



BELFAST CITY COUNCIL DRAFT PLAN STRATEGY REPRESENTATION

14 November 2018

Policy RD3 – Conversion or sub-division of existing buildings for residential use

It is noted that the basic premise of this policy has not substantially departed from that already set out in the Addendum to PPS 7 Policy LC2.

However, I am concerned with the proposed wording of criteria C of Policy RD3 in that the Council has failed to consider the planning precedent established in a recent PAC decision 2017/A0054 (Council Ref LA04/2016/2249/F). In this decision, the presiding commissioner states:

“Annex A of the Addendum sets out space standards for new apartments to which Policy LC 1 would apply. Under these standards, a 1 person / 1 bedroom flat may have an internal floor space area of 35-40 m2. The ground floor apartment falls below this by 1m2 while the first-floor apartment complies with the standard. It is difficult to understand why a higher standard would apply to the conversion of an existing property where there is no justified complaint about the standard of accommodation provided. This apparent inconsistency in policy was not explained satisfactorily by the Council. I find the internal floor space acceptable in terms of extent, layout, and outlook.

In the specific circumstances of this appeal, and as all the requirements of Policy QD 1 of PPS 7 and all the remaining criteria of Policy LC 2 have been satisfied, I do not consider that failure to comply with criterion (c) of Policy LC 2 should be determining in this case. I am persuaded that the property is appropriate for conversion to 2No one person / one-bedroom apartments. The appeal development provides accommodation that ensures an acceptable standard of residential amenity. Accordingly, the Council has failed to sustain its reasons for refusal based upon Criterion (c) of Policy LC 2.”

In summary, provided the level of accommodation proposed is acceptable in terms of floorspace, layout, outlook, amenity and parking, there is no justifiable reason why an existing dwelling with a gross internal floorspace below 150sqm cannot be adequately sub-divided into two or three apartments.

The council have an opportunity to address this inconsistency in policy by amending the wording of criteria C accordingly to remove the 150sqm threshold which can no longer be justified in the context of recent case law.

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Policy DC1 – All countryside development - general policy principles

There is little information clarifying what would be considered to constitute an **acceptable** '*justification of rural locational need or site-specific need*'. The significant lack of clarity on the definition of this will inevitably lead to substantial uncertainty in the decision-making process and represents a very uncertain and unnecessary policy tool which serves only to restrict sustainable development opportunities in the countryside surrounding Belfast City.

The objection to this aspect of DC1 also extends into the objection to Policy DC3 insofar as it relates to non-occupied replacement dwellings, and also to Policy DC10 which appears to add a further policy test over and above the definition of an '*active farm business*'.

Policy DC3 – Replacement dwellings

The vast majority of planning applications for replacement dwellings relate to unoccupied dwellings, or buildings formerly used as dwellings.

It is contradictory to state that planning permission *will be granted* for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling house, and then to apply a further (uncertain and not clearly defined) **policy test** of '*justification of locational need*'.

If a building is deemed to exhibit the essential characteristics of a dwelling house, and as a minimum all external structural walls are substantially intact, this should be sufficient to satisfy the policy requirements for replacement of that dwelling.

It should not be necessary for an applicant to have to further justify locational need, if all other aspects of the policy have been met, irrespective of the dwellings occupied status. A replacement dwelling which has been vacated should always be acceptable provided it meets the other aspects of the policy test set out in DC3.

Policy DC7 – Ribbon Development

The clear and obvious departure from the established infill policy in the SPPS and PPS21 Policy CTY 8 is the reduction of acceptable infill development from two to just one dwelling.

The extension of the infill policy from one to two dwellings introduced by PPS21 Policy CTY 8 in June 2010 was essential in providing vital development opportunities for both rural families and non-rural dwellers to live and work in the countryside in a manner which also achieved its stated objective of managing growth in the countryside to achieve appropriate and sustainable patterns of development that meet the needs of a vibrant rural community.

Linear patterns of development along the roadside are commonplace in the countryside surrounding Belfast and, where proposals are deemed to meet all other



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aspects of the policy including development pattern, scale, siting and plot size, an opportunity to infill a gap with two dwellings should still be permissible.

DC10 – New dwellings on farms

The requirement for '*demonstrable locational need*' should be removed from this policy. As stated under the consideration of Policy DC1 above, there is no clarity on what constitutes an acceptable demonstration of locational need, thereby leading to substantial uncertainty in decision making.

In addition, due the steady decline in the farming industry over the last 10-15 years, farm business owners have been able to sustain their holdings by obtaining permissions for farm dwellings to sell off to supplement farm income, or to provide a site adjacent to the farm business for family members who might be taking over the farming business and would otherwise have had to move out of the rural area where they were born and raised and into a local town or village.

Introducing a test of justifying locational need would be a backward step to the old 'farm workers' or 'farm retirement' dwelling policies formerly contained within the Planning Strategy for Rural Northern Ireland. Farming practices have substantially diversified over the last few decades and the opportunity to provide a site on a farm for a relative, or simply to sell off if deemed necessary to supplement farm income, should not be removed.

It is overly prescriptive and restrictive to ask applicants to demonstrate that a new dwelling on a farm is only necessary to support the agricultural activities on the farm. What kind of information would be required to demonstrate that a new dwelling on the farm is necessary to support ongoing agricultural activities? If approval of a farm dwelling was linked to supporting the agricultural activities on the farm, and not simply to be sold off for financial gain, will there be a re-introduction of occupancy conditions?

The proposal to include a '*clear justification of locational need*' appears to be inadequately defined, and difficult to objectively assess (therefore not fair and equitable and fundamentally flawed).

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