

# Factsheet

## Major Changes to the Planning System in Northern Ireland

### The Planning Act 2011



November 2011



## Background

A new planning act was approved by the Assembly in May 2011. The Act sets out how the planning system will work when powers are transferred to local councils and aims to speed up the processing of planning applications, make appeals faster and enforcement tougher and more straightforward.

Most of the changes set out in the Act have not yet come into operation. However, higher enforcement fees came into effect immediately and changes to the time limits on enforcement action come into effect on 1 December 2011.



# Functions that will stay with the Department of the Environment

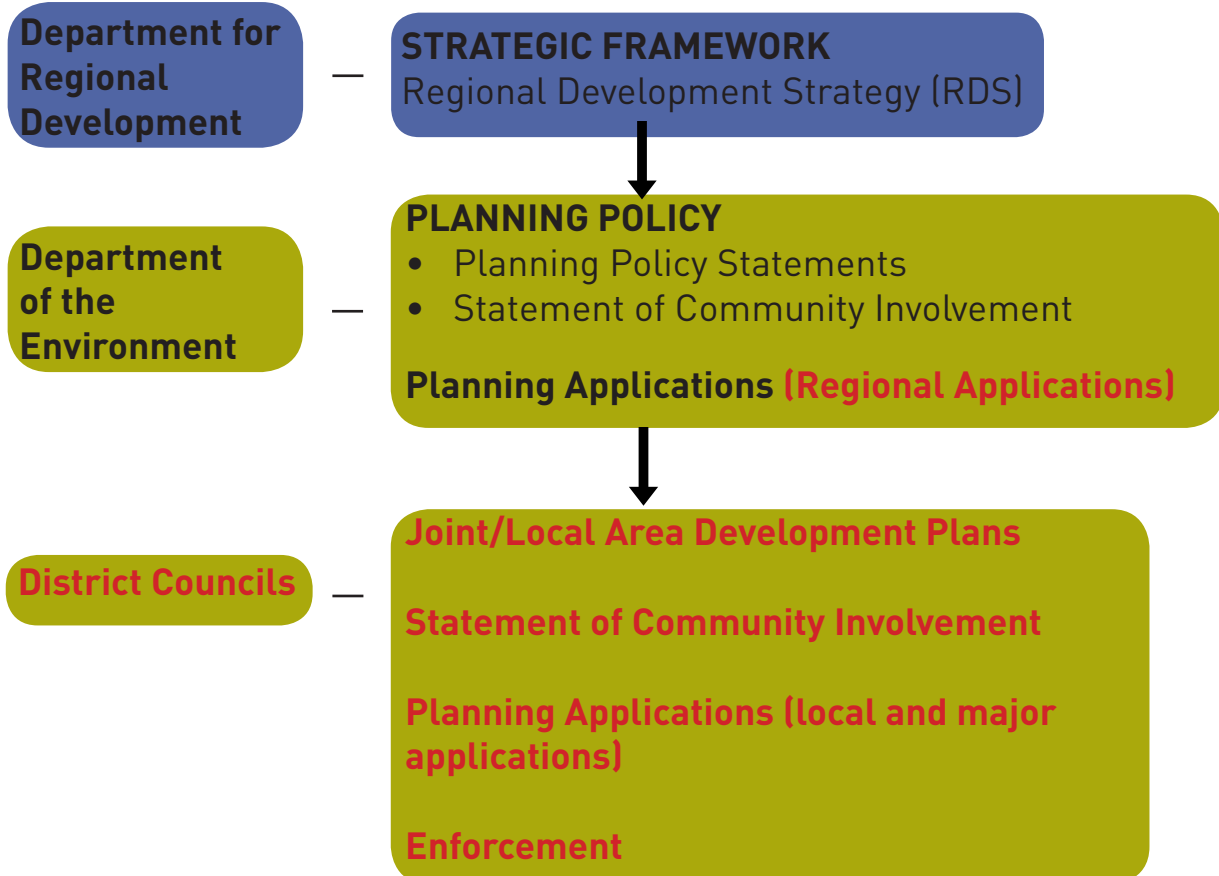
- Legislation, policy and guidance
- Regionally significant planning applications
- Listing of buildings
- Setting fees, funding and grants
- Oversight role: audit, inspection and performance management

The Act sets out that the DoE must carry out its functions with the objective of “furthering sustainable development and promoting and improving well being.”

## Current System



## Proposed System under the Planning Act



Functions



# Changes set out in the Act

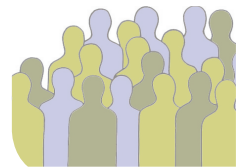
Some of the other key changes included in the Act are:

## 1. Categories of Development

The Act creates two different categories of development - [major developments](#) and [local developments](#). Planning applications for local developments and most major developments will be decided by the local councils. The DoE will assess applications that are regionally significant.

A regionally significant application is one that would:

- Be of significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland; or
- Involve a substantial departure from the local area development plan.



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## 2. Community Consultation

The Act states that both the DoE and the Council must prepare a [Statement of Community Involvement](#) setting out how they will involve people in planning.

For major applications, the developer must carry out [community consultation](#) **before** a planning application is submitted. They must notify the Council that they are going to make an application at least 12 weeks in advance. Regulations will set out how this community consultation should be carried out. A report of the community consultation carried out must be submitted with the planning application. If the requirements for community consultation have not been met, the planning authority can refuse to determine the application.

The Act removes the requirement for planning applications to be advertised in the local paper and allows new regulations to be made that will set out how planning applications should be advertised.

The Act requires statutory consultees, such as Roads Service or the Northern Ireland Environment Agency to respond to consultation within a specified time frame.

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## 3. Planning Appeals and Public Inquiries

- The Act states that [appeals must be made within four months](#) of when a planning decision is made (this was previously six months).
- New issues cannot be introduced at appeal hearings and the costs can be awarded if unnecessary expense is caused as a result of unreasonable behaviour.
- Persons other than the Planning Appeals Commission can be appointed by DoE to carry out inquiries and hearings into major planning applications.



# Changes set out in the Act

## 4. Enforcement and Retrospective Applications

The Act sets out that **higher fees** will be charged for assessing applications for development that has already taken place without planning permission. If an enforcement notice is not complied with, **fixed penalty notices** can be issued by the Council, without the need to go to court. The maximum fine for enforcement offences has now been increased from £30,000 to £100,000.

Previously, development became immune from enforcement action after either four years or ten years, depending on the type of development. From 1 December 2011, development will become **immune from enforcement action after five years**.

## 5. Area Development Plans

The Act requires councils to prepare a time table for making plans. These must be made with the objective of furthering sustainable development. Development Plans will be made up of two documents:

### The Plan Strategy

This will contain the Council's objectives in relation to development and the use of land and strategic policies to implement those objectives.

### Local Policies Plan

After the plan strategy has been adopted, the Council must prepare a Local Policies Plan which contains policies in relation to development and use of land.

Both of these documents must take account of the RDS and any advice and guidance issued by the DoE. The Council must submit the Plan Strategy and Local Policies Plan to the Department of the Environment for an independent examination to be held. The independent examination will focus on the "soundness" of the plan and move away from the current objection based examination.

The Council must make an annual report to the Department of the Environment on whether the objectives set out in the development plan are being achieved.

## 6. Other Changes

### Completion Notices

The Act allows for a completion notice to be issued by the Department of the Environment or the Council if they think that a development will not be completed within a reasonable time period.

### Conservation Areas

The Department of the Environment must have special regard to enhancing the character or appearance of conservation areas where the opportunity arises.



## Pre Determination Hearings

The Act allows for regulations to be made for pre determination hearings which would allow the applicant and “any other person so prescribed” a hearing before the council committee before a decision is made on an application. The Act also allows for regulations to be made setting out procedures for this type of hearing

## Developer Contributions

The Act allows payments made through developer contributions to be made to other departments as well as the DoE.

## Powers to Decline to Determine Applications

The Act sets out additional powers to decline to decide applications if:

- a similar application has been determined within two years;
- the applicant has appealed an enforcement notice;
- the PAC has refused a similar approval within the last two years; or
- it overlaps with an application submitted on the same day.

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**For further information about any of the above and please contact us:**

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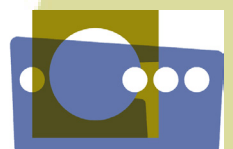
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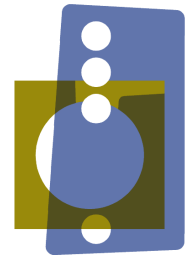
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# Factsheet

## Grounds for Objecting to Planning Applications

December 2011

### Background

This is a brief information note on how you can object to planning proposals for new development in your area. It gives details of some common grounds for objection but is not a comprehensive or complete guide. For more detailed information and advice, please contact us.

In making a planning decision, planners must decide what the relevant planning issues and considerations are and what weight to give to each of these in reaching a decision. The weight given to a planning consideration will vary in different situations. For example, the contribution that a building makes to the character of an area is much more important in a Conservation Area than it would be in an industrial estate. Planners must look at the overall picture and weigh all the relevant issues and considerations up against each other. When you are making an objection to a proposal, a combination of factors may make the strongest argument against a proposal.

## Planning Policies, Area Plans and Guidance

If a proposed new development is contrary to a planning policy or a draft planning policy, you can use this in your objection.

Planning policies are contained in a number of different kinds of documents. Planners must take all relevant planning policies into consideration when they are making a decision about a proposed new development. When you are objecting to a proposal, it is usually useful to look through your local Area Plan and any relevant Planning Policy Statements to see if there are any planning policies that you can use to support your objection.

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### (a) Planning Policy Statements

Planning Policy Statements (PPSs) apply to the whole of Northern Ireland. Each Planning Policy Statement deals with a different topic. For example Planning Policy Statement 7 - Quality Residential Developments deals with new residential development and Planning Policy Statement 21 - Sustainable Development in the Countryside deals with new development in the countryside. If you think a proposed development is contrary to one of the policies contained in a Planning Policy Statement, then you can use this in your objection.

Planning Policy Statements are available at [www.planningni.gov.uk](http://www.planningni.gov.uk).

### Example

Policy QD 1 Quality in New Residential Development contained in Planning Policy Statement 7 – Quality Residential Development states that new residential developments will be expected to meet the following criteria:

“the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, noise or other disturbance;”

If you consider this is relevant to the proposal you wish to object to, then your letter of objection could say something like:

“In my opinion the proposed new development is contrary to policy QD 1 of PPS 7. It will overshadow my back garden, back living room, kitchen and bedrooms for most of the day. It will overlook these rooms to the back of my house causing an unacceptable loss of privacy. The location of the entrance to the car park four metres away from my property will cause unacceptable additional disturbance.”

## **(b) Area Plans**

The Area Plan sets out planning policies that are specific to your local area. The Area Plan is usually made up of a map and a written statement. The map will show you which areas are “designated” or “zoned”. Areas may be designated (zoned) for different reasons. In some cases it is to give them extra protection against inappropriate development. For example Conservation Areas, Areas of Townscape Character, Green Belts or Local Landscape Policy Areas are designated for this reason. In other cases, they are designated (zoned) because they are considered to be suitable for certain types of development, for example, housing or industry. You can also find the development limits of cities, towns and villages in your local Area Plan. The written statement that accompanies the Area Plan contains information about the policies that apply in these areas.

If you are objecting to a proposal you should check your local Area Plan to see if the site is designated. You should also check the written statement that accompanies the Area Plan to see which policies apply to this site. If you think that the proposed development is contrary to the policies set out in the Area Plan, you can use this in your objection. You can view the Area Plan at your local planning office. Alternatively, you can telephone your local planning office to ask which policies from the Area Plan apply to the site you are interested in.

### **Example**

A letter of objection could say something along the lines of:

“I wish to object to this proposal for a new housing estate as it is contrary to the Craigavon Area Plan 2010. This development is not suitable in this location as it is located in a Local Landscape Policy Area (LLPA). Other more suitable sites have been designated for housing in the Craigavon Area Plan 2010. Policy CON 3 Development Affecting Local Landscape Policy Areas states that “there will be a presumption against development “ in LLPAs. It also states that new development, “must not adversely affect the intrinsic environmental value and character of the Local Landscape Area.” As this proposal will harm local wildlife and ruin the character of the LLPA, I believe it should be refused.”

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## **(c) Other Designations**

Other designations include Areas of Outstanding Natural Beauty, Sites of Local Nature Conservation Importance etc. Details of these are usually included in the Local Area Plan for information. There may also be planning policies contained in Planning Policy Statements or in the local Area Plan that apply to these areas. For example, Draft Planning Policy Statement 2 - Natural Heritage contains planning policies dealing with most environmental designations. These policies can be used to support your objection to a proposed development in the same way as the planning policies above.

## **(d) Supplementary Planning Guidance**

As well as Planning Policy Statements and Area Plans, the Department of the Environment also produces supplementary planning guidance which provides detailed advice and applies across Northern Ireland, to give further advice on certain topics. Examples of supplementary planning guidance include Development Control Advice Notes such as Development Control Advice Note (DCAN) 8 Housing in Existing Urban Areas or design guides such as the Design Guide for Rural Northern Ireland. Planners must take any supplementary planning guidance into consideration when they are making a decision about a development. However, they will not give this guidance as much weight as they would give to an Area Plan or a Planning Policy Statement.

## **Other Grounds for Objection**

In this section we present other grounds for objecting. Some of these overlap with planning policy issues outlined above.

### **(1) Impacts on Amenity**

You can object if a change of use or new development will overlook your property, overshadow your property or cause additional noise, disturbance or other problems that mean that you cannot enjoy your property in the same way that you could before.

### **(2) Character of the Area**

You can object to a proposal if it will look out of place in an area or if its character does not fit in with the existing character of the area. For example, if a new development is much larger than other buildings in an area or has a different architectural style you can object. If a building will stand out in the countryside or another setting this also provides a basis for objecting.

### **(3) Design, Layout and Appearance of the Proposal**

The design, layout and appearance of new developments should be practical and fit in with the character and appearance of the surrounding area. There should be enough room for bin storage, parking, recreation etc. The design of new developments should fit in with other buildings in the area. The development should not be too dominant. If this is not the case, you can object.

### **(4) Density**

The proposed density (the number of dwellings per hectare) should not be significantly higher than that found in the area.

### **(5) Size of Housing Unit**

New housing units should be built to an adequate size.



### **(6) Compatibility with Existing Land Use**

Some land uses work well next to each other, for example, a school often fits in well next to housing. Other types of development do not work well if they are located next to each other, for example, a large factory may not be appropriate next to an area of housing due to noise, disturbance, the hours of operation, increased traffic and pollution. You can object if you think a new development will not fit in well with existing land uses.

### **(7) Housing Need**

If there is a need for a certain type of housing in an area you can use this in your objection. For example, if a developer wants to build small apartments and there is a recognised need for family housing then you can use this in your objection. Evidence of a recognised housing need may be available from the Housing Executive and Housing Associations.

### **(8) Conservation of Buildings**

If you think a listed building or other building makes an important contribution to the character of an area (especially a Conservation Area or Area of Townscape Character) and should be retained you can use this in your objection. The Northern Ireland Environment Agency may be able to provide information of help.

### **(9) Heritage**

The importance of preserving ancient monuments or sites of cultural or architectural value can be an important planning consideration. If you think these should be retained and there is a possibility that the heritage of an area will be destroyed you can use this in your objection.

### **(10) Retention of Trees and the Natural Environment**

If a new development will result in the loss of significant trees or will damage the natural environment in some way, you can object.

### **(11) Cumulative Impact**

This looks at the combined impact of development in an area. A development may not have significant negative impacts on an area on its own but in combination with another development it could seriously damage the character of an area, overload local services, etc.

### **(12) Road Safety and the Impact on Traffic**

If a new development will result in unsafe conditions on the road or will mean that traffic cannot move freely along the road, you can object. For example, if there are not enough parking spaces, cars may park along the road causing traffic congestion and making it difficult for emergency services to access the area. If a new access will be created in a dangerous position you can object. The Roads Service provides an opinion on these issues to the Department of the Environment.

### **(13) Adequacy of Infrastructure**

If you think that existing roads, parking facilities, public transport, electricity, water and sewerage systems etc. cannot cope with a new development or will be overloaded, you can object on these grounds.

### **(14) Planning History**

If similar proposals were turned down on this site or a similar site in the past, you can use these as examples in your objection letter. You can also include any other planning or planning appeal decisions that you think are relevant.

### **(15) Creation of Precedent**

If the Department of the Environment or the Planning Appeals Commission allow a development, it is difficult for them to refuse a similar development on a similar site, as a precedent has been created. When you are objecting to a proposal, you could argue that if the development was approved this would create a poor precedent. For example, if approval was given for a detached house to be replaced with an apartment development, this could be repeated on similar sites in the area, resulting in a loss of family housing and changing the overall character of the area. If you know of an example where a similar proposal was refused on a similar site, you could argue that a precedent has been created for refusing this type of development on this type of site.

### **(16) Piecemeal Development**

You can object to piecemeal development as it may prejudice the proper planning of a larger development of land. If a proposal only takes account of a small section of a larger parcel of land this could result in incompatible, unplanned and unsympathetic development. For example roads may not align properly and the area may not be completed to high standard. Therefore you can argue that the land should be planned and developed as a whole and planning permission should be applied for for the whole area, not just a section of it.

### **(17) Renewable Energy**

The fact that a proposal will result in the delivery of renewable energy must be considered alongside the possible visual interference or effect on the surrounding landscape. For example you may want to object to a proposal for a wind turbine on the grounds of the visual impact it will have on the quality of the landscape.

### **(18) Impact on Tourism**

If you think a proposal will impact tourism either negatively or positively in the area or may effect the potential for a growth in tourism levels you can use this in your objection.



## (19) Economic Impact

If you think that a development will have an economic impact (whether good or bad) in an area you can use this in your objection. For example the creation of a large superstore may result in a loss of local sales and the closure of shops and businesses.



**For further information about any of the above and please contact us:**

### **Community Places**

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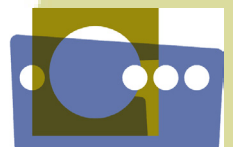
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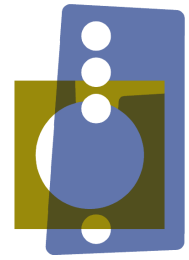
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# Factsheet

## Objecting to Flats and Apartments in your Area

December 2011



### Background

This is an introduction to objecting to proposals for flats or apartments in your area. For more detailed information and advice please contact us.

New planning applications for flats and apartments in your area are likely to fall into two categories:

- Conversion of existing houses to flats/apartments;
- New build flats/apartments (this may involve demolition of an existing property).

Objection letters may differ depending on which type of development you are objecting to.



# Policies that Apply to Both Flat Conversions and New Build Apartments

## Design Issues

Planning policies that relate to good design will apply to both flat conversions and new build apartments.

Questions that you could raise about the quality of the design of flats in your area include:

- Does this design provide adequate amenity space?
- Does it provide adequate parking?
- Will it cause any loss of amenity to neighbouring properties – loss of light, overshadowing, overlooking or over dominance?
- Is the development in keeping with the surrounding area?

## Character of your Area

Communities sometimes feel that a proposed new development will not fit in with the character of the area or will have a negative effect on homes in the area as a result of the way it has been designed. If this is the case, planning Policy Statement 7 (PPS 7) is useful to refer to in backing up your objections.

Policy QD 1 of PPS 7 states:

“in established residential areas proposals for housing development will not be permitted where they would cause unacceptable damage to the local character and environmental quality or residential amenity of these areas”.

The policy also lists a number of key criteria against which all proposals for residential development will be determined:

- (a) development should respect the surrounding character of the area;
- (b) protection for important natural or built heritage features;
- (c) provision of adequate private and public open space;
- (d) provision of neighbourhood facilities where appropriate;
- (e) adequate car parking;
- (f) design based on local traditions;
- (g) protection of residential amenity;
- (h) development designed to deter crime.



## What is the established character of the area?

Look at:

- is it residential?
- number of storeys;
- detached/semi detached/terraced;
- plot size;
- front and rear gardens?
- building line.

## Is the new proposal in keeping with the area's character?

Look at:

- height;
- scale;
- materials;
- windows/doors/other details;
- landscaping;
- amenity space available - has it decreased?
- views of the proposal.

## Overdevelopment

Is the proposal overdevelopment of the site?

Will the intensification of use of the site detract from the character of the immediate area and the wider area?

## Loss of Amenity

Will the development cause any loss of amenity to neighbouring properties?

- overlooking;
- overshadowing;
- loss of light.

Recent planning appeal decisions have refused proposals for apartments based on overdevelopment of the site and design that is not in keeping with the character of the area.



## Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (August 2010), Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity

Communities are often concerned that a proposed development will result in overdevelopment or will provide too many small apartments in the area. If this is the case, it may also be useful to refer to policy LC1 of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (August 2010) in your objection letter. This policy only applies in “established residential areas” in cities, towns, villages and smaller settlements. Established residential areas are defined in the Addendum as:

normally “residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens”(for example, these might be residential areas made up of detached and semi-detached houses with gardens);



Example of an established residential area with low density housing.



Example of an established residential area with a range and mix of dwelling styles.

They can sometimes be “settled housing areas where there is a greater range and mix of dwelling styles and where the overall pattern of development is less uniform” (for example, this might be a settled housing area where there is a range of different housing types such as detached and semi-detached houses, terraced housing, maisonettes and flats).

“In smaller towns, villages and other settlements, established residential areas generally display a more intimate character” with more variety in architectural style, building lines etc (for example, this might be an area of housing located within the settlement limit of a village).



Example of an established residential area in a village.

The following areas **are not** considered to be established residential areas:

- Designated town centres and city centres (these are designated in Area Plans);
- Key and link transport corridors (including designated arterial routes) in cities and large towns; and
- Sites adjacent to main public transportation nodes within cities and large towns.

## Size and Density

Policy LC 1 states that planning applications to build on sites created by demolition, vacant sites, (including large garden areas) and where buildings are being redeveloped, should meet the following criteria in addition to other planning requirements:

- The proposed density (the number of dwellings per hectare) should not be significantly higher than that found in the area.
- The “pattern of new development” (i.e. the way it is laid out and designed) should be in keeping with the area.
- All houses and apartments must be built to the minimum internal floorspace sizes set out in the table below if they are located in “established residential areas”.

<b>Space Standards</b>			
<b>Type</b>	<b>Single Storey (m2)</b>	<b>Two Storey (m2)</b>	<b>Three Storey (m2)</b>
1-Person/bedsit	30/35	-	-
1-Person/1-Bedroom	35/40	-	-
2-Person/2-Bedroom	50/55	-	-
3-Person/2-Bedroom	60/35	70/75	-
4-Person/2-Bedroom	70/75	75/80	-
4-Person/3-Bedroom	75/80	80/85	-
5-Person/3-Bedroom	80/85	90/95	95/100
6-Person/3-Bedroom	85/90	95/100	100/105
6-Person/4-Bedroom	90/95	100/105	105/110
7-Person/4-Bedroom	105/110	115/120	115/120

(from Annex A of the Addendum)

## Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (August 2010), Policy LC3 – Permeable Paving in New Residential Developments

This policy encourages the use of permeable paving in all new residential developments. This is aimed at reducing the risk of flooding associated with surface water run-off. The policy says that,

“Where appropriate private driveways, patios, paths, and shared hard landscaped surfaces should be built using permeable paving materials.”

## Policies that Apply to Flat Conversions

### Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (August 2010), Policy LC2 – The Conversion or Change of Use of Existing Buildings to Flats or Apartments

Communities are sometimes concerned about the impact that the conversion of a building to flats or apartments will have on the character of their area and on neighbouring homes. If this is the case, it may be useful to refer to Policy LC2 of the addendum to PPS 7 in your objection letter. Policy LC 2 applies in all parts of the region, not just in “established residential areas”.

Proposals to convert or sub-divide existing buildings to flats or apartments (including flats and apartments that will be used as houses in multiple occupancy (HMOs)), must meet all the following criteria in addition to other planning requirements:

They should not have a negative impact on the character, amenity (e.g. privacy and light) and environmental quality of existing residential areas.

They should maintain or enhance “the form, character and architectural features, design and setting of the existing building”.

The size of the building being converted should be at least 150 m<sup>2</sup> in area. (However at some locations within designated city and town centres, along key transport and link transport corridors and sites adjacent to main public transportation nodes, the conversion of existing buildings to flats or apartments will be considered even if the building is smaller than this).

Flats or apartments should be self contained i.e. they should have a separate bathroom, toilet, and kitchen that is used only by the people who live in that flat or apartment.

The flat or apartment should not be located entirely to the back of the building with no access to the public street.

Further guidance on policy LC 2 is set out in the justification to the policy which states that:

in assessing applications for the conversion or change of use of existing buildings to flats or apartments “full account will be taken of the potentially damaging effect of cumulative changes in a neighbourhood”

Proposals for the conversion or change of use of existing buildings to flats or apartments which involve residential extensions and alterations should:

- harmonise with the existing dwelling in scale, style, and the use of materials;

- not be detrimental to the amenities of adjoining properties, particularly in terms of privacy and their right to light;
- not overdevelop the site in terms of mass or density, as this can contribute to the loss of character of existing residences; and
- retain an acceptable amount of amenity space in relation to the size of the building.

### **Flat Conversion Areas**

Communities concerned about flat conversions in the Belfast, Castlereagh and Newtownabbey Council areas may also find it useful to refer to guidance on flat conversion areas in their objection letter. Flat conversion areas form part of planning policy guidance (Development Guidance Note 4) which was introduced in 1992 and applies to certain areas located within the Belfast, Castlereagh and Newtownabbey Council areas. This guidance is still relevant to proposals for flat conversions. These are areas that have been identified as suitable for flat conversions.

All flat conversions (both inside and outside flat conversion areas) are assessed against the parking and design standards. These are:

### **Parking**

Adequate off-street parking should be provided.

One space per flat will usually be required but this may be reduced in flat conversion areas.

Parking should not be in front gardens, unless screened from view, should not be on the road if it is a main route and will only be allowed in rear laneways if there is enough room to manoeuvre.



## Design

Flats should be self-contained (with their own bathroom, kitchen and WC) and should have some street frontage and adequate amenity space.

Extensions should be in scale with existing dwelling and should not cause loss of amenity.

External access e.g. fire escapes, bin storage and dormers should usually be to the rear of the property.

Alterations and extensions should respect the character of neighbouring buildings and the area.

Trees, garden walls and hedges should be retained.

Flat conversions outside flat conversion areas will be allowed if:

- The dwelling is considered no longer suitable for single family accommodation. This will be assessed by looking at the size, age and condition of the house and adjoining land uses.
- It does not adversely affect the character of the area.
- An exceptional need for flats can be demonstrated.
- The conversion is in between two other flat conversions or rounds off a street/terrace of flats.
- The property fronts an arterial route and the character of the area is appropriate.
- The conversion uses upper floors of commercial properties.
- Offices/commercial properties are being brought back to residential use and the conversion is in keeping with the character of the area.

If you want to object to flat conversions, possible points to consider might include:

- is the existing building of an adequate size to be converted?
- what would be the cumulative affect of this conversion on the character of the area, when considered along with other conversions that have already taken place;
- loss of housing stock which is still suitable for single family occupation;
- increased traffic generation;
- inadequate car parking provision;

- loss of amenity in existing single family residential neighbourhoods;
- overlooking/loss of privacy/overshadowing;
- large numbers of flat conversions leading to a change in the character of the area;
- negative cumulative effect of this and other approvals on the residential character of the area.

## **Objecting to New Build Flats or Apartments**

### **Demolition**

Proposals for new build apartments will often involve the demolition of an existing building.

In objecting to the demolition of an existing building, you may want to consider the contribution that this building makes to the character of the immediate and wider areas.

If you believe the building makes a significant contribution to the character of the area, you could argue that it should be retained. This point is particularly relevant if the building is located within a Conservation Area or Area of Townscape Character.

If there are any significant or mature trees on the site you may wish to draw attention to these, and argue for their retention.

### **New Building**

Key issues will be if the design is appropriate, if this constitutes overdevelopment of the site, loss of amenity, parking and traffic etc.

The most relevant policy is likely to be policy QD1 of PPS 7 (see page 1) and policy LC1 of the addendum to PPS 7 (see page 2-3).

The planning guidance and policies outlined above may not be strictly applied in all cases and decisions are based on the planners' evaluation of each individual scheme. In addition to this policy, they look at other relevant policies, previous decisions, the results of planning appeals and whether or not the developer makes a good case for the development.



**For further information about any of the above and please contact us:**

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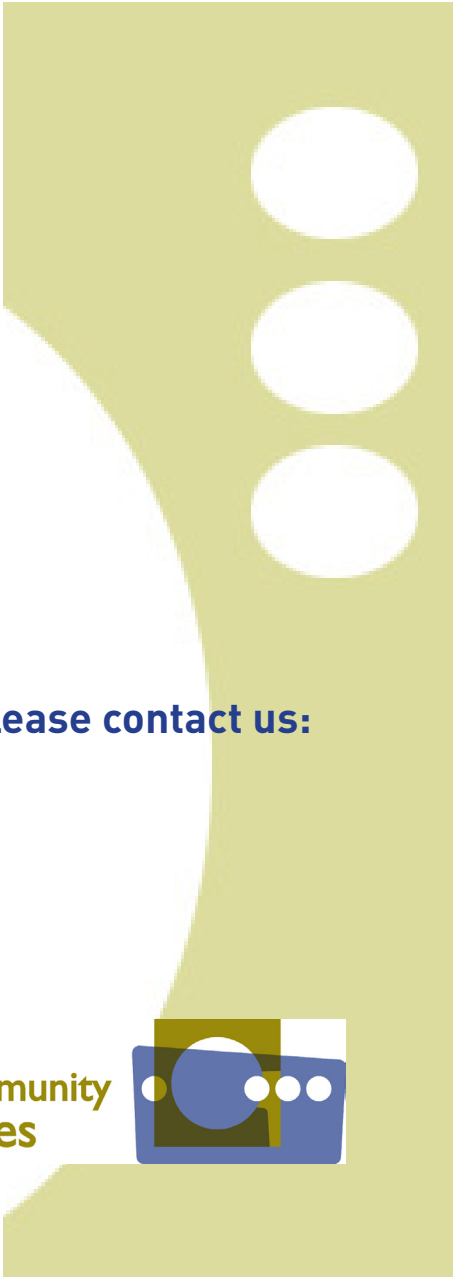
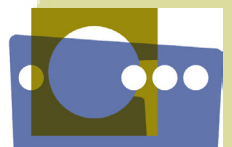
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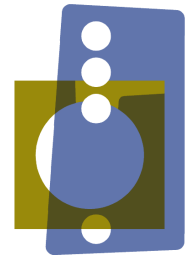
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# Factsheet

## Planning Policy Statements

### Summary

December 2011



### Background

Planning Policy Statements (PPS) set out regional planning policies that are taken into consideration in assessing planning applications, determining appeals and preparing development plans.

Additional planning policies are set out in area plans and further planning guidance is also available on certain topics.



<b>PPS no.</b>	<b>Title</b>	<b>Policy Application</b>
<b>PPS 1</b>	<b>General Principles</b>	Sets out principles observed by the Department in the assessment of planning applications, formulation of planning policy and the preparation of development plans as well as the underlying themes to their approach including: sustainable development; design considerations; and the promotion of mixed uses.
<b>Additional Guidance</b>	<b>Joint Ministerial Statement</b> - on importance of emerging Development (JMS) Plans in deciding planning applications (supersedes paragraphs 46 – 48 of PPS 1).	
<b>PPS 2</b>	<b>(Draft) Revised: Natural Heritage</b>	Sets out planning policies for the protection and conservation of natural heritage.
<b>Additional Guidance</b>	<b>(Draft) Supplementary Guidance Revised: Natural Heritage</b>	Includes background information on natural heritage legislation and guidance for development management.
<b>PPS 3</b>	<b>Access, Movement and Parking (Revised)</b>	Sets out the Department's policies relating to vehicular and pedestrian access, the protection of transport routes and parking, and the carrying out of transport assessments.
<b>PPS 3</b>	<b>Clarification of Policy AMP 3</b>	This clarifies the Department's policy on access to protected routes
<b>Other Guidance</b>	<b>Parking Standards</b>	Supplementary planning guidance that sets out parking standards that are regarded in the assessment of new development proposals.

<b>PPS no.</b>	<b>Title</b>	<b>Policy Application</b>
<b>Other Guidance</b>	<b>Transport Assessment Guidelines for Development Proposals</b>	
<b>PPS 4</b>	<b>Planning and Economic Development</b>	Sets out the Department's policies for economic development uses. This policy seeks to facilitate economic development in a way compatible with social and environmental objectives.
<b>Additional Guidance</b>	<b>Clarification of policy PED 7 of PPS 4 "The Retention of Zoned Land and Economic Development Uses"</b>	
<b>PPS 5</b>	<b>Retailing and Town Centres</b>	Sets out the Department's policies relating to town centre and retail development, which recognise the importance of protecting the vitality and viability of established shopping areas.
<b>PPS 5</b>	<b>(Draft) Retailing, Town Centres and Commercial Leisure Developments</b>	Recognises regional shopping centres and sets out policies to identify the location for new retail proposals.
<b>PPS 6</b>	<b>Planning, Archaeology and the Built Heritage</b>	Outlines the main criteria used by the Department in the assessment of proposals affecting archaeological or built heritage (including vernacular and listed buildings, conservation areas, historical gardens, gardens and demesnes, and archaeological sites and monuments), in order to ensure that they are suitably protected.
<b>PPS 6</b>	<b>Addendum to PPS 6 - Areas of Townscape Character (ATC)</b>	Sets out policies used in the assessment of development (and demolition) proposals relating to Areas of Townscape Character.

<b>PPS no.</b>	<b>Title</b>	<b>Policy Application</b>
<b>PPS 7</b>	<b>Quality Residential Environments</b>	Sets out the Department's policies on the achievement of quality new residential developments based on quality design and layout which respects the existing setting (addresses the provision of open space, parking, and neighbourhood facilities).
<b>PPS 7</b>	<b>Addendum- Residential Extensions and Alterations</b>	Sets out the Department's policy and provides guidance in relation to proposals for extensions and alterations
<b>PPS 7</b>	<b>Addendum – Safeguarding the Character of Established Residential Areas</b>	Sets out the Department's policy and provides guidance in relation to the protection of established residential areas and conversion of existing buildings to flats or apartments. The policy sets minimum sizes for new apartments in established residential areas and encourages the use of permeable paving in new residential developments.
<b>PPS 8</b>	<b>Open Space, Sport and Outdoor Recreation</b>	Sets out the Department's policies on the protection of existing open space, the provision of new areas of open space, and the use of land for recreation, and advises on treatment of these issues.
<b>PPS 9</b>	<b>The Enforcement of Planning Control</b>	Sets out the Department's general policy approach that the department follows in taking enforcement action against unauthorised development and provides advice on the handling of enforcement of additional aspects of planning control.

<b>PPS no.</b>	<b>Title</b>	<b>Policy Application</b>
<b>PPS 10</b>	<b>Telecommunications</b>	Sets out the Department's policies for telecommunications development and embodies a commitment to facilitate growth whilst keeping environmental impact to a minimum.
<b>PPS 11</b>	<b>Planning and Waste Management</b>	Sets out the Department's policies and guidance used in its consideration of proposals for the development of waste management facilities.
<b>PPS 12</b>	<b>Housing in Settlements</b>	Sets out policies considered by the Department in its assessment of proposals for residential development within settlements, (policy addresses future housing growth and distribution, and supports urban renaissance and balanced communities).
<b>PPS 13</b>	<b>Transport and Land use</b>	Sets out policies considered by the Department in its assessment of development proposals with travel/transport implications, and aims to ensure the integration of transport and land-use (through improved accessibility, sustainable transport choices and reducing the overall need to travel).
<b>PPS 15</b>	<b>Planning and Flood Risk</b>	Sets out policies considered by the Department in its assessment of proposals with potential flooding implications (development on flood plains, and beyond them etc) in order to reduce flood risk to people, property and the environment
<b>PPS 16</b>	<b>(Draft) Tourism</b>	Sets out planning policies for tourism development and safeguarding tourism assets.

<b>PPS no.</b>	<b>Title</b>	<b>Policy Application</b>
<b>PPS 17</b>	<b>Control of Outdoor Advertising</b>	Sets out the policies and guidance considered by the Department in its assessment of proposals for outdoor advertising,, and aims to encourage the provision of well designed advertising which respects the location where it is displayed.
<b>PPS 18</b>	<b>Renewable Energy</b>	Sets out the Department's policy for development that generates energy from renewable resources and contains policies relating to passive solar design in new development.
<b>Additional Guidance</b>	<b>Best Practice Guidance to Planning Policy Statement 18 – Renewable Energy</b>	Provides background information on the various renewable energy technologies that may come forward in Northern Ireland.
<b>Additional Guidance</b>	<b>Supplementary Planning Guidance - Wind Energy Development in Northern Ireland's Landscapes</b>	Provides broad guidance in relation to the visual and landscape impacts of wind energy development and contains advice to assist in identifying appropriate locations for wind energy development, including an assessment of 130 Landscape Character Areas (LCAs) in Northern Ireland.

<b>PPS no.</b>	<b>Title</b>	<b>Policy Application</b>
<b>PPS 21</b>	<b>Sustainable Development in the Countryside</b>	Sets out policies considered by the Department in its assessment of all proposals for development in the countryside. Objectives include the management of growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community; conservation of the landscape and natural resources of the rural area; facilitation of development necessary to achieve a sustainable rural economy; and promotion of high standards in design, siting and landscaping.
<b>PPS 23</b>	<b>(Draft) Enabling Development</b>	Sets out policies for enabling development i.e. development that would not normally be acceptable but may be justified if there are overriding public benefits.
<b>Additional Guidance</b>	Assessing Enabling Development Best Practice Guidance to Draft PPS 23: Enabling Development	

**For further information about any of the above and please contact us:**

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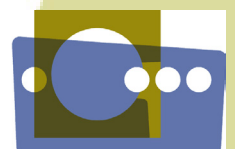
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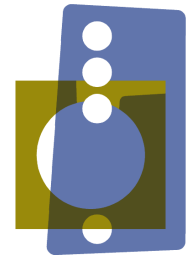
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# Factsheet

## Planning Policy Statement 21 - Sustainable Development in the Countryside

December 2011





### Background

Planning Policy Statement 21 - Sustainable Development in the Countryside was published on 1 June 2010. The aims of PPS 21 include striking a balance between the need to protect the countryside from unnecessary or inappropriate development and supporting rural communities. PPS 21 sets out a number of types of development that are acceptable in the countryside. The following is not intended to be a comprehensive summary of PPS 21 but should act as a useful guide.

In April 2011, the Department of the Environment issued a new draft design guide, "Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21" which aims to:

"assist all of those involved with sustainable development in the Northern Ireland countryside to understand the requirements of Planning Policy Statement 21 'Sustainable Development in the Countryside' – as published in June 2010."

This provides additional guidance, in particular in relation to design, rural character and visual integration and examples of the types of developments that may be acceptable and is available on the Planning NI website – [www.planningni.gov.uk](http://www.planningni.gov.uk). To obtain a hard copy of the document contact the Department of the Environment at: [planning.policy@doeni.gov.uk](mailto:planning.policy@doeni.gov.uk), telephone: 028 9041 6754.



## Policies in PPS 21

### Special Countryside Areas

Five existing Countryside Policy Areas will be renamed as Special Countryside Areas. These will be given a higher degree of protection against development. Local policies to protect these areas will be brought forward in Development Area Plans. These are:

- The Islands CPA as identified in Fermanagh Area Plan 2007;
- The Undeveloped Coast CPA as identified in Larne Area Plan 2010;
- The Slieve Croob CPA Zone A as identified in Banbridge District Rural Area Subject Plan 1986-1998;
- The Ring of Gullion CPA Zone A as identified in Newry and Mourne Rural Area Subject Plan 1986-1999; and
- The Mourne Area of Outstanding Natural Beauty CPA Zone A as identified in Newry and Mourne Rural Area Subject Plan 1986-1999.

## Design Standards

### Integration and Design (CTY 13)

All new buildings in the countryside will be required to be visually integrated and to meet specific integration and design standards. A proposed new building will be unacceptable where:

- it is a “prominent feature” in the landscape;
- the site does not have “long established natural boundaries” or does not offer adequate “enclosure” to enable the building to “integrate” into the landscape;
- integration relies mainly on new landscaping;
- where other works related to the building are not integrated with their surroundings;
- the building design is unsuitable for the site and its locality;
- it does not “blend” with the surrounding countryside for example, the “landform, existing trees, buildings, slopes and other natural features”;

- in relation to a dwelling proposed on a farm, it “is not visually linked or sited to cluster with an established group of buildings on a farm”.

The criteria used to determine visual impact will include: the location of the site, the position of the building, existence of features providing enclosure and suitability of design. “Skyline development” or “top of slope/ridge location” will be unacceptable. There will be opportunities for “contemporary” or “innovative design”.

The submission of design concept statements, as part of the planning application, will be encouraged. Where possible an existing laneway should provide access to a new building. Some policies set specific additional design criteria, see for example, CTY 3 Replacement Dwellings.

For additional guidance see draft guidance - “Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21”.

## Character

### Rural Character (CTY 14)

New buildings in the countryside should not cause a “detrimental change to” or “further erode” the rural character of an area. The policy notes that a new building will be **unacceptable** where:

- it is “unduly prominent” in the landscape;
- it would create a “suburban style build-up of development”;
- it fails to respect the “traditional pattern” of settlement in that area;
- it creates or adds to ribbon development;
- the impact of other works related to the building would damage rural character.

The cumulative impact of a building on rural character will be assessed. For additional guidance see draft guidance - “Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21”.

# Opportunities for Housing

## Replacements (CTY 3)

The buildings listed below can be replaced if they meet the design criteria set out in Policy CTY 3 of PPS 21 and other design standards set out in the document:

- Dwellings that “exhibit the essential characteristics of a dwelling” and as a minimum have all external walls substantially intact;
- Dwellings recently destroyed, e.g. by fire. Evidence will be required of the previous condition of the building and the cause and extent of the damage;
- Redundant non-residential buildings, like schools and churches, where replacement would bring significant environmental benefits and where the building is not listed or does not make an important contribution to the heritage, appearance or character of the locality. This does not apply to agricultural buildings such as sheds. The building should preferably be replaced with a single dwelling;
- The replacement should be sited within the curtilage of the existing building unless the existing curtilage is too small or a nearby site would provide landscape, heritage, access or amenity benefits. The replacement should not have a visual impact that is significantly greater than the original;
- Listed buildings will only be granted permission for replacement in exceptional circumstances;
- Vernacular<sup>1</sup> buildings that are not listed and are not an important feature in the landscape. It will be acceptable to keep the original building in addition to the replacement if it is sympathetically incorporated into the new scheme;
- Vernacular buildings that are not listed but are an important feature in the landscape, will only be given permission for replacement where they cannot be made structurally sound or otherwise improved.

For additional guidance see Chapter 5, “Replacement” of draft guidance - “Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21”.

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1 A definition of “vernacular” is provided in Appendix 1.



## Personal and Domestic Circumstances (CTY 6)

Planning permission will be granted for a house in the countryside if there are long-term compelling reasons why a house is required on a particular site due to personal or domestic circumstances, for example, to provide care for someone with a medical condition. Evidence should be provided that:

- the house is required;
- hardship would be caused if the application was refused;
- there are no alternatives to building a house, such as an annex or extension.

Only the person named on the application and their dependants will be allowed to live in the house.

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## Houses on Farms (CTY 10)

Planning permission will be granted for a house on a farm once every ten years, starting from the date that Draft PPS 21 was issued (25 November 2008). This will also apply to those involved in commercial horse breeding.

The farm business should be established for six years.

It should also be currently active. 'Agricultural activity' refers to "the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. This is in line with EU and DARD legislation."

DARD business ID and other evidence of active farming, such as receipt of single farm payment, over this period should be provided.

Dwellings or development opportunities on the farm should not have been sold off in the last ten years, starting from the date that Draft PPS 21 was issued (25 November 2008).

The house must be visually linked to or sited to cluster with an established group of buildings on the farm to qualify for planning permission under this policy.

Access should be from an existing lane where possible.

Exceptionally, an alternative site on the farm will be considered where there are demonstrable health and safety reasons or verifiable plans to expand the farm

business at the existing building group.

Guidance issued by the Department of the Environment has indicated that an active farmer is:

someone who has a DARD Agricultural Business Identification Number and is actively involved in farming their own land (or land taken in conacre) on a full or part time basis. They will usually be in receipt of Single Farm Payment for their own land.

Or

someone who owns agricultural land, maintains that land for agricultural purposes, has a DARD Agricultural Business Identification Number, is in receipt of Single Farm Payment and lets the land in conacre (or are entitled to Single Farm Payment and allow this to be claimed by the person renting the land in conacre).

For additional guidance see pages 84-89 of draft guidance - "Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21".



### **Dispersed Rural Communities (CTY 2)**

PPS 21 re-instates 12 Dispersed Rural Communities, 11 in Fermanagh and one in Cookstown. Any new Dispersed Rural Communities will be designated through the Development Plan process. They are usually in more remote areas, away from development pressure. There is usually a strong community identity and evidence of local community activity such as the existence of social and recreational facilities. There is normally a traditional focal point, like a church, hall, sports club or school, other services and a number of dwellings that have been built over time.

Traditional "clachan" style developments or clusters of up to six houses will be granted planning permission in Dispersed Rural Communities, at an identified focal point, provided they meet design criteria. Focal points include, for example, churches and community halls. Generally one cluster of housing per focal point will be allowed.

Appropriate economic development, tourism, social or community facilities may also be accommodated. Designs should be of a high quality, appropriate to the rural setting and have regard to local distinctiveness.

For additional guidance see pages 78-83 of draft guidance - "Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21".

## New Dwellings in Existing Clusters (CTY 2a)

A dwelling at an existing cluster of development will be granted planning permission where:

- the cluster lies outside of a farm and consists of at least four buildings of which at least three are dwellings (excluding ancillary buildings such as garages or outbuildings);
- the cluster appears as a visual entity in the landscape;
- the cluster is associated with a focal point;
- the site provides adequate enclosure and is bounded on at least two sides with other development in the cluster;
- development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its character or visually intrude into the open countryside;
- development would not have an adverse impact on residential amenity.
- For additional guidance see pages 68-69 of draft guidance - “Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21”.

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## Conversions (CTY 4)

The policy encourages the re-use and refurbishment of existing non-residential buildings. Buildings, such as schools and churches can be sympathetically converted to a dwelling house or for a variety of different uses where this would secure the retention and upkeep of the building. They must be a permanent building and meet the design criteria set out in policy CTY 4. A non-residential building can be sympathetically converted to more than one dwelling where the building is of sufficient size, there is minimal intervention with the building and the conversion is of an appropriate size, scale and intensity of use for the locality. For additional guidance see Chapter 3, “Re-use” of draft guidance - “Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21”.



## **Social and Affordable Housing (CTY 5)**

A group of up to 14 dwellings to provide social and affordable housing can be built:

- next to or near a small settlement; or
- in a Dispersed Rural Community close to a focal point.

The preferred location for social and affordable housing is within a settlement. However, if this is not possible, there is a sequential test in policy CTY 5 to determine an appropriate location for groups of houses next to or near a small settlement. In addition, the policy states that:

- applications must be made by a registered Housing Association;
- there should be a need for social and affordable housing in the area, identified by the Housing Executive, that cannot be met within a nearby settlement;
- usually only one group of social and affordable housing will be allowed for each small settlement or dispersed rural community.

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## **Houses for a Non-agricultural Business (CTY 7)**

A house will be allowed in connection with a business, beside or within, the boundaries of the business, where:

- the business is established;
- it is essential for an employee to live on the site of their work for the business to function properly (not for security reasons alone).

The house should integrate with other buildings on the site. Occupation of the house will be restricted for the use of the business.

If the business has been operating satisfactorily without a house on the site, evidence should be provided as to why a house is now needed.

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## **Gap Sites (CTY 8)**

Although ribbon development is discouraged, if there is a small gap in a “substantially and continuously built up frontage- a line of three or more buildings”, up to two houses, or in some cases an economic development, will be granted planning permission. Proposals should respect the size, scale, siting and

plot size of existing developments in the ribbon.

For additional guidance see pages 70-77 of draft guidance - “Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside, Supplementary Planning Guidance to PPS 21”.

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### **Temporary Caravans and Mobile Homes (CTY 9)**

Temporary caravans will be granted planning permission, normally for three years, in exceptional circumstances, for example:

- while a permanent house is being built;
- if there are compelling personal or domestic circumstances.

They should integrate with other buildings, be screened from public view and will be subject to planning and environmental considerations. On farms, they should be “visually linked or sited to cluster with an established group of buildings on the farm.”

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## **Opportunities for Non-residential Development**

### **Farm Diversification (CTY 11)**

Forestry or farm diversification proposals will be granted where it is demonstrated that the farm or forestry business is currently active and established and the proposal will be used in conjunction with other agricultural operations on the farm.

The proposal must not have a detrimental affect on the landscape, rural character or the amenity of existing residents.

The proposal should involve the re-use or adaptation of existing farm buildings.

In exceptional cases planning permission for a new build will be granted where the re-use or adaptation of existing buildings is clearly unsuitable (sufficient information must be supplied to illustrate this).

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### **Agricultural and Forestry Development (CTY 12)**

Planning permission will be granted if it can be demonstrated the proposal is necessary for the efficient use of the holding, will not harm the local landscape or character of the area and will not result in detrimental impact on the amenity of residents.

Where permission is sought for a new building, the applicant will be required to demonstrate that renovation, alteration, or redevelopment opportunities do not exist.

The new building must be sited beside the existing farm or forestry building. In exceptional circumstances proposals may be permitted away from existing buildings provided there are no other alternative sites at another group of buildings on the holding and where it can be demonstrated that it is essential for the function of the holding or enterprise or there are demonstrable health and safety reasons.

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### Community Facilities (CTY 1)

Planning permission will be granted for a necessary community facility to serve the local rural population. This must meet the design standards set out in PPS 21. It will normally be necessary to prove the need for any new community facility and to demonstrate that there is no existing facility that can meet this need.

## Other Issues for Consideration

### Non-Mains Sewerage (CTY 16)

Planning permission for development relying on non-mains sewerage will only be granted where it can be shown that it will not create or add to a pollution problem.




## Appendix 1: Definitions contained within PPS 21

**Definition of the Vernacular** - The following definition of vernacular is taken from 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland' (1998):

“Rural vernacular or traditional architecture is the construction of small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local ‘folk tradition’. Such vernacular buildings will have been typical, i.e., of a common type in any given locality and will lack the individualistic and ‘educated’ design features that characterised international fashions in formal architecture during the same period.”

**Definition of Curtilage** - The following definition of Curtilage is taken from PPS 21 and will for the purpose of this policy mean: “The immediate, usually defined and enclosed area surrounding an existing or former dwelling house.”



**Definition of Built up Frontage** - For the purpose of this policy the definition of a substantial and built up frontage includes: “A line of three or more buildings along a road frontage without accompanying development to the rear.”

**Definition of Agricultural Activity** - For the purpose of this policy the definition of ‘agricultural activity’ refers to:

“the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. This is in line with EU and DARD regulations; Article 2 of European Council Regulation (EC) No. 73/2009.”

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