

23<sup>rd</sup> January 2023

**OUR REF:** 21011-DR03  
**YOUR REF:** LA01/2022/0323/O

Site North of No.99 Carnbore Road, Liscolman

## DETAILED RESPONSE

Please see below our Detailed Response to the Planning Committee Report published on 18/01/23.

1. We note that since the publication of the Report, the applicant has made written representation describing why a dwelling at this location is necessary to ensure family care can be provided to his elderly parents and that assistance is available for farm work as the applicant struggles with his own health issues.
2. We also note that this application has received no objections from the public or the statutory consultees.
3. The application has been made in accordance with Policy CTY10 of Planning Policy Statement 21 which states planning permission will be granted for a dwelling house on a farm where all criteria can be met.
4. The Report states the application meets criteria (a) and (b) of CTY10 as the farm is active and established and no development opportunities have been sold off.
5. CTY10 (c) states that the new building is to cluster with established buildings on the farm though consideration may be given to an alternative site where there are demonstrable health and safety reasons.
6. The application proposes an alternative site North of No.99 Carnbore Road that does not cluster with established buildings on the farm and provides demonstrable health and safety reasons for this as allowed within CTY10 (c).
7. The Report accepts that No.99 Carnbore Road and outbuildings are buildings on the farm. These buildings include a large poultry shed and a Noise Impact Assessment was submitted to support the demonstrable health and safety reasons as to why a dwelling should be located away from this building.

8. The Report states that the information submitted is acceptable in its conclusion that siting a dwelling away from the existing poultry shed would be beneficial in terms of health reasons regarding noise and odour.
9. The Development Management Officer Report dated September 2022 states the existing boundary to the north and west, and the proposed new planting along the southern and eastern boundaries would ensure a dwelling at this location would be integrated.
10. It also states the site is relatively flat and not elevated and would not appear prominent in the landscape or damage rural character.

*N.B. We are aware that the Planning Department have amended their position on the above between the Development Management Officer Report and the Planning Committee Report. However, we believe the first-hand account prepared by a Case Officer who visited site and signed-off by an Appointed Officer should be given more weight than a Planning Committee Report published 4 months later with phrases amended and omitted with a clear motive to strengthen the case for refusal after we had sought referral to present our case to the Planning Committee.*

11. Based on the above, if the lands at No.99 Carnbore Road were the only lands on the registered farm business, the application site would be acceptable and approved by the Planning Department as it would comply with CTY10 (c), CTY13 and CTY14. This is an important point because if the lands at No.116 Carnbore Road are not viable for a dwelling house then the application should be approved.
12. We accept that the buildings at No.116 Carnbore Road are located on the farm and understand that the Planning Department believe a family dwelling could be located here.
13. However, aside from the written representation provided by Eileen and Robert White describing in great detail the operation of the farm and why a dwelling at No.116 Carnbore Road would not be appropriate, we have submitted a Detailed Response to the Planning Department dated 12/09/22 illustrating the reasons why a dwelling at this location would be contrary to planning policy including:
  - a) Numerous health and safety issues relating to the necessary use of the existing farm lane to provide access to a dwelling at this location.
  - b) Only one viable field at this location which would visibly link (accepted by Planning Department) and only western portion of this field currently has direct access to the farm lane.
  - c) Any development at this location would be a prominent feature in the landscape (contrary to Policy CTY13 (a)) and require a large amount of cut and fill earthworks (contrary to Policy CTY13 (f)).
  - d) This site lacks long established natural boundaries (contrary to Policy CTY13 (b)) and would rely primarily on the use of new landscaping for integration (contrary to Policy CTY13 (c)).
  - e) The topography of the site means that any development at this location would be positioned significantly higher than the existing dwelling at No.118 Carnbore Road and overlook the amenity of the property.

- f) The position of a dwelling at this location would not respect the traditional pattern of settlement in the area (contrary to Policy CTY14 (c)).
  - g) The position of a dwelling at this location would be viewed to cluster with 3no. existing dwellings at No.'s 114, 116 & 118 Carnbore Road and would lead to suburban style build-up (contrary to Policy CTY14 (b)).
  - h) Numerous health and safety issues relating to locating a dwelling beside working farm buildings with associated livestock, vehicles and machinery dispensing noise, odour and air pollution.
14. The Planning Department's response to the above involves disregarding the issues with the existing access and extending the laneway which would create significant hardstanding in the countryside and appear prominent from Carnbore Road. The new lane would be contrary to Planning Policy CTY13 (d) which states "*a new building will be unacceptable where ancillary works do not integrate with their surroundings*". Furthermore, we would expect NIEA would object due to the increased surface water produced by the hardstanding.
  15. Critically, this suggestion does not address the clear health and safety issues relating to the necessary access or clustering with a working farm.
  16. In comparison, our proposed site has access directly onto Carnbore Road and Roads have raised no objections.
  17. The land at No.116 Carnbore Road is not viable for the development of a family dwelling for the health and safety, planning policy and common sense reasons given above.
  18. Given the land at No.116 Carnbore Road is not viable, the application site north of No. 99 Carnbore Road is in accordance with all relevant planning policy:
  19. CTY10 (c) criteria is met as demonstrable health and safety reasons have been provided and accepted by the Planning Department.
  20. CTY13 (b), (c) and (f) criteria is met as the Development Management Officer Report states a dwelling at this location would be integrated and would not appear prominent in the landscape.
  21. There is no justifiable reason for this application to be refused and we politely request that the application be approved.