
Appeal Reference:	2018/A0163
Appeal by:	Mr David Percy
Appeal against:	Refusal of Outline Planning Permission
Proposed Development:	Site of Dwelling and garage on a Farm.
Location:	30m approx. East of 11 Moneyrod Road Randalstown
Planning Authority:	Antrim and Newtownabbey Borough Council
Application Reference:	LA03/2018/0518/O
Procedure:	Written Representations with Commissioner's Site Visit on 3 rd April 2019
Decision by:	Commissioner Helen Fitzsimons on 8 th April 2019

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by the Antrim Area Plan 1984-2001 (AAP) the local development plan which operates for the area. In the AAP the appeal site is located in the countryside and within a Green Belt. AAP contains policy in respect of residential development in the Green Belts however; this policy is outdated and has been superseded by more recent regional policy. Therefore, the provisions of the AAP do not carry determining weight in this appeal. Regional policy in the form of the Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside' and this is a material consideration in this appeal.
4. Policy CTY 1 of PPS 21 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.' One of these is a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of three stated criteria can be met. The Council raised objections under the first requirement of criterion (a) that the farm business is currently active and criterion (c) that the new buildings are visually linked or sited to cluster with an established group of buildings on the farm. Paragraph 5.8 of Policy CTY 10 says that new houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the

farm's DARD business ID number along with other evidence to prove active farming over the required period.

5. Footnote 26 of the SPSS states that for its purposes 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1037/2013. At Article 4 (c) (i) agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.
6. The wording of the policy clearly states 'the farm business is currently active' and this must mean the extent of farming activity carried out under a particular farm business ID number. I agree with the appellant that an applicant for a dwelling on a farm need not necessarily be a farmer provided that the farm business is active.
7. There is no dispute that the appellant has a farm business ID No and that his farm business was active and claiming farm subsidies between 2005-2013 or that he has let out his land to a tenant farmer for some 11 years. However, more recently, the tenant farmer has been claiming the appellant's farm subsidy entitlement under his own farm business ID number. Claiming those subsidies must relate to the tenant farmer's farming activity associated with his business and not the appellant's. This demonstrates that it is the tenant farmer's farm business that is active. It does not bestow activity onto the appellant's farm business by default.
8. In order to substantiate his arguments regarding activity on his farm the appellant presented me with other evidence. In a letter dated 15th February 2019 the tenant farmer states that the appellant provided weed killer and he, the tenant farmer, sprayed the land; that as tenant farmer he has cut silage and hay from the land and stocked animals on this land over the years; and that the appellant was responsible for maintaining hedges, drains and gates etc.
9. Five receipts were presented by the appellant which show the following all invoiced to the appellant's address which where his farm business ID number is also registered :-
 - A hedge cutter was hired for two days from A Alexander & Co ' Farm Equipment and Produce Sales' in October 2014 and November 2016
 - Hire of a digger for cleaning 'sheughs' in March 2015
 - Purchase of fencing posts and materials from Cannon General Merchants in July 2017; and
 - Two day hire of a post driver from Smyths in late July 2017.
10. I accept that the hiring of a hedge cutter and a digger could be associated with maintaining the land in good agricultural and environmental condition. I also accept that the appellant may have been repairing or replacing fencing in July 2017. However, I note that the application for planning permission which is the subject of this appeal was submitted to the Council on 30th May 2018. Copies of the invoices I refer to above were submitted to the Council in August 2018, over a year from the most recently dated invoice. This indicates that no farming activity was undertaken by the appellant in the intervening period. In addition the appellant could have submitted further evidence with his appeal to demonstrate current activity but he

did not do so. In the absence of any evidence covering the period from July 2017 to date which demonstrates farming activity I must conclude that it is not an active farm business as envisaged by Policy CTY 10. This lack of evidence of itself is sufficient to distinguish this appeal from Appeal 2018/A0024. In addition in that appeal there was no reference to the tenant farmers claiming the appellant's farm subsidy entitlements under their own farm business ID numbers and this is a further distinguishing factor. The proposed development is not acceptable in principle in the countryside and fails criterion (a) of Policy CTY 1 of PPS 21. The Council has sustained its first reason for refusal.

11. A mobile home is located in the south west portion of the appeal site. The appeal site lies behind and clusters with the established group of buildings on the farm and forms part of a larger host field. Its south western and south eastern boundaries are defined by mature trees. The north eastern boundary is undefined whilst that to the north west is defined by a post and wire fence. Criterion (c) only requires the proposed dwelling to be sited to visually link or cluster with an established group of buildings on a farm. It does not cross refer to criterion (a). Therefore I consider that criterion (c) of Policy CTY 10 of PPS 21 is met. The Council has not sustained its second reason for refusal.

12. As I have concluded that the proposed development does not meet the requirements of criterion (a) of Policy CTY 10 of PPS 21 the appeal must fail.

This decision is based on the 1:1250 scale site location plan

COMMISSIONER HELEN FITZSIMONS

2018/A0163

List of Documents

Planning Authority: -

C1 Written Statement and appendices
C2 Comments

Appellant:-

A1 Written Statement and appendices
A2 Comments