. detached dwellings at lands adjacent to 142 Tullaghans Road, Dunloy. The main issues in this appeal (See Annex 5) are whether the proposal is acceptable in principle in the countryside and its impact on rural character.

The subject site is a rectangular field extending approx. 65m in depth with frontage onto the Tullaghans Road. The site is bound to west by Nos. 140 and 142, a pair of semi-detached properties fronting onto the Tullaghans Road. The proposed pair of dwellings would, in conjunction with this pair, create ribbon development fronting Tullaghans and extend into the countryside.

Despite the clear policy breach, the Commissioner found that because of its design, the composition of the appeal site and its juxtaposition with adjacent development would read as an integral, albeit extended part of the urban fabric of Dunloy.

The appeal also found that;

*‘Given existing vegetation and boundary treatment, the retention and augmentation of which can be secured through condition, the proposal marks an opportunity to deliver an environmental improvement through the provision of clearer, coherent, logical unambiguous edge to the settlement limit’*

### **Summary**

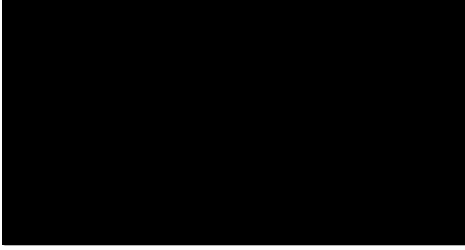
In summary, as described above we consider this site as a candidate to contain and consolidate the existing settlement limit of Kesh Bridge and represents a logical notch in the SDL given the existing defined boundaries, presence of the M1 Motorway and mature tree line along the northern edge of the site

In light of the above and conscious of the associated appeal decisions it is considered that the site upholds the strategic objectives of the dPS which aim to sustain and support the role and function of small settlements. The rounding off of this settlement will not materially alter the character and appearance of Kesh Bridge but rather provide a clear and logical edge to the settlement limit.

CLYDE SHANKS

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Yours sincerely,



Enc.



Annex 1: Site Location Plan

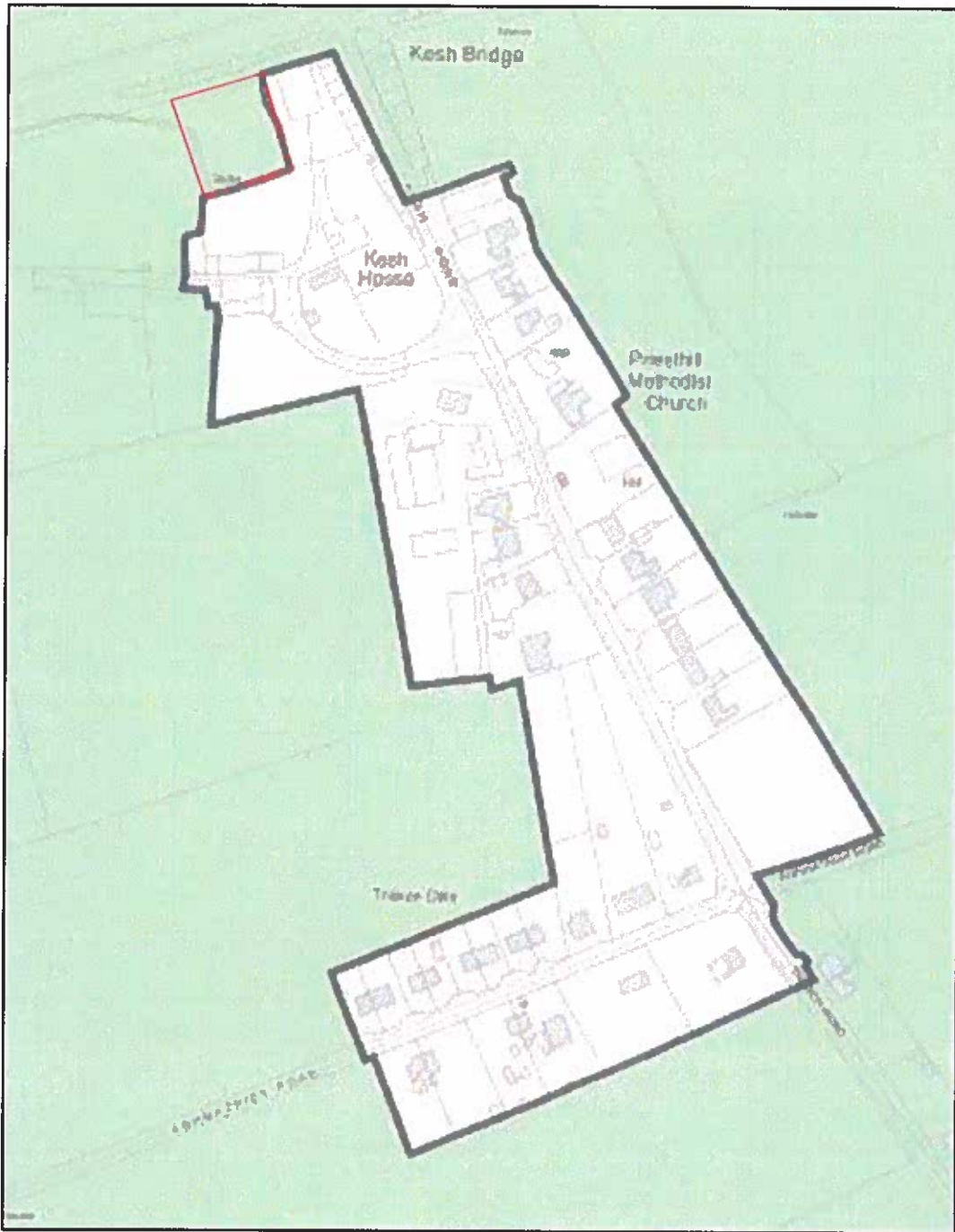


Annex 2: Site Aerial





Annex 3: Area Plan Extract – Lisburn Area Plan (LAP), 2001



**Annex 4: Planning Appeal Decision 2013/A0133 Halfpenny Gate Road**

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<b>Appeal Reference:</b>	2013/A0133	
<b>Appeal by:</b>	Mr Martin Geddis	against the refusal of full planning permission.
<b>Development:</b>	Dwelling.	
<b>Location:</b>	Lands to rear of 48 Halfpenny Gate Road, Broomhedge, Lisburn.	
<b>Application Reference:</b>	S/2012/0121/F	
<b>Procedure:</b>	Written Representations and Commissioner's Site Visit on 30 July 2014.	
<b>Decision by:</b>	Commissioner Alistair Beggs, dated 7 August 2014.	

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## Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions stated below.

## Reasons

2. Commissioner Boomer issued a decision on this appeal on 12 February 2014. However, following an application for judicial review, the Commission agreed to that decision being quashed and remitted. I have considered the appeal afresh, taking account of the written evidence previously submitted, as well as the new evidence submitted subsequent to the appeal being remitted.
3. The appellant submitted additional and amended plans in their Supplementary Statement of Case. The only changes in these plans to the proposed dwelling is the reduction of its ridge height by about a metre and a change of finishing material to the front entrance gable. The additional plans provide ground levels and sections, and landscaping details. Given the nature of the additional plans and the limited nature of the change in the amended plans (reducing the proposal's impact) there would be no prejudice to potentially interested parties if the appeal proceeded on their basis. I therefore consider the amended plans in my consideration.
4. The issues in this appeal are whether the proposal would be unacceptable in principle in the countryside and whether it mars the distinction between the built-up area and the surrounding countryside.

5. The appeal site consists of the property at No. 48 Halfpenny Gate. While the dwelling lies within the adopted settlement limit for Halfpenny Gate as defined by the Lisburn Area Plan 2001 (LAP), the northern part of its curtilage on which the proposed dwelling would be built lies outside that settlement limit. The settlement limit includes the land abutting the appeal site's eastern boundary as it extends around the frontage development at Nos. 50, 59a and 50b Halfpenny Gate Road and No 2 Damhead Road to their rear. The limit also includes properties along Mill Hill Lane which extend down to the watercourse forming the appeal site's northern boundary. To the west of the appeal site the settlement limit encapsulates the frontage development at Nos. 46a and 46b Halfpenny Gate Road, but not the land to their rear. The only alteration proposed to the settlement by the draft Belfast Metropolitan Area Plan 2015 (BMAP) is the inclusion of road frontage lands along Halfpenny Gate Road, including Nos. 42, 44 and 44a farther to the west of the appeal site. As the PAC report to the Department on the Public Examination into objections to the draft Plan made no recommendations that the draft settlement limit be changed, weight must be attached to that proposed limit.
6. Policy CTY 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) forms the basis of the Department's first reason for refusal. It 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. It has not been argued that the appeal proposal is one of the types of development specified as being acceptable under Policy CTY1. Policy CTY1 also 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. There is no persuasive evidence to demonstrate that the proposal is essential and could not be located in a settlement. Thus, the proposal is contrary to Policy CTY1.
7. The Department's second reason for refusal relates to PPS21's Policy CTY15 – The Setting of Settlements. This policy is engaged in circumstances where a proposal meets one of the exceptions in CTY1 and is not therefore a free standing policy. This policy states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The settlement limit at this point encloses the northern part of the appeal site on three sides and the proposed dwelling and its plot lie within this part of the site. The ground levels of the appeal site fall down towards the watercourse at the northern site boundary. The dwelling would sit several metres lower of both road level and adjoining roadside properties. The northern (overgrown) part of the site also benefits from high mature boundary vegetation on its northern, western and eastern sides, though the eastern boundary vegetation has some gaps. Given this, and existing road side development and associated vegetation, views of the proposal from the Halfpenny Gate Road would be limited to those available from the proposed shared access point with No. 48 – a distance of about 10 metres. From here the dwelling would be seen with No. 48 to its south and in the context of a vegetated backdrop and with rising land and the developments along Mill Hill Lane to the north. From Damhead Road, when alongside the curtilage of the property under construction at No. 2, the boundary vegetation would allow a filtered awareness of the proposal. However, the dwelling would again be seen in the strong

context of vegetation and other developments in the vicinity within the settlement limit. The same is true for the restricted glimpses of the proposal that would be obtained from Mill Hill Lane. Given the limited views of the proposal and the strong extent of its relationship with other developments the proposal would not be perceived as extending into the countryside. Instead it was appear as a part of the existing settlement form. Therefore the proposal would not mar the distinction between the settlement and the surrounding countryside or result in urban sprawl. The Department's second reason for refusal is not sustained.

8. Notwithstanding that the proposal does not meet any of the exceptions in Policy CTY1, paragraph 5.0 of PPS21 advises that the provisions of the policies contained within it will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision. In this particular case there are a number of points to be considered. The existing dwelling, No. 48, is within the settlement limit, and the element of its curtilage outwith that limit is enclosed on three sides by the settlement limit. The appeal site's western boundary at that point is a substantive tall hedgerow of some depth. This would provide a much stronger edge to the settlement limit than the existing boundary at this point which is formed by the weaker vegetation on the appeal site's eastern boundary. The proposal would appear as part of the existing settlement form which encloses it. Indeed, the proposal would consolidate the existing settlement form and provide a stronger, more compact and logical edge to the settlement at this location. The proposal is therefore not comparable to the two objection sites to the appeal site's south which sought the extension of the BMAP settlement limit. Given the proposal's positive impact on the settlement limit the Department's concerns about the precedent an approval would cause are unfounded. I consider that the improved settlement limit is a material consideration that outweighs the failure of the proposal to comply with Policy CTY1 and justifies allowing the appeal.
9. Given the above conclusions there is no need to address the planning approvals elsewhere that the appellant claimed set a precedent for this proposal. A wooden fence of 1.8 metres in height along the shared driveway is necessary to protect No 48's privacy. Given the importance of the existing vegetation to this decision this requires to be retained, especially along the western boundary. The landscaping plan submitted with the appellant's supplementary statement of case is acceptable and necessary to enhance the integration and privacy of the proposal. In the interests of road and traffic safety the appellant's proposed sightlines are required at the junction of the shared access with the public road. The existing ground levels mean the access driveway will not have undue gradients. The plans indicate sufficient space for the parking and turning of three vehicles which should be provided before the dwelling is occupied. Proposals to accommodate the surface and foul drainage from the proposal should be in place before the dwelling is occupied.

## Conditions

- (1) The landscaping scheme as shown in plan: Drawing No. gdds\_PLN1\_3/4, dated July 2014 shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within 5 years of being planted shall be replaced in the next

planting season with others of a similar size and species unless the Department gives written consent to any variation.

- (2) All trees along the northern, eastern and western boundaries shall be permanently retained and those along the western boundary shall not be cut, topped or lopped to less than 5 metres in height without the written approval of the Department.
- (3) No building operations shall commence until the proposed vehicular access, visibility splays and forward sightlines have been provided in accordance with the access details shown on plan: Drawing No. gdds \_PLN2\_3/4 dated Feb 2012. They shall thereafter be permanently retained.
- (4) Prior to the occupation of the dwelling a 1.8 metre high timber fence shall be erected along the eastern boundary of the proposed access lane. The fence shall be permanently retained thereafter.
- (5) The dwelling hereby approved shall not be occupied until provision has been made for the parking and turning of three cars so that they may enter and leave the site in forward gear.
- (6) No development shall take place until detailed proposals for disposal of storm water and foul sewage have been submitted to, and approved in writing by, the appropriate authority. The dwelling shall not be occupied until the approved arrangements are in place.

The development shall be begun before the expiration of 5 years from the date of this permission.

This decision relates to the following plans stamped refused by the Department on 2 July 2013;

<u>Scale</u>	<u>Drawing No</u>	<u>Title</u>	<u>Date</u>
1:2500	gdds_PLN1_4/4	location map	Feb 2012
1:250	gdds_PLN2_3/4	block plan	Feb 2012

and the following drawings stamped received by the PAC on 10 July 2014;

<u>Scale</u>	<u>Drawing No</u>	<u>Title</u>	<u>Date</u>
1:500	gdds_PLN1_4/4	section thru existing site	-
1:500	gdds_PLN1_roads	block plan/road entrance details	July 2014
1:500	gdds_PLN1_1/4	block plan - proposed dwelling with finished floor levels	July 2014
1:500	gdds_PLN1_2/4	block plan - existing ground levels	July 2014
1:100	gdds_SkPL_1/4	floor layout and sections	July 2014
1:100	gdds_PLN1_2/4	elevations	July 2014
1:500	gdds_PLN1_3/4	block plan – landscaping	July 2014

**COMMISSIONER ALISTAIR BEGGS**

**Annex 5: Planning Appeal Decision: 2017/A0147 Tullaghans Road, Dunloy**

# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0147
<b>Appeal by:</b>	Mr Damien Mc Mullan
<b>Appeal against:</b>	The refusal of outline planning permission.
<b>Proposed Development:</b>	Two No. semi detached dwellings.
<b>Location:</b>	Lands adjacent to 142 Tullaghans Road, Dunloy.
<b>Planning Authority:</b>	Causeway Coast & Glens Borough Council.
<b>Application Reference:</b>	LA01/2016/1445/O
<b>Procedure:</b>	Hearing on 16 <sup>th</sup> January 2018.
<b>Decision by:</b>	Commissioner Damien Hannon, dated 9 <sup>th</sup> May 2018.

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## Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

## Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and its impact on rural character.
3. Article 45 of the Planning Act (NI) 2011 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. The Northern Area Plan 2016 (NAP) was adopted in September 2015 and operates as the relevant statutory LDP. Designation DL 01 of the NAP specifies a settlement limit for Dunloy and while the appeal site borders the Dunloy settlement limit, it is designated as located in the countryside. The NAP however, contains no provisions specific to this proposal for a pair of semi detached dwellings in the countryside.
4. Furthermore, there is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this appeal. Consequently, the policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).
5. The appellant argued that the proposal would fall within one of the range of types of development, set out in Policy CTY 1 of PPS 21 as acceptable in principle in the countryside, namely the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.
6. Policies CTY 8 and CTY 14 state that planning permission will be refused for a building which creates or adds to a ribbon of development. The appeal site is a



rectangular field measuring some 65m deep with a 28m frontage onto Tullaghans Road. An existing sheep shed lies to the rear of the appeal site abutting its northern boundary. The site is bounded to the west by Nos 140 and 142, a pair of semi-detached properties fronting Tullaghans Road. The proposed pair of dwellings would, in conjunction with this pair, create a ribbon of development fronting Tullaghans Road. Policy CTY 8 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 2 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 environmental requirements.

7. The appellant did not state that the existing sheep shed had a frontage onto the road but argued the appeal plot to be a gap site within an otherwise substantial and continuously built up frontage comprising Nos 140 and 142 Tullaghans Road and a terrace of dwellings at 22 -34 Carness Drive. This terrace, to the east of the appeal site, forms part of a housing estate within the development limit of Dunloy. Notwithstanding that this terrace is located outwith the countryside, the dwellings do not have a frontage onto Tullaghans Road as their defined rear curtilage boundaries are separated from the road by a communal green area. Consequently, the appeal site is not part of an otherwise continuously built up frontage for the purposes of Policy CTY 8 and the proposal does not constitute a gap site, set out in Policy CTY 8 as acceptable in the countryside.
8. Paragraph 5.32 of the justification and amplification of Policy CTY 8 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable. Policy CTY 14 adds that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings
9. In this case the proposal would not sterilise backland as access from Tullaghans Road, to the farmland to the north would be retained via a laneway running along the eastern boundary of the appeal site. Nonetheless, the appeal site lies within the countryside and the proposal, because of its bulk, massing and siting close to the road would create ribboning and appear as an addition to suburban style development, reinforcing the built up appearance of the road. The proposal would, in conjunction with Nos 140 and 142, create a ribbon of development fronting the road and would run contrary to Policies CTY 8 and CTY 14. I consequently conclude the Council's objection on rural character grounds to be well founded.
10. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No such case was advanced and I conclude that the proposal does not meet any of the exceptions in Policy CTY 21. The Council's objection in principle based on Policy CTY 1 is upheld.

11. It is stated in paragraph 5 of PPS 21 that the provisions of its policies will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision. The appellant stated that a pattern of inconsistency in decision making has been established in respect of similar cases and that the proposal constituted beneficial 'rounding off'. He argued these to constitute two material considerations which, either individually or in combination, were sufficient to outweigh any sustained objection on policy grounds.
12. The appellant referred to a number of approvals in respect of proposals that he regarded as comparable with the appeal scheme and argued that this established a pattern of policy interpretation that should, in the interests of consistency, be applied in this case. However, some of the approvals referred to were granted by a different planning authority namely the former Department of the Environment (DOE) and not the Council. Furthermore, having considered the circumstances pertaining to each, I conclude that none of these proposals are on all fours with the appeal proposal. In these circumstances I do not consider that a pattern of inconsistency in decision making, which should be weighed in favour of the proposal, has been established.
13. The appellant made the point that while designated in the countryside in the NAP, the appeal site was within the settlement limit of the preceding North East Area Plan 2002. However, it would not be appropriate for me to revisit the provisions of a statutory and recently adopted plan through this appeal. The appeal site lies within the countryside and I have concluded that the proposal would run contrary to policies CTY 1, CTY 8 CTY 14 of PPS 21.
14. The appeal site is an open rectangular field with a shed and trimmed hedge boundaries. In its setting, it does not appear as unambiguously agricultural or rural in character. Rather, it presents as a side garden area to adjoining property or as a remnant site just as much as it would an agricultural field within the countryside. It is proposed to site the proposed pair in line with the existing pair of semi detached properties. This arrangement, which could be secured by condition, would respect the existing development pattern along the frontage. Furthermore, on approach along the road in either direction, the proposed development, because of its design, the composition of the appeal site and its juxtaposition with adjacent development, would read as an integral, albeit extended part of the urban fabric of Dunloy. In these circumstances, while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent.
15. Also, given existing vegetation and boundary treatment, the retention and augmentation of which can be secured through condition, the proposal marks an opportunity to deliver an environmental enhancement through provision of a clearer, coherent, logical and unambiguous edge to the settlement limit. The fact that the proposal would deliver a better environmental outcome without visual detriment to rural character leads me to conclude there to be overriding material considerations that outweigh any academic conflict with policy and justifies a contrary decision. Required visibility splays should be provided in the interests of road safety. In these circumstances the appeal succeeds and outline planning permission is granted.

## **Conditions.**

1. Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the Council – the siting, design and external appearance of the dwellings. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
2. The dwellings shall be sited in general accordance with the 1:500 scale Block Plan received by the Council on 14<sup>th</sup> February 2017 and numbered 02A by them.
3. Visibility splays of 2.4m x 80m shall be laid in both directions along Tullaghans Road in accordance with 1:500 scale Block Plan received by the Council on 14<sup>th</sup> February 2017 and numbered 02A by them prior to occupation of any dwelling hereby approved and shall be thereafter permanently retained.
4. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing trees and hedgerows to be retained and the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme should incorporate retention of existing hedging along the site's eastern and western boundaries and the planting of native species hedge behind required visibility splays. The scheme of planting as finally approved shall be carried out during the first planting season after any of the dwellings are occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
6. Application for approval of the reserved matters shall be made to the council before the expiration of three years from the date of this decision.

This decision is based on the following drawings:-

1:1250 scale Site Location Map received by Causeway Coast and Glens District council on 27<sup>th</sup> October 2017 and numbered 01A by them.

1:500 scale Block Plan received by Causeway Coast and Glens District council on 27<sup>th</sup> October 2017 and numbered 02A by them.

**COMMISSIONER DAMIEN HANNON**

**2017/A0147**

**List of Appearances**

Planning Authority:-

Ms Jennifer Lundy

Appellant:-

Mr Matt Kennedy (MKA Planning)  
Mr Damian McMullan  
Mrs Claire McMullan

**List of Documents**

Planning Authority:-

COU 1 Statement of Case

Appellant:-

APP 1 Statement of Case