



Title of Report:	Planning Committee Report – LA01/2020/0683/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th June 2023
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:

Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2020/0683/O

Ward: Ballykelly

App Type: Outline Planning

Address: Lands approximately 120m South West of 37 Moneyrannel Road, Limavady

Proposal: Proposed dwelling house and detached garage on a farm. Proposal includes upgrade to existing access, proposed driveway, landscaping & all associated site works

Con Area: n/a

Valid Date: 16.07.2020

Listed Building Grade: n/a

Agent: HERE Architects, 4-6 Linenhall Street, Ballymoney
BT53 6DP

Applicant: Mr Martin Canning, 3 Riverview, Ballykelly, BT49 9NW

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

Executive Summary

- Outline planning permission is sought for a proposed dwelling house and detached garage on a farm. The proposal includes upgrade to existing access, proposed driveway, landscaping & all associated site works.
- The application site falls within the open countryside as indicated within the NAP 2016, a Rough Fort, a scheduled monument is located 110 metres to the east and the site is located on a former brick field which is recorded on the industrial site register.
- There are no overriding reasons why this development is essential in this rural location and could not be located within a settlement and is contrary to policy CTY1 of PPS21.
- The proposal is not visually linked or sited to cluster with an established group of buildings on the farm and is contrary to policy CTY10 of PPS21.
- The proposal is a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, it relies primarily on the use of new landscaping for integration, it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop therefore it would not visually integrate into the surrounding landscape. The proposal is contrary to policies CTY13 and 14 of PPS21.
- The site does not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside, the proposal is contrary to policy CTY14 of PPS21.
- The site would result in adverse impacts upon the integrity and intrinsic character of the setting of the Rough Fort a regionally important scheduled monument. The proposal is contrary to Policy BH1 of PPS6.
- There have been no representations made on the file.

- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS, PPS 6 and PPS 21.
- The application is recommended for refusal.
- Reasons for Referral by the elected member are attached as an annex to this report.

Drawings and additional information are available to view on the Planning Portal -

<https://planningregister.planningsystemni.gov.uk/simple-search>

1 RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 Site Location and description

2.1 The site is a rectangular shaped plot of land measuring 0.38 hectares, artificially cut out from a larger field, set back from the Moneyrannel Road by 20 metres. The topography of the land is flat and is positioned 2m lower than Moneyrannel Road as there is a drop from the field boundary hedge into the field. The site is laid out in grass. The site access is via the existing field gate to the north east of the site direct to Moneyrannel Road. The site encapsulates part of a large field. The farm sheds are located 510 metres to the south west of the site. There are no other farm buildings relating to the applicant's farm business in the vicinity of the proposal. The site is isolated from other buildings

2.2 The north western boundary is defined by a 2 metre high hedge which is set on top of a 2 metre high bank. The other 3 site boundaries are undefined. The road side boundary is defined by a 3 metre high hedge set on a 2 metre bank.

2.3 There are no watercourses in the vicinity of the proposal. The critical views are from the existing lane to the south east or from Moneyrannel Road to the north east.

2.4 The local area is characterised by agricultural farm land and some detached dwellings. The site is located outside any settlement limit and is in the countryside as shown in the Northern Area Plan 2016. There is a Rough Fort, a scheduled monument located 110 metres to the east and the site is located on a former brick field which is recorded on the industrial site register.

3 RELEVANT HISTORY

3.1 B/2006/0140/O – Off Moneyrannel Road, Limavady (95m southwest of 37 Moneyrannel Road) – Site for retirement farm dwelling – Withdrawn – 10.03.2006

B/2009/0013/O – Approximately 135m south west of 37 Moneyrannel Road, Limavady – Traditional two storey farm dwelling with detached domestic garage – Withdrawn – 12.01.2009

B/2009/0036/F - Approximately 190 metres south west of 37 Moneyrannel Road, Limavady - New agricultural barn and associated farmyard with upgraded access - Permission Granted - 28.09.201
No commencement has occurred therefore this permission has expired.

4 THE APPLICATION

4.1 This application seeks outline permission for a proposed dwelling house and detached garage on a farm. The proposal includes an upgrade to the existing access, proposed driveway, landscaping & all associated site works.

5 PUBLICITY & CONSULTATIONS

5.1 External

All neighbours identified for notification within the terms of the legislation where notified on 10th August 2020. The application was advertised on 28th July 2020.

5.2 Internal

Environmental Health: No objection to the proposal.

DFI Roads: No objection to the proposal.

NI Water - No objection to the proposal.

Historic Environment Division - Archaeology and Built Heritage - Object to the proposal.

DAERA (NIEA) Drainage and Water - No objection to proposal

DAERA - No objection to proposal. Advised that farm business number has been established for more than 6 years, it has claimed subsidies in each of the last 6 years and the site is on land for which payments are currently being claimed by the farm business.

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development plan, so far as material to the application, and all other material considerations.

Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and Built Heritage

8 CONSIDERATIONS & ASSESSMENT

8.1 The main consideration in the determination of this application relate to the Principle of Development, Integration, Rural Character, Waste Water Disposal, Access, Movement and Parking, Natural Heritage, Archaeology, Safeguarding residential and work environs, Other material considerations, Representations, and Habitat Regulation Assessment.

Principle of Development

8.2 The policies outlined in paragraph 6.73 of the SPPS and policy CTY1 of PPS21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development which will only be permitted where 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. The application was submitted for a dwelling and detached garage on a farm. The proposal includes an upgrade to the existing access, proposed driveway, landscaping & all associated site works on an established farm, this is considered below under policy CTY10.

8.3 Policy CTY 10 of PPS21 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) The farm business is currently active and has been established for at least 6 years;

DAERA were consulted and have confirmed that the farm business ID has been in existence for more than 6 years and the farm business has claimed either single farm payment, less favoured area compensatory allowance or Agric Environment Schemes in each of the last 6 years.

The proposal complies with criteria “a” the active and established test of policy.

8.4 (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. This provision will only apply from 25th November 2008. It appears that no dwellings or development opportunities have been sold off. The agent has marked none. There is no history of approvals on the farm lands identified on the farm maps.

The proposal complies with criteria “b” as no dwellings or development opportunities have been sold off.

8.5 (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the building should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either;

- there are demonstrable health and safety reasons or;
- there are verifiable plans to expand the farm business at the existing building group(s).

The proposed site does not visually link and is not sited to cluster with an established group of buildings on the farm. The site does not obtain access from an existing lane and instead proposes a new access from the public road (Moneyrannel Road). The first part of the exceptions test is that there must be no other sites available at a group of buildings on the farm or outfarm. The supporting email dated 30th March 2023 states the applicant needs to live at the farm to improve farm yield and for security. It is apparent that there is scope for a dwelling on the farm in fields 4 or 5 as identified on farm map page 2 of 6, which would visually link or cluster with the existing group of buildings on the farm. As there is the possibility of an available site elsewhere at a group of buildings on the farm, this part of the exceptions test is not met. This is reinforced by a recent PAC decision 2020/A0155 Ballintemple Road, Meigh (Appendix 2) at paragraph 10 states that “As there is the possibility of an available site elsewhere at a group of buildings on the farm, this part of the exceptions test is not met”.

8.6 In regard to the second part of the exceptions test, paragraph 5.42 of the amplification text of Policy CTY 10 expands to say that “where an alternative site is proposed under criterion ‘C’ which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid planning permissions, building control approvals or contractual obligations to supply farm produce.” An email received on 30th March 2023 on behalf of the applicant states that using the existing lane is a health and safety concern. No demonstrable evidence has

been presented to verify the Health and Safety concerns, therefore no determining weight can be attached to this statement. It is noted that the existing laneway is not dissimilar to many other lanes in Northern Ireland. In addition, no evidence was submitted either to demonstrate health and safety reasons or plans to expand the farm business at the existing group of buildings on the farm that would justify a dwelling on the application site. The second part of the exceptions test is therefore not met.

8.7 A submission from the applicant's solicitor states that the applicant does not enjoy adequate express rights of access on the lane accessing the farm group for the purposes of a new dwelling. A surveyor has provided cost estimates of providing a 500 metre lane. Such property ownership issues or cost issues are not considered exceptional reasons to depart from the requirements of Policy CTY 10. Refer to PAC2016/A0214 Listooder Road, Crossgar Appendix 3 for information) which did not accept the issue of ownership/control of a laneway and land to improve visibility splays as reason to approve a site that did not visually link or cluster with the established group of buildings as the issue was not one of safety but rather one of land ownership that may or may not be resolved with the relevant land owners.

8.8 The site is remote from the established group of buildings on the farm being approximately 510 metres from them. The proposal does not visually link with or is not sited to cluster with an established group of buildings on the farm. No persuasive overriding reasons were advanced as to why the development is essential and could not be located in a settlement.

8.9 While the proposal complies with criteria a and b, it is contrary to criteria c of CTY10 and paragraph 6.73 of SPPS. The proposal is also contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. CTY10 states that dwellings on a farm should also comply with CTY13, CTY14 and CTY16. This will be considered below.

Integration

8.10 Policy CTY1 of PS21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate into its setting,

respect rural character and be appropriately designed. Policy CTY13 states that 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.

- 8.11 The topography of the land is flat, though it is 2m lower than Moneyrannel Road as there is a drop from the field boundary hedge into the field. The site access is via the existing field gate to the north east of the site directly onto Moneyrannel Road. The north western boundary is defined by a 2 metre high hedge which is set on top of a 2 metre high bank. The other 3 boundaries are undefined. The road side boundary is defined by a 3 metre high hedge set on a 2 metre bank however this boundary does not define a boundary of the application site. The site is isolated from the farm sheds which are located 510 metres to the south west.
- 8.12 The site is set back from Moneyrannel Road by 20 metres and is open on 3 boundaries therefore critical views are from the lane to the south east and Moneyrannel Road to the north east. As the topography of the site is flat, there is no backdrop and any dwelling would appear prominent in the landscape from the critical views. The site is undefined on 3 sides therefore the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. While there is a mature roadside boundary which could aid integration when viewed from Moneyrannel road, subject to a low ridge height condition, this is not considered sufficient to overcome the prominence and integration concerns.
- 8.13 The character of dwellings in the local area are single and two storey. A block plan has been submitted showing a proposed dwelling with 17 metre frontage and 7 metre gable depth. Although the design of the building could be conditioned to single storey this would not be sufficient to overcome the prominent nature of the site. The proposal would be unduly prominent in the landscape, the site lacks long established boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, it relies primarily on the use of new landscaping for integration, it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and it is not visually linked or sited to cluster with an established group of buildings on a farm. The proposal is contrary with para 6.70 of the SPPS and policy CTY13 of PPS21.

Rural Character

- 8.14 CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode a rural character of an area. The proposal is unduly prominent in the landscape as demonstrated above under paragraph 8.12 and 8.13. The site plot size is 0.38 hectares and with site dimensions of 68m by 50m is at least twice that of the existing dwelling curtilages in the vicinity. The plot does not front onto the road and is set back. The proposal fails to respect the traditional pattern of development exhibited in the area. The ancillary works are minimal as an existing field gate is being used, the lane follows the existing hedge for 20 metres to the site and the road side verge is wide enough for visibility splays meaning the existing hedge can remain in situ. The impact of ancillary works will not damage rural character.
- 8.15 The proposal is contrary to criteria “a” and “c” of policy CTY14 and paragraph 6.70 of the SPPS in that the proposal will erode the rural character of the area.

Wastewater Disposal

- 8.16 Policy CTY16 of PPS21 – Development relying on non-mains sewerage, applies and states 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.
- 8.17 Applicants will be required to submit sufficient information on the means of sewerage disposal 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. The applicant proposes to discharge to a septic tank. As the applicant has submitted sufficient information on the means of sewerage disposal and DAERA (NIEA) Water Management Unit are content the proposal complies with policy CTY 16.

Access, Movement and Parking

- 8.18 Policy AMP2 of PPS3 Access, Movement and Parking applies and states for access to public roads planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, into a public road where;

(a) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

(b) The proposal does not conflict with policy AMP3 Access to Protected Routes.

8.19 The applicant has submitted plans to demonstrate safe access to the public road. DFI Roads have been consulted and they are content. The Moneyrannel Road is not a protected route. As DFI Roads are content the proposal complies with Policy AMP2 of PPS3 Access, Movement and Parking.

Natural Heritage

8.20 Paragraphs 6.178 and 6.192 of the SPPS and PPS 2 Policy NH1 - European and Ramsar Sites - International, Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. There is minimal vegetation removal and there are no watercourses in the vicinity therefore on this basis the proposal complies with Paragraphs 6.178 and 6.192 of the SPPS and policies NH 1, NH 2 and NH 5 of PPS 2 in that it has been demonstrated that the proposal is not likely to harm any European and Ramsar Sites, European protected species, Habitats, Species or Features of Natural Importance.

Archaeology

8.21 PPS 6 Policy BH 1 entitled The Preservation of Archaeological Remains of Regional Importance and their Settings states that the Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

8.22 There is a Rough Fort, a counterscarp Rath, which is a scheduled monument of regional importance, located 94 metres to the east of the site. HED Historic Monuments, the competent authority on such matters, was consulted and requested further information to demonstrate that there will be no impact on the scheduled monument or

its setting. The application site is also located on a former brick field site which is recorded on the Industrial Heritage Record. No objection has been received from HED in relation to building on a former brickfield site.

8.23 In response to HED's initial recommendation to refuse, the applicant submitted an Archaeological and Cultural Impact Assessment Document, the Document was subsequently amended following further consultations with HED. HED are not content that the proposed dwelling would not have an adverse impact on the setting of the Rough Fort. The findings of the AIA have not been substantiated because no photomontages of the proposed dwelling in context with the Rough Fort have been provided. It is the opinion of HED Historic Monuments that the AIA has still not demonstrated sufficient evidence to support the development. HED have advised that the proposed development would adversely impact upon the integrity of the setting of the scheduled monument by:

Firstly, adversely impacting upon critical public views of and from the monument including from the public access on Moneyrannel Road.

Secondly, adversely affect rural character, visual amenity, and the functional understanding of the immediate setting of the monument by introducing new development at this location.

Thirdly, adversely change the integrity and intrinsic character of the monuments immediate setting. Rathes were dispersed settlement sites set within a farmland context, such a landscape still surrounds the Rough Fort, but the introduction of new development at this location would essentially change its character.

Fourthly, the dwelling proposed would not integrate into the existing character of the dispersed settlement pattern in the locality, which contributes to the intrinsic character of the immediate landscape setting of Rough Fort.

No exceptional circumstances have been forthcoming.

HED has undertaken its own assessment in line with guidance and continues to advise that the proposal is contrary to Policy BH 1 of PPS 6 and paragraph 6.8 of the SPPS.

Safeguarding residential and work environs

8.24 Paragraph 4.12 of the SPPS is relevant. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health

and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

8.25 The majority of the issues in paragraph 4.12 have been considered above so the two remaining issues to consider are residential amenity and contamination. The proposal is isolated from other dwellings. There would be no adverse impact from overlooking or overshadowing. The site is located on a former brickfield site which is listed on the Industrial Heritage Register. NIEA have not provided comment however Environmental Health have added a condition if ground contamination is encountered on site during construction works. On this basis the proposal complies with paragraph 4.12 of the SPPS.

Other material considerations

8.26 An email was received on 30th March 2023 on behalf of the applicant. The health and safety reason, the applicant's desire to improve farm yield and have farm security is considered above at paragraphs 8.5-8.9. Integration and rural character are considered at paragraphs 8.10-8.15 and archaeology is considered above at paragraphs 8.21-8.24. The supporting email dated 30th March 2023 has been fully considered.

Representations

8.27 No representations were received on this application.

Habitats Regulation Assessment

8.28 Habitats regulations assessment screening checklist – conservation (natural habitats, etc) (amendment) regulations (NI) 2015 :

The potential impact of this proposal on special areas of conservation, special protection areas and Ramsar sites has been assessed in accordance with the requirements of regulation 43 (1) of the

conversation (natural habitats, etc) regulations (NI) 1995 (as amended). There are no watercourses in the vicinity.

The applicant has demonstrated that the proposal would not be likely to have a significant effect on the features, conservation, objectives or status of any of these sites.

9 CONCLUSION

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3, 6 and 21. Consultee responses have been considered. The proposal is not visually linked or sited to cluster with an established group of buildings on the farm and there are no demonstrable Health and Safety reasons or verifiable plans to expand. There are no overriding reasons why this development is essential. It would not visually integrate into the surrounding landscape and would result in a detrimental change to the rural character of the countryside. It would result in adverse impacts upon the integrity and intrinsic character of the setting of the Rough Fort a regionally important scheduled monument. As the proposal has not complied with various planning policies it is unacceptable, and refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 10 Criteria C of Planning Policy Statement 21 in that the proposal is not visually linked or sited to cluster with an established group of buildings on the farm and no exceptional reason has been submitted with verifiable evidence for an alternative site elsewhere on the farm and other sites are available at the established group of buildings on the farm.

3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in

that the proposal is a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape , it relies primarily on the use of new landscaping for integration, it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop, it is not visually linked or sited to cluster with an established group of buildings on a farm therefore it would not visually integrate into the surrounding landscape.

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, it does not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to Planning Policy Statement 6 Policy BH 1 and paragraph 6.8 and 6.10 of the SPPS as it would result in adverse impacts upon the integrity and intrinsic character of the setting of the Rough Fort (LDY009:005) a regionally important scheduled monument.

Site Location Map



Not to scale

Appendix 1

Referral Request

From: CALLAN, Aaron

Sent: 10 March 2023 15:45

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: Re: Planning application LA01/2020/0683/O Moneyrannel Road

Gemma

Can you please put it forward to Denise for the application to be referred to the planning committee.

Under the the policy reason that the applicant Under PPs21 and CTY10 the entitlement of a farm dwelling on the farm we feel it has not been properly assessed.

Best

Aaron

From: CALLAN, Aaron

Sent: 30 March 2023 10:16

To: Denise Dickson ; Oliver McMullan ; David Jackson

Subject: LA01/2020/0683/O Moneyrannel Road

Good Morning,

Further to my email yesterday I would like to provide the following new information from the applicant. I would like this reviewed as a matter of urgency and I would like to have confirmation today that this will be done.

Planning Reasons for Referral to Planning Committee: -

Firstly, I feel it's totally absurd that Mr. Canning is being denied his democratic right to have this planning application referred to the planning especially when it's obvious after reading the Case Officers Planning Report there's a 'lacuna' in the planning policy which does not address these unique set of circumstances that needs to be fully discussed with our planning committee in an open and transparent manner to

ensure this matter is resolved for council and the applicants in a fair and unbiased manner for all parties involved.

The application has been refused under Policy CTY 10 – Criteria C as the proposed dwelling has not been sited to be visually linked or clustered with the existing farm buildings on his farm holding. Mr Canning has produced legal evidence that states he does not hold title, only right of way over the 500-meter-long dilapidated farm lane to service his farm holding and essentially no new dwelling would have the permission to use laneway, effectively, landlocking any new dwelling beside the existing farm buildings. In addition, it's also well versed in this Council that no mortgage institution will lend money for a new dwelling built off a shared laneway.

To access the farm holding down this existing lane is a health and safety concern, I've drove part of it and through fear for the car and the untold time this lane had on it I tried to return to reverse which in itself was dangerous.

Initially, Mr Canning enquired about extending another existing entrance on his land down through the fields to service the proposed new dwelling next to the farm sheds where the planners would prefer a new dwelling be sited but this was deemed economically unfeasible and unviable as it would cost in the region of 150k. See the documents attached to the planning register.

These set of unique circumstances, in my opinion, are overriding under Policy CTY 1, Mr Canning's farm holding extends to 75 acres, he has an active and established farm business, and needs to be living on or near the farm holding for its efficient management and viability. The use of the existing laneway for a family in a motor vehicle would raise serious and health and safety concerns for me. Mr Canning needs to live on this farm to improve its agricultural yield and promote farm security. He's had a number of 'break ins' over the years and him being on site would be a deterrent.

Policies CTY 13 & CTY 14 are subjective assessments by the Case Officer and after looking at the site myself, I contend the site is both visually integrated into the landscape and has no impact whatsoever on the rural character of the area. The site is located off the Moneyrannel Road, a minor rural road used by local traffic only, the site is 2 metres below road level in a 'hallow' and avails of existing strong mature boundary definition on its northern and western boundaries. Views into the proposed dwelling are very restricted to short-term only along the frontage onto Moneyrannel Road and due to site topography, and existing vegetation the site / proposed dwelling will be clearly integrated into the landscape. Therefore, I believe these policies are also met.

Policy BH 1 is another subjective assessment, this is an outline application and the guys wanted visual representation of a dwelling on the site prior to making a decision. The design of the dwelling will be done not to have any impact on the Rough Fort.

Best

Aaron