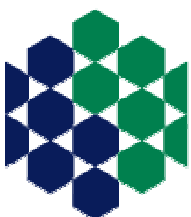


Draft Planning Policy Statement 14

Sustainable Development in the Countryside

25 October 2007



Department of the
Environment

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CONTENTS

Preamble	2
Background	3
Policy Context	6
Aims and Objectives	9
Planning Policies	10
Policy CTY 1 Development in the Countryside	11
Policy CTY 2 Farm Dwellings	16
Policy CTY 3 Dwellings for Retiring Farmers	20
Policy CTY 4 Dwellings for Non-Agricultural Business Enterprises	22
Policy CTY 5 Replacement Dwellings	23
Policy CTY 6 Social Housing	27
Policy CTY 7 Residential Caravans and Mobile Homes	29
Policy CTY 8 Agriculture and Forestry Development	30
Policy CTY 9 Farm Diversification	32
Policy CTY 10 Integration and Design of Buildings in the Countryside	34
Policy CTY 11 Rural Character	39
Policy CTY 12 Ribbon Development	42
Policy CTY 13 The Setting of Settlements	44
Policy CTY 14 Development Relying on Non-Mains Sewerage	45

PREAMBLE

The Department of the Environment (the Department) is responsible for planning control in Northern Ireland. The Planning Service, an Agency within the Department, administers most of its planning functions.

The Department has a statutory duty, laid down in Article 3 of the Planning (Northern Ireland) Order 1991, to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. The Department is required to ensure such policy is in general conformity with the Regional Development Strategy (RDS).

The Department's planning policies are normally issued through Planning Policy Statements (PPS) and PPS 1 'General Principles' advises that:

"Planning Policy Statements set out the policies of the Department on particular aspects of land-use planning and apply to the whole of Northern Ireland. Their contents will be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals."

This document constitutes the re-issued policy provisions of Draft Planning Policy Statement 14 'Sustainable Development in the Countryside' referred to in the 25 October 2007 Ministerial Statement made by Arlene Foster, Minister of the Environment. The document sets out planning policies for development in the countryside. These policies should, as indicated in the Ministerial Statement, be accorded substantial weight in the determination of any planning application received after 16 March 2006.

For the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in development plans. The provisions of this document will apply to all areas of Northern Ireland's countryside.

Nothing in this document should be read as a commitment that public resources will be provided for any specific project. All proposals for expenditure by the Department are subject to economic appraisal and will also have to be considered having regard to the overall availability of resources.

BACKGROUND

- 1.1 A major thrust of the Regional Development Strategy for Northern Ireland 2025 (RDS) published in September 2001 is to promote more sustainable patterns of development.
- 1.2 The RDS states that the cumulative impact of development in the countryside has the potential to reduce its value as a regional asset by damaging landscape, biodiversity and natural habitats and to create additional and unnecessary problems for the supply of infrastructure and services.
- 1.3 Since the RDS was formulated there have been significant numbers of planning approvals for dwellings in the countryside¹.
- 1.4 The policy provisions of the Planning Strategy for Rural Northern Ireland did not envisage the very high rates of applications to build in the countryside received in the recent past. The increasing number of planning approvals, especially of single dwellings, since the introduction of the RDS raised significant concerns that an unsustainable development trend was emerging. It was considered that this was threatening the unique character of the countryside as a regional asset and also the quality of the environment upon which we all depend.
- 1.5 In June 2004, the Department for Regional Development (DRD) published an Issues Paper entitled “Sustainable Development in the Countryside” to elicit views on the issues facing rural areas in Northern Ireland and on the future policy direction for the control of development in rural areas. Almost ninety written responses were received from a wide spectrum of political, community and environmental interest groups. In general terms, there was almost a 50/50 split on the issue of retaining or removing the presumption in favour of building in the open countryside. However, the majority of respondents were agreed that the level of development prevailing at that time was unsustainable and that action was required to take greater control of development.

¹ Planning Service figures indicate that in excess of 14,000 new dwellings were permitted between 2004/06. These figures are based on the best available current information and are subject to ongoing validation

- 1.6 In response to these concerns DRD published Draft PPS 14 'Sustainable Development in the Countryside' on 16 March 2006. It was accompanied by a Ministerial Statement by the then Parliamentary Under Secretary of State for Northern Ireland with responsibility for DRD, Shaun Woodward, which advised that the provisions of the Draft PPS took immediate precedence over existing rural planning policies and should therefore be accorded substantial weight in the determination of planning applications received after 16 March 2006.
- 1.7 The planning policies contained in Draft PPS 14 were introduced to address the significant development pressure affecting rural Northern Ireland. Shaun Woodward concluded that, in the public interest, action designed to minimise irreversible environmental damage could not be delayed and through his statement he sought to address substantial concerns that the policy direction of Draft PPS 14 could be seriously frustrated by a large influx of planning applications.
- 1.8 The introduction of Draft PPS 14 by DRD provoked a widespread debate about rural planning and over 8,500 responses were received to the public consultation.
- 1.9 A judicial review challenging Draft PPS 14 was subsequently lodged. In his judgement of 7 September 2007 Mr Justice Gillen concluded that DRD did not have the statutory power to prepare and issue draft PPS 14.
- 1.10 In light of the court judgement the Minister of the Environment, Arlene Foster, has issued a Ministerial Statement advising that the Department of the Environment is assuming responsibility for PPS 14, and its ongoing review. The Minister has also advised that there is still good reason to proceed as previously with a precautionary approach pending the completion of the PPS 14 policy review process.
- 1.11 Accordingly the Minister has decided in the public interest as an interim measure to reissue the policy provisions of Draft PPS 14 under the powers conferred by Article 3 of the Planning (Northern Ireland) Order 1991. These are set out in this document.
- 1.12 Furthermore the Minister's Statement indicates that these policy provisions should continue to take precedence over existing rural planning policies and should be accorded

substantial weight in the determination of any planning application received after 16 March 2006.

- 1.13 The Minister's Statement also indicates that, prior to publishing the final rural planning policy document, there will be an opportunity for all those with an interest in this matter to make their views known through a further public consultation exercise.

POLICY CONTEXT

Regional Development Strategy for Northern Ireland 2025

2.1 The Regional Development Strategy (RDS) provides an overarching strategic framework for development plans and planning policies. It also provides a framework to protect and enhance the physical, natural and man-made assets of the Region. By statute all new plans and policies must be in general conformity with the RDS. The RDS promotes a Plan, Monitor and Manage approach to regional development.

2.2 The RDS reflects national and international commitments to a sustainable approach to accommodating growth within the Region. This principle is firmly established in the European Spatial Development Perspective (ESDP) adopted by Member States within the EU. This document states that the aim of spatial development policies is to work towards a balanced and sustainable development of the territory of the EU by the achievement of three fundamental goals:

- economic and social cohesion;
- conservation and management of natural resources and the cultural heritage; and
- more balanced competitiveness of the European territory.

2.3 The RDS states that the application of the principles of sustainable development must be at the heart of future rural development. This will be achieved by the following strategic objectives:

- supporting the development of a strong, diversified and competitive rural economy served by the Regional Strategic Transport Network;
- developing a living and working countryside which recognises the unique rural character of the Region and contributes to a sense of belonging in local rural areas;
- promoting the continuing renewal and revitalisation of towns and villages in rural Northern Ireland;
- improving the accessibility of the rural community to employment, services and regional amenities; and
- managing and enhancing the natural and built heritage in rural areas.

Northern Ireland Sustainable Development Strategy

- 2.4 The Department published the Northern Ireland Sustainable Development Strategy (SDS) on 9 May 2006. The SDS draws attention to the need for a wide range of actions to address growing concerns about unsustainable trends including adverse impact upon our environment. The SDS is supported by an implementation plan that defines a long-term vision of sustainable development for Northern Ireland together with a series of objectives and targets based on the different responsibilities, needs and views within the Region.

Water Framework Directive

- 2.5 In addition to the existing water directives, the European Commission introduced a new framework for community action in the field of water policy known as the Water Framework Directive (2000/60/EEC) in 2000. The Water Framework Directive is the most substantial piece of EC water legislation to date providing an overarching framework for all of the existing Water Directives. This Directive has been transposed into NI legislation by the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003.
- 2.6 The Directive sets a framework for comprehensive management of water resources in the European Community, within a common approach and with common objectives, principles and basic measures. It addresses inland surface waters, estuarine and coastal waters and groundwater. The fundamental objective of the Directive is to maintain the “high status” of waters where it exists, prevent any deterioration in the existing status of waters and achieve at least “good status” in relation to all waters by 2015.

Habitats Directive and Regulations

- 2.7 The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (known as the “Habitats Regulations”) came into operation in 1995. Their purpose is to implement the EC Directive (known as the “Habitats Directive”) on the conservation of natural habitats and of wild fauna and flora.

2.8 One of the main initiatives of the Habitats Directive is the creation of a European network of wildlife sites to be known as “Natura 2000”. This network will be made up of Special Areas of Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPAs) under the related EC Birds Directive and which are collectively known as European sites. European sites play an important role and aim to maintain or restore the extent and quality of rare habitat types and to ensure that rare species can survive and maintain their populations and natural range on a long-term basis. Thus there is a need to ensure that the implications of present activities and future proposals are properly assessed in accordance with the procedures laid down in the Regulations.

Rural Development Strategy

2.9 The Rural Strategy 2007 – 2013 was published by the Department of Agriculture and Rural Development (DARD) on 9 October 2006. The Strategy provides a broad strategic context for rural policy which takes account of the aims and objectives of the RDS. Key themes include diversification of the rural economy, the protection of the rural environment and the need to sustain rural communities. The Strategy is organised around 4 key aims:

- developing the role of DARD as ‘rural champion’;
- improving performance in the marketplace;
- conserving and investing in the rural environment; and
- strengthening the social and economic infrastructure of rural areas.

2.10 In addition, DARD’s Strategic Plan 2006 – 2011 has amongst its stated goals the strengthening of social and economic infrastructure in rural areas as well as the development of a more sustainable environment.

AIMS AND OBJECTIVES

Aim

3.1 The aim of PPS 14 is:

- To manage development in the countryside in a manner consistent with achieving the strategic objectives of the Regional Development Strategy for Northern Ireland 2025.

Objectives

3.2 The objectives of PPS 14 are:

- to manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- to conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- to facilitate development necessary to achieve a sustainable rural economy; and
- to promote high standards in the design, siting and landscaping of development in the countryside.

PLANNING POLICIES

- 4.1 In exercise of its responsibility for planning control in Northern Ireland DOE Planning Service assesses development proposals against all planning policies and other material considerations that are relevant to it.**
- 4.2 The planning policies of this statement must therefore be read together and in conjunction with the relevant contents of development plans and other planning policy publications, including the Regional Development Strategy. DOE Planning Service will also have regard to the contents of published supplementary planning guidance documents.**
- 4.3 The following policies set out the main planning considerations for the control of development in the countryside. The provisions of these policies will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision.**

Policy CTY 1 – Development in the Countryside

A presumption against development will be operated throughout the countryside with the exception of a limited number of types of development which are considered in principle to be acceptable and details of which are set out below.

No other development will be permitted unless there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a farm dwelling in accordance with Policy CTY 2;**
- a dwelling for a retiring farmer in accordance with Policy CTY 3;**
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 4;**
- a replacement dwelling in accordance with Policy CTY 5; or**
- the development of a small gap site sufficient only to accommodate one house within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 12.**

Planning permission will also be granted in the countryside for:

- the provision of social housing in accordance with Policy CTY 6;**

- the conversion of a listed or vernacular building to residential accommodation in accordance with the policies of PPS 6²;
- an extension to a dwelling house where this is in accordance with Policy HOU 16 of PSRNI³;
- a residential caravan or mobile home where this is in accordance with Policy CTY 7; or
- a transit site for Travellers where this is in accordance with Policy HS 3 of PPS 12⁴.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- agricultural and forestry development in accordance with Policy CTY 8;
- farm diversification proposals in accordance with Policy CTY 9;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4⁵;
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreation uses in accordance with PPS 8⁶,
- renewable energy projects in accordance with Policy PSU 12 of PSRNI; or
- a necessary community facility to serve the local rural population.

² PPS 6: Planning, Archaeology and the Built Heritage, 1999, DOE Planning Service.

³ A Planning Strategy for Rural Northern Ireland, 1993, DOE.

⁴ PPS 12: Housing in Settlements, 2002, DRD.

⁵ PPS 4: Industrial Development, 1997, DOE Planning Service. This PPS is currently under review.

⁶ PPS 8: Open Space, Sport and Outdoor Recreation, 2004, DOE Planning Service.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Where however an existing policy in the PSRNI or a PPS distinguishes between development in Green Belts/CPAs and non-policy areas, the policy provisions for Green Belt/CPA will apply to all proposals until such times as that policy is superseded.

Reuse of Buildings

Planning permission will be granted for the change of use of an existing building in the countryside to a non-residential use where the proposal is in accordance with the following provisions:

- its reuse would not result in the need for a new building as a replacement;**
- the building is of sound and permanent construction and is proposed for reuse without major alterations;**
- the building is large enough to accommodate the proposed use and the site is of adequate size;**
- services and access are available or can be supplied or upgraded without adverse environmental impact; and**
- the nature and scale of the proposed use is appropriate to a countryside location and is not detrimental to agriculture, residential amenity or landscape quality.**

Justification and Amplification

- 4.4 The countryside is a unique resource valued by all our citizens. It contains landscapes of considerable quality and amenity, important indications of our cultural heritage and is also significant in terms of nature conservation and biodiversity by providing habitats for wildlife, flora and fauna. It is a recreational resource and a considerable tourist asset.**

The countryside is also home to our agricultural industry and to a considerable and growing rural community.

- 4.5 However, while the countryside has traditionally contained a substantial number of individual houses and other buildings, significant concern has been expressed by many about development trends and the enhanced pressures being exerted on the countryside, particularly in view of the Government's commitment to sustainable development.
- 4.6 In recent years there has been an accelerating pressure for development throughout the countryside, in particular single new dwellings. Between 2004 and 2006 over 14,000 planning approvals for new dwellings were granted⁷.
- 4.7 This rate of approval brings with it significant environmental, financial and social costs. It erodes the character and appearance of our landscape. In certain areas suburban type sprawl now dominates the rural scene. There is also habitat loss and fragmentation of agricultural land. There are increasing concerns about the impact of new development on water quality caused by the increased use of septic tanks. Nearly every journey is undertaken by car leading to increased traffic levels and pollution on rural roads. There are enhanced financial costs in relation to service provision – everything from school transport to improving drainage infrastructure.
- 4.8 The ongoing rate of approvals is also impacting on the vitality and sustainability of our towns and villages, creating unbalanced growth as greater numbers of people have chosen to live in the countryside.
- 4.9 When it was published the Regional Development Strategy acknowledged many of these concerns and indicated that difficult decisions would be required in relation to the control of single dwellings to protect against adverse cumulative impacts.
- 4.10 The continuation of current development trends in the countryside is now judged to represent a significant threat to the environment and therefore is considered to be

⁷ These figures are based on the best available current information and are subject to ongoing validation by Planning Service.

unsustainable. For this reason stricter controls will now be exercised over new housing development throughout the countryside with a limited number of exceptions to meet the needs of the rural community including farmers.

- 4.11 At the same time it is important to the well-being of the rural community to continue to facilitate appropriate economic development opportunities in the countryside.
- 4.12 Agriculture continues to be of major importance to the economy of the rural area. With the restructuring of the industry ongoing in response to the continuing change to agricultural support measures by the European Union, agricultural diversification is likely to increase in importance as a means of maintaining or increasing farm income and employment. The planning system will therefore continue to sympathetically view appropriate agricultural diversification schemes.
- 4.13 Opportunities also exist for tourism growth, particularly through the sympathetic conversion or re-use of existing buildings in the countryside. Exceptionally, new build accommodation may also be acceptable.
- 4.14 Appropriate industrial and commercial enterprises, including minerals development and necessary infrastructure will be facilitated, as well as proposals for new community buildings and uses where these meet local needs.
- 4.15 There is scope for the re-use and adaptation of existing buildings in the countryside for a range of uses, including appropriate industrial, tourism and recreational uses or community facilities. Retailing, unless small scale and ancillary to the main use, will not however be considered acceptable.
- 4.16 There are some areas of countryside with exceptional landscapes, such as the High Mourne, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. These areas will be designated as Special Countryside Areas in development plans and local policies brought forward to protect their unique qualities.

Policy CTY 2 – Farm Dwellings

Planning permission will be granted for a dwelling house on a farm where the applicant can demonstrate all of the following:

- (a) it is essential to meet the needs of the farm;**
- (b) it is essential for the proper functioning of the farm for a worker to be readily available at most times;**
- (c) the farm business is established and viable;**
- (d) need relates to a full-time farm worker or one who is mainly involved in agriculture;**
- (e) there are no alternative development opportunities available on the farm; and**
- (f) no dwellings or development opportunities have been sold off from the farm holding.**

Exceptionally, where a son or daughter of a farmer works mainly on the farm holding, permission may also be granted for a new house, even though it may not be strictly necessary on agricultural grounds for a farm worker to live on the holding.

Justification and Amplification

- 4.17 Farming continues to be a significant component of the Region's economy, despite ongoing changes to agricultural support mechanisms and it is important that planning policy continues to support the operational needs of farm enterprises. Planning permission will therefore normally be granted for a new dwelling on a farm where the proposed occupant works mainly on that farm and it is essential for him, or her, to live at the site of their work. Whether a house is essential, in any particular case, will depend on the needs of the farm concerned and not the personal preferences or circumstances of the individuals involved.

- 4.18 The material factors determining the number of people who actually need to live on a farm and whether a new dwelling house is required, include:
- the scale, viability and details of the farming operations;
 - the labour requirements of the farm, including the need for specialist workers and the level of attention needed outside normal hours;
 - the existing residential accommodation on the farm; and
 - the existing development opportunities on the farm.
- 4.19 If the existing or potential residential accommodation is insufficient to meet the accepted housing needs of a viable farm, planning permission will normally be granted.
- 4.20 It is also recognised that sons and daughters of farmers have a key role in sustaining the rural farming community. Exceptionally therefore, where a son or daughter of a farmer works mainly on the farm holding, permission may also be granted for a new house, even though it may not be strictly necessary on agricultural grounds for a farm worker to live on the holding. Farmer's sons and daughters, who only work part-time in farming and have their main employment elsewhere are however unlikely to fulfil the requirements of this policy.

Farm Details

- 4.21 Farm operations are varied and complex. In order to assess need it will be necessary for the applicant to provide detailed information about the farm. The assessment of need will include among other things: the extent and nature of the farm enterprise; the planning history of the holding; the occupations of those residing on the holding; the occupation and present address of the proposed occupier of the new dwelling; and the change in circumstances requiring a new dwelling. Land taken in conacre will only be considered, in the assessment of need, when it has been a regular part of a farm unit over a considerable period of years (generally not less than 10 years).
- 4.22 It will be necessary to establish that it is essential for the proper functioning of the farm for a worker to live on the farm and to be readily available at most times. The man-hour

requirements of a farm will indicate the numbers of workers required to run the business, but this does not necessarily mean that it is essential for all those workers to live on the farm. Factors such as the type of livestock, the level of attention needed out of normal hours, the need for specialist workers, the distance of units from the main farm dwelling, vulnerability to dangers such as theft and vandalism are all material in deciding the need for a worker to live on the farm.

Farm Viability

- 4.23 New houses on farms will not normally be justified on agricultural grounds, unless the existing farming business is both established and viable. In order to assess farm viability, it may be necessary for the farmer to provide information on the level of investment and commitment to the business. Investment in farm buildings, or maintenance and improvement of land alone, may not be sufficient evidence of a commitment. Actual agricultural use for a sufficient period of time will be necessary.
- 4.24 The Department for Agriculture and Rural Development will be consulted on all applications for dwellings on farms.
- 4.25 The onus will be on the applicant to show that the proposed occupant is sufficiently involved in farming, to be considered mainly working in agriculture on the farm, and that it is essential he or she should live there, for the working of that farm. Proposals for dwellings associated with "hobby" farms, or enterprises where the proposed occupant's main source of income is from another job or where he is semi-retired, will generally fail because of the viability test.

Other Development Opportunities

- 4.26 Planning permission will not be granted for an additional house on a farm if there are existing houses or development opportunities available on the farm which could meet the need for accommodation; or if any houses or sites have been sold off from the farm holding.

- 4.27 Development opportunities would include:
- an existing dwelling capable of renovation or replacement;
 - an extant planning approval for a dwelling which has not been implemented; and in certain circumstances;
 - where the holding includes land within a settlement limit.

Siting of New Farm Dwellings

- 4.28 New houses on farms should be sited to integrate into the surrounding landscape and not cause a detrimental change to the rural character of the area (see Policies CTY 10-12). Where practicable, access should be obtained from an existing farm road or lane. In most cases the agricultural need and the planning and environmental considerations will ensure that the new house is sited adjacent to, and integrated with the principal group of farm buildings. However, where the farm holding includes land inside the development limits of a settlement, the dwelling should preferably be located within that land.
- 4.29 Where an additional farm dwelling is justified, and the location of an existing replacement opportunity is inappropriate to meet the agricultural requirements, then permission for a new farm dwelling may be granted on a more appropriate site, subject to an agricultural occupancy condition and, where necessary, a planning condition to remove the existing dwelling and restore the site.

Occupancy Conditions

- 4.30 Each house, approved on the basis of agricultural need, will be subject to a condition restricting occupation of the dwelling to a person mainly working or last working in agriculture in the locality and to any resident dependants. This is to ensure that the proposed house is kept available to meet the agricultural needs of that farm or locality.
- 4.31 Where an agricultural occupancy condition has been imposed, it will only be appropriate to remove it on a subsequent application, if it is shown that the long term need for dwellings for agricultural workers, both on the particular farm and in the locality, no longer warrants reserving a house for that purpose.

Policy CTY 3 – Dwellings For Retiring Farmers

Planning permission will be granted for a dwelling house on a farm for a farmer retiring from agriculture, or for the surviving partner of a farmer, where the applicant can demonstrate all the following:

- (a) the applicant last worked mainly as a farmer, or is a surviving partner of someone who last worked mainly as a farmer;**
- (b) the applicant is of retirement age and has recently retired or is about to retire, or has to retire prematurely from farming because of ill-health or is a surviving partner as in the above criterion;**
- (c) the site for the new dwelling house is on the land which the applicant, or in the case of a surviving partner, her/his partner farmed until retirement;**
- (d) the farm is viable and therefore capable of supporting a farmer in full-time employment;**
- (e) the farm retirement dwelling is required to facilitate the orderly sale or transfer of the farm holding as a going concern;**
- (f) the existing farmhouse will continue to be used as the main farmhouse on the farm;**
- (g) there are no alternative development opportunities available on the farm; and**
- (h) no dwellings or development opportunities have been sold off from the farm holding.**

Justification and Amplification

- 4.32 Farming families have had a key role in sustaining the rural community, often over many generations. Where a farmer is retiring from agriculture or dies, planning permission may be granted for a house on the farm, to enable the farmer or their surviving partner to continue to live on that land.
- 4.33 Retirement in itself will not justify an additional dwelling on a farm holding. The future of the holding and the existing farmhouse are important considerations. It must therefore be

demonstrated that there is a need for an additional dwelling in order to facilitate the orderly transfer or sale of the farm.

- 4.34 Information on the farming activities and the applicant's or deceased's part in them will be required. It will not be sufficient to have been involved in farming on a part-time basis, in the evening and at week-ends, or to have received the main income from full-time employment outside agriculture.
- 4.35 It will not be necessary for a farm retirement dwelling to be integrated with the existing farm buildings, although, on some occasions, this can be an acceptable solution, particularly when a farm is being transferred within the family and the farmer wishes to retain a working link with the holding. The new dwelling will however need to integrate into the surrounding landscape and not cause a detrimental change to the rural character of the area (see Policies CTY 10-12).
- 4.36 Planning permission granted under this policy will be subject to a condition restricting the occupation of the dwelling.

Policy CTY 4 – Dwellings For Non-Agricultural Business Enterprises

Planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work.

Where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site.

Justification and Amplification

- 4.37 Established non-agricultural business enterprises, located in the countryside, may exceptionally require residential accommodation. The presence of such a business is not, of itself, sufficient justification to grant permission for someone to live on the site. A site specific need must be clearly demonstrated which makes it essential for one of the firm's employees to live at the site of their work, as against a general desire for a dwelling in association with the business.
- 4.38 A business which has been operating satisfactorily without residential accommodation will be expected to demonstrate why accommodation is now considered necessary in order to enable the enterprise to function properly. Furthermore it should be noted that the need to provide improved security from theft and/or vandalism by having someone living on the site is unlikely on its own to warrant the grant of planning permission.
- 4.39 Planning permission granted under this policy will be subject to a condition restricting occupation to an employee of the firm in order to retain the dwelling for the use of the business.

Policy CTY 5 – Replacement Dwellings

Listed Dwellings

There is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

Non- listed Vernacular Dwellings

A presumption in favour of the retention of non-listed vernacular dwellings in the countryside will also be operated. Proposals involving the replacement of such dwellings will therefore be assessed as follows:

- If the dwelling is an important element in the landscape planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.
- If the dwelling is not an important element in the landscape, planning permission will be granted for a new dwelling where the existing structure is retained and appropriately incorporated into the new development scheme.

Other Dwellings

Planning permission will be granted for a replacement dwelling where the proposed replacement would not have a visual impact significantly greater than the existing dwelling.

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling is sited within the established curtilage of the existing dwelling, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or (b) it can be demonstrated that an alternative position nearby would result in clear landscape, heritage, access or amenity benefits;

- **the overall size of the new dwelling allows it to integrate into the surrounding landscape and its design is appropriate to its rural setting and has regard to local distinctiveness and vernacular styles; and**
- **in the case of a proposal involving replacement of a vacant or unoccupied building, it is demonstrated by the applicant that the property is, or was last lawfully used as, a dwelling house and that the residential use has not been abandoned.**

Justification and Amplification

- 4.40 The replacement of existing dwellings in the countryside over recent years has played an important role in allowing the renewal and up-grading of the rural housing stock. However, at the same time there has been a growing concern that the tendency to replace, rather than upgrade, older dwellings is leading to a significant loss of the Region's stock of vernacular rural dwellings, which is increasingly viewed as an important element of our built heritage. Accordingly, restrictions have been introduced that seek to retain vernacular houses and promote their sympathetic renovation and continued use rather than replacement.
- 4.41 The replacement of a listed dwelling will not be permitted unless there are exceptional circumstances. Similarly, there will be a presumption against the replacement of those vernacular dwellings that are an important element in the landscape. In other cases involving vernacular dwellings, while a replacement dwelling may be acceptable in principle, this will be conditional on retention of the existing structure and its incorporation into the overall development scheme. This is intended to promote imaginative design solutions that will help retain a visual link with the past. For example, this could include the use of the existing structure as ancillary residential accommodation or as an outbuilding or possibly a garage. For the purposes of this policy a vernacular dwelling is defined as a dwelling of local architectural merit or historic interest.

Siting and design of replacement dwellings

- 4.42 A replacement dwelling should normally be sited within the same curtilage as the existing building, to take advantage of any natural features or mature planting and thereby help reduce the visual impact of the new dwelling.
- 4.43 Restrictions, which would result in failure to satisfy basic minimum standards, will not be imposed on the size of the replacement dwelling. However, it is unlikely that a house of a size significantly in excess of the one it is replacing, will be appropriate if its visual impact is significantly greater. The size of the new dwelling may also be constrained by the size of the existing curtilage.
- 4.44 In all cases the design of the new replacement dwelling should be appropriate to its setting and take into account the character exhibited by vernacular buildings in the locality.
- 4.45 Overall the siting and design of the total new development should not create a visual impact significantly greater than the existing building, in order that it can be satisfactorily integrated into its landscape surroundings. The promise of substantial landscaping, as a means to reduce the impact of a prominent and overly dominant replacement dwelling will not be considered an acceptable design solution.
- 4.46 Proposals to replace existing semi-detached or terraced dwellings will generally only be acceptable if replaced in situ with the proposed new dwelling remaining attached to the other elements of the existing development.

Abandonment of residential use

- 4.47 Where a dwelling to be replaced is unoccupied or where it is unclear when the dwelling was last occupied, the onus will be on the applicant to demonstrate that residential use has not been abandoned. This will be assessed having regard to the following matters⁸:
- the physical condition of the dwelling;
 - the period the dwelling has not been in use;

⁸ These tests of abandonment are set out in a judgment by the Court of Appeal (*Hughes v SSETR & Another*, 2000).

- whether there has been any intervening use; and
 - evidence of the owner's intentions.
- 4.48 Fundamental to the consideration of a replacement dwelling is that the building to be replaced is in fact a dwelling house or that it was last lawfully used as a dwelling house. The internal arrangement of the building should reflect its use as a dwelling and it will generally be expected to have the normal requirements of living available, although facilities, or the quality of the building, may not be necessarily up to the standards considered acceptable in a modern dwelling house.
- 4.49 Where no dwelling exists, or it is concluded that use of the building as a dwelling has been abandoned, planning permission will not be forthcoming even if approval was previously granted for a replacement dwelling on the site. Exceptionally, where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Replacement of tenanted dwelling houses

- 4.50 The assessment of whether an existing dwelling is currently occupied will usually be self-evident and not require further scrutiny, save only to clarify the tenancy arrangements of the present occupant. It will not normally be possible to approve an application for replacement of an existing house that is tenanted. This is because almost all tenanted dwellings in NI are subject to legislation that limits the rights of landlords to gain possession and occupation.
- 4.51 All permissions for a replacement dwelling granted under this policy will be subject to a condition requiring demolition of the existing dwelling or restricting its future use if it is to be retained as part of the overall development scheme.

Policy CTY 6 – Social Housing

Planning permission may be granted for a small group of dwellings (generally no more than 8 dwellings) to provide social housing for the rural community where a demonstrable need has been identified by the NI Housing Executive which cannot be met within an existing settlement in the locality.

Where the need relates to an existing rural settlement the following sequential test in terms of location will be applied:

- (a) a minor extension to the existing settlement limit, subject to amenity and environmental considerations;**
- (b) any site close to the settlement limits which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;**
- (c) an undeveloped site in close proximity to the settlement and clearly associated with it.**

Where the need relates to a more isolated rural area the housing group should be associated with a traditional focal point such as a church, hall, school or community centre.

All proposals will need to be sited and designed to integrate sympathetically with their surroundings and meet other planning criteria and policy requirements.

Justification and Amplification

- 4.52 The majority of land considered by the Department as suitable for housing developments will be allocated through the development plan process within settlements.
- 4.53 While planning policy resists groups of dwellings in the countryside, an exception may be made where a specific need for social housing has been established through a local housing needs assessment undertaken by the NI Housing Executive, and where the need has not been foreseen and provided for through the development plan process.

4.54 Proposals for groups of dwellings for social housing will need to be accompanied by information demonstrating that the potential to locate the necessary housing within settlement limits has been explored, and that no suitable sites are available.

Policy CTY 7 – Residential Caravans and Mobile Homes

Planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

Justification and Amplification

- 4.55 The design and finishes of a residential caravan or mobile home limits its potential for integration into the landscape. For this reason, planning permission will not be granted for a permanently sited residential caravan or mobile home in the countryside.
- 4.56 It is accepted however, that in exceptional circumstances, a caravan or mobile home can be a sensible temporary solution, to meeting the need for residential accommodation in the countryside.
- 4.57 These exceptional circumstances include where:
- a farmer, who is developing an established farm business and meets the need criteria for a permanent dwelling, cannot at present afford to build a house (see Policy CTY 2);
 - a farmer is retiring (see policy CTY 3); or
 - the provision of temporary residential accommodation pending the development of a new permanent dwelling.
- 4.58 All permissions will normally be subject to a three-year time limit. However, this may be extended having regard to the particular circumstances of the case.
- 4.59 The siting of a residential caravan or mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. Permission will depend on the ability to integrate the unit within an existing building group and screen the unit from public view. Residential caravans or mobile homes on farms will be required to integrate with the main farm complex.

Policy CTY 8 – Agricultural and Forestry Development

Planning permission will be granted for agricultural or forestry development where it is demonstrated that:

- **it is necessary for the efficient use of the agricultural holding or forestry enterprise;**
- **in terms of character and scale it is appropriate to its location;**
- **it visually integrates into the local landscape and additional landscaping is provided as necessary;**
- **it will not have an adverse impact on the natural or built heritage; and**
- **it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.**

In cases where a new building is proposed applicants will also need to demonstrate the following:

- **there are no suitable existing buildings on the holding or enterprise that can be used;**
- **the design and materials to be used are sympathetic to the locality and adjacent buildings; and**
- **the proposal is sited beside existing farm or forestry buildings. Exceptionally a new building may be permitted away from existing farm or forestry buildings where it is demonstrated that this is essential for the efficient functioning of the holding or enterprise.**

Justification and Amplification

- 4.60 As agriculture and forestry continue to change and develop, it is important that the planning process continues to support the operational needs of these enterprises.
- 4.61 Under the Planning (General Development) Order (Northern Ireland) 1993, known as the “GDO”, certain development relating to agriculture and forestry is permitted development i.e. a planning application is not required as permission is

deemed to be granted. The GDO is currently under review and was recently amended to include proposals relating to the farm nutrient management scheme. Where a proposal is not permitted development and express permission is required, planning permission will be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as other planning criteria and policy requirements.

- 4.62 A new building will only be approved where there are no existing redundant buildings on the holding or enterprise that can be used. In all cases the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist.
- 4.63 New buildings can form an integral part of the landscape if developed in sympathy with their surroundings, so as to blend unobtrusively into the landscape. The Department of Agriculture and Rural Development has played an important role with a number of schemes relating to the design of farm buildings. Their publication "Farm Buildings in the Countryside" gives practical guidance on the importance of integrating modern farm buildings into the landscape.
- 4.64 A proposal located away from existing agricultural or forestry buildings will only be acceptable where it is shown to be essential for the efficient functioning of the holding or enterprise. In such cases the applicant will be required to satisfactorily demonstrate that this is the case. Where such a proposal is justified, the building will still be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.
- 4.65 All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.

Policy CTY 9 – Farm Diversification

Planning permission will be granted for a farm diversification proposal where it has been demonstrated that this is complementary to the agricultural operations on the farm and will be operated as part of the farm enterprise. The following criteria will apply:

- **in terms of character and scale it is appropriate to its location;**
- **it will not have an adverse impact on the natural or built heritage; and**
- **it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.**

Proposals will normally only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally where a new building is justified this should be small-scale and satisfactorily integrated with an existing group of buildings. The design and materials to be used should be sympathetic to the locality and adjacent buildings.

Justification and Amplification

- 4.66 The agricultural industry continues to undergo substantial changes that have led many farmers to look for alternative sources of income to supplement that derived from farming. Some farmers have responded by diversification into non-agricultural activities located on the farm holding. The Government is committed to supporting this process of diversification where it is compatible with other objectives for the countryside.
- 4.67 This policy aims to promote forms of diversification that are sustainable in the countryside. It is important that the countryside is not spoilt by the unfettered development of urban uses. Diversification proposals, therefore, should be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape. Applications for large-scale proposals more suitable to the

urban area or existing urban-based enterprises seeking relocation will not be acceptable.

- 4.68 Diversification should be facilitated through the re-use or adaptation of existing buildings. A new building will only be permitted where existing farm buildings are not available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise or are clearly unsuitable for adaptation and re-use. The applicant will be required to satisfactorily demonstrate why existing buildings cannot be used.
- 4.69 Additional policy guidance on specific forms of farm diversification is set out in a number of other planning policy statements.

Policy CTY 10 – Integration and Design of Buildings in the Countryside

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.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or**
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or**
- (c) it relies primarily on the use of new landscaping for integration; or**
- (d) ancillary works do not integrate with their surroundings; or**
- (e) the design of the building is inappropriate for the site and its locality.**

Justification and Amplification

- 4.70 Traditional buildings in the countryside evolved in response to their setting and function on the land. They blend sympathetically with their surroundings and do not appear incongruous in the landscape. It is essential that similar care is exercised in the siting and design of new buildings to ensure they too can integrate harmoniously with their surroundings and thereby protect the amenity and character of our countryside.
- 4.71 The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its surroundings.
- 4.72 The main criteria against which the degree of visual impact will be considered include:
- the location of the site within the landscape, the position of the building within the site and its relationship with

surrounding buildings. This will help determine whether the development will be a prominent feature in the landscape;

- the attributes of the site and its landscape surroundings and whether these provide sufficient enclosure for the new building. This includes the existence or otherwise of natural boundaries and/or a visual backdrop, and whether there is any intervening vegetation or natural features between the site and critical views; and
- the suitability of the design of the building for the site and its locality, including its form, scale and massing.

4.73 The assessment of integration will be judged from critical views along stretches of the public road network; shared private lane-ways serving existing or approved dwellings; public rights of way and other areas of general public access and assembly, e.g. a car park. There may also be occasions where combined views from individual private laneways, located in close proximity to each other, will be relevant in assessing integration.

4.74 New buildings that would read as skyline development or occupy a top of slope/ridge location or otherwise be a prominent feature in the landscape will be unacceptable.

4.75 New buildings should be sited to take advantage of the opportunities afforded by existing mature planting, hills, slopes or other natural features to provide suitable enclosure. These features can provide a visual backdrop to development and equally where located in the foreground between the site and critical views can assist integration by filtering views of the new building. A group of existing buildings, such as a farm complex may also provide an opportunity to sensitively integrate a new building provided this does not adversely impact on rural character (see Policy CTY 11).

4.76 Where trees provide enclosure or a backdrop to a site they should be retained and where necessary augmented by new planting with native or other species characteristic of the area. This will assist the integration of the new building and help promote biodiversity. Care should be taken to ensure that an appropriate distance is maintained between tree root systems and building foundations, so neither is compromised.

4.77 While new tree planting for integration purposes will be considered together with existing landscape features, new

planting alone will not be sufficient. A building on an unacceptable site can not be successfully integrated into the countryside by the use of landscaping. New planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development. Similarly a new building that relies on significant earth works, such as mounding or cut and fill for integration will be unacceptable.

- 4.78 Due to the widespread views generally available in flat landscapes or exposed hill areas it is all the more important to ensure that new buildings integrate well with their surroundings. In such areas, poor siting and design carries with it a greater potential for adverse impact on visual amenity and rural character. Particular care is therefore required in site selection so that new buildings will integrate into these landscapes.

Design

- 4.79 The form and proportions of a new building are key elements in the design and strongly influence its visual impact on the landscape. If form and proportion are wrong, then little can be done with any other features to mitigate the impact of a poor design. Where the scale, form or massing of a building would make it dominant or incongruous in the local landscape planning permission will be refused.
- 4.80 The most successful rural designs are those which use the simple shapes and forms of traditional buildings. Where a return is provided it is normally to the rear with only a porch on the front elevation. The roof is either gable or hipped depending upon the locality and chimneys are positioned along the ridgeline.
- 4.81 A good relationship of solid wall to openings, such as windows and doors, is extremely important in a rural setting. Windows are traditionally small and vertical in proportion. Secluded elevations screened from public view may provide opportunities for design innovation, provided the overall design and orientation are acceptable.
- 4.82 Unequal pitched roofs will not be acceptable. Similarly, buildings where the roof is designed to span the length, rather than the width of the structure, will be unacceptable.

- 4.83 Relative simplicity of design and discretion in the use of materials, texture and colour will greatly enhance the appearance of a building. The use of non-traditional materials such as brick, concrete and random stone-cladding tends to introduce too much diversity of colour and texture. Combinations of materials on walls, the use of feature panels and excessive ornament should be avoided.
- 4.84 Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.
- 4.85 Applicants are encouraged to submit design concept statements as part of their planning application. Detailed guidance on the design and siting of buildings in the countryside, including, site analysis, is provided in the Design Guide for Rural Northern Ireland⁹. Specific guidance for the design of buildings in a number of Areas of Outstanding Natural Beauty is contained in the relevant design guide.

Access and other ancillary works

- 4.86 New accesses are often a visible feature of new buildings in the countryside and on occasion can be more obtrusive than the building itself, particularly if they include ornate walls, gates and fencing. Accordingly it will often be necessary to attach a condition removing permitted development rights for such boundary features in the interests of preserving the amenity and rural character of an area.
- 4.87 Wherever possible access to a new building should be taken from an existing lane-way. Where a new access drive and services, such as electricity and telephone lines, are required, they should be run unobtrusively alongside existing hedgerows or wall lines and accompanied by landscaping measures. Access driveways should respect site contours and cross them gently, thus integrating the building with its entrance and site. Sweeping driveways which create a suburban emphasis and access arrangements, will not be acceptable.

⁹ It should be noted that Planning Context of the Design Guide for Rural Northern Ireland is superseded by this PPS.

- 4.88 While adequate visibility at the road access is necessary in the interests of road safety, access driveways surfaced in tarmac and with concrete kerbing can look out of place in the countryside and less formal solutions should be sought. The traditional field pattern should be preserved and roadside and field boundary hedges and stone walls retained or reinstated following any access works. Retention or reinstatement of boundaries, hedges and walls is an important element in mitigating the impact of new development and where necessary will be controlled by condition.
- 4.89 Large garden areas between a new dwelling and the public road can also be a prominent and unnatural feature in the countryside and will be unacceptable. It may on occasion be necessary to control the size and extent of the curtilage of a new dwelling by applying a planning condition.

Policy CTY 11 – Rural Character

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.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or**
- (b) it results in a build-up of development when viewed with existing and approved buildings; or**
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or**
- (d) it creates or adds to a ribbon of development (see Policy CTY 12); or**
- (e) the impact of ancillary works would damage rural character.**

Justification and Amplification

- 4.90 The countryside of Northern Ireland is valued for its intrinsic landscape character, nature conservation interest and built heritage, as well as being a resource for tourism and recreation. While the countryside is constantly changing in response to human activity, the pace of change is now more rapid than ever. This has resulted in the erosion of the rural character of parts of the Region, some of which now appear sub-urbanised and built-up due to the cumulative effect of ongoing development. It is crucial therefore to ensure that new buildings and any associated ancillary works do not result in a detrimental change to, or further erode the rural character of an area, rather they should seek to maintain and protect the special qualities and unique character of our countryside.
- 4.91 There are a number of different ways in which new development in the countryside can impact detrimentally on rural character. One building by itself could have a significant effect on an area if it is poorly sited or designed and would be unduly prominent, particularly in more open and exposed landscapes.

- 4.92 On other occasions a new building may have little impact by itself. However, when taken cumulatively with other existing and approved buildings and their ancillary features in the vicinity, it could result in a build up of development detrimental to the rural character of that area.
- 4.93 In assessing the cumulative impact of a building on rural character the matters taken into consideration include the following:
- the intervisibility of the proposed building with existing and approved development¹⁰;
 - the vulnerability of the landscape and its capacity to absorb further development; and
 - the siting, scale and design of the proposed development.
- 4.94 In order to maintain and protect the rural character of an area the new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. Accordingly, to be considered acceptable, a new building in the countryside should:
- adopt the spacing of the traditional buildings found in the locality; or
 - integrate sensitively along with a group of existing buildings, such as a farm complex.
- 4.95 It is considered that ribbon development is always detrimental to the rural character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern of the countryside.
- 4.96 The assessment of the impact of a new building on rural character will be judged from critical views along stretches of the public road network; shared private lane-ways serving existing or approved dwellings; public rights of way and other areas of general public access and assembly. There may also be occasions where combined views from individual private laneways, located in close proximity to each other, will be

¹⁰ Approved development relates to unimplemented extant planning permissions for new buildings

relevant in assessing the impact of a proposal on rural character.

- 4.97 The impact of ancillary works associated with a new building on rural character will also be assessed. In particular the access arrangements can often raise awareness of and draw attention to new development and when read in conjunction with other existing or approved accesses can have a combined impact damaging to the rural character of an area.

Policy CTY 12 – Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate one house within an otherwise substantial and continuously built up frontage.

Justification and Amplification

- 4.98 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.
- 4.99 For the purposes of this policy ribbon development is a line of buildings extending along a road, footpath or private lane generally without accompanying development of the land to the rear. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.
- 4.100 Ribboning is not a category of development that can easily be defined by numbers. However, for the purposes of this policy two dwellings sited adjacent to one another with a common frontage and without significant existing boundary vegetation between them will be viewed as ribbon development.
- 4.101 Most frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps in the countryside will therefore not be permitted except where it comprises the development of a small gap, (generally no more than 20 metres in width), sufficient only to accommodate one house within an otherwise substantial and continuously built up frontage.

4.102 In such circumstances, the proposed dwelling will have to be well designed, appropriate in size and form to neighbouring buildings and meet other planning and environmental requirements.

Policy CTY 13 – The Setting of Settlements

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.

Justification and Amplification

- 4.103 A settlement's identity can be as much as a result of its setting within the surrounding countryside, as with the quality of its buildings. Landscapes around settlements have a special role to play in maintaining the distinction between town and country, in preventing coalescence between adjacent built-up areas and in providing a rural setting to the built up area.
- 4.104 The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. Proposals that would mar this distinction or create urban sprawl will therefore be unacceptable.

Policy CTY 14 – Development relying on Non-Mains Sewerage.

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

Justification and Amplification

- 4.105 Water is one of our most vital natural resources. Not only is it essential to sustain life itself, but it also plays a crucial role in our economic development and social well-being. Some uses can however threaten the very water quality on which they depend. Pollution can arise from point sources such as industrial or sewage effluent discharges, or can be diffuse such as road or agricultural run-off. It is important therefore that our water bodies - rivers, lakes, estuaries and coastal waters, groundwaters and reservoirs - are protected from pollution and managed as a sustainable resource for all of the activities that depend on them.
- 4.106 The context for the protection of water resources is provided by the EC Water Framework Directive (WFD) that came into force in December 2000. This established a new framework for the management, protection and improvement of the quality of water resources across the European Union. The WFD requires the completion of management plans for all river basins in Northern Ireland by the end of 2009. Among the objectives of these management plans is the protection and improvement of the ecological and chemical water quality of the Region.
- 4.107 The Directive consequently has implications for decision-making in the development sector. New development relying on non-mains sewerage may, either individually or cumulatively, increase the risk of groundwater pollution. As

such, it has the potential to adversely affect the ecology and chemical quality of the water environment.

- 4.108 Accordingly it is desirable for new development to connect to mains services wherever possible. However, it is acknowledged that it will not be feasible for many buildings in the countryside to connect to a public water borne sewerage system and they will rely instead on some means of 'on-site sewage treatment', such as a septic tank or package treatment plant. Effluent from such installations is usually dispersed through a system of channels or field drains before percolating to the nearest watercourse.
- 4.109 The aim of this policy is to protect the Region's water resources from the actual or potential polluting effects of on-site treatment plants, particularly in areas identified for the abstraction of water for human consumption.
- 4.110 The planning and pollution control systems are separate but complementary systems of control and regulation designed to protect the environment from harm as a result of development and related operations. Pollution controls seek to protect public health and the environment. Planning controls are concerned with the appropriate use of land and the impact of development on the environment.
- 4.111 Under the Water (Northern Ireland) Order 1999, the consent of the Department of the Environment's Environment and Heritage Service is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata.
- 4.112 However planning applications for development in the countryside relying on non-mains sewerage are often made prior to applications for 'Consent to Discharge' under the Water Order. It then falls to the planning system to assess whether the arrangements for the treatment of effluent would create or add to a pollution problem. In such cases consultation will be undertaken with Environment and Heritage Service and the Environmental Health Department of the local council.
- 4.113 The number and type of on-site sewage treatment plants which, will be acceptable in a particular area will be determined by the sub-soil conditions, the sensitivity and

capacity of the receiving watercourse and the vulnerability / sensitivity of water catchment areas. In addition such installations should be located at least 15 metres away from any dwelling and soakaways should not drain across the curtilage of any neighbouring property.

- 4.114 Planning permission will be refused for development relying on non-mains sewerage where the physical arrangements proposed for on-site sewage treatment are unsatisfactory or in cases where 'Consent to Discharge' under the Water Order is unlikely to be forthcoming due to pollution risks. Environment and Heritage Service may identify certain areas where a pollution risk exists sufficient to warrant no further development relying on non-mains sewerage arrangements. In appropriate circumstances these will be highlighted in the relevant development plan for the area.

Information to accompany planning applications

- 4.115 If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application.
- 4.116 In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved.
- 4.117 Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaways, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

4.118 The Department of the Environment Planning Service has powers under the Planning General Development (NI) Order 1993 to request applicants to supply such additional information on the proposed development as is considered necessary to allow proper determination. Where information on the means of sewerage is requested, but not provided planning permission will normally be refused on the basis of insufficient information to properly determine the proposal.