

Addendum

LA01/2022/0323/O

1.0 Update

1.1 A letter was received via email on the 20.01.2023 from Jonny Graham on behalf of Mr and Mrs White (parents of John White, the applicant). A letter was also received via email from the agent on 23.01.2023 which provides additional supporting information.

1.2 These letters argue how the alternative location suggested by the Planning Department is not suitable for a family dwelling and how the proposed location meets with Policy CTY 10 and CTY 13. Their argument is summarised in the following points;

- **Clarifies Land use on the two farms** - farm at No.116 is a very busy working dairy farm. These animals are outdoors March to October and housed during winter. Sheep are grazed in winter. Farmer at No. 115 has a right-of-way along the lane and through the farmyard. Farmland at No. 99 produces grass which is cut to make silage, 3 cuts per year. Young stock may be grazed for a short time. There is also a pullet rearing unit.
- **Details Use of laneway at No. 116** - Farm vehicles go between the two farms several times each day. Milk is collected by a milk tanker every other day throughout the year. Other frequent vehicles on the lane include feed deliveries, veterinary services, hoof care services, fuel deliveries, fertiliser deliveries, salesmen, maintenance services, etc. Slurry is taken frequently by heavy slurry tanker. From March to late October cattle are walked along the laneway. Neighbour's cattle and sheep are also moved along the laneway to and from his grazing land. During summer there is very heavy traffic when large trailer loads of grass are taken up the lane for silage. At slurry spreading season which starts in February large amounts of slurry, are taken down the lane by heavy tankers.

- **Details nature of the laneway at No.116** - It is narrow and steep and has an awkward bend half way up. It would not be possible for two vehicles to meet and reversing would be difficult. This lane is already shared by two working farms and would be far from ideal as access to a new private dwelling.
- **The principle of development-** Points raised as to how the proposal complies with criteria (c) and why a dwelling could not be sited at the existing buildings at 116 Carnbore Road due to health and safety reasons. Point made that if the lands located at 99 Carnbore Road were the only lands associated with this farm business then the proposal would be approved.
- **Visual Integration-** Reference is made the Development Management Officer Report where it is stated that the site is relatively flat and would not appear as a prominent feature in the landscape or damage rural character.
- **Re-iteration of previous correspondence from 12th September 2022-** Relating to reasoning why the proposed dwelling can't be located at the farm at 116 Carnbore Road. The Planning Department has set aside concerns regarding existing access and extending the laneway which would create significant hardstanding in the countryside and would be contrary to criteria (d) of Policy CTY 13. It was also stated that NIEA would likely object given increased surface water.

2.0 Consideration:

- 2.1 In response to this submission, although it is accepted that there will be a number of different vehicles using the laneway, this is not considered to be any more significant than any other busy working dairy farm. The majority of these vehicles would not be on the farm on a daily basis. It is stated that cattle and neighbouring sheep and cattle are walked along the laneway but this would only be at certain times of the day and year. This would not cause a significant increase in traffic delays and would only have an impact on potential residents of a new dwelling. Further to this, there are many instances where cattle are moved along public roads between different lands and although this causes some delay, this process is completed fairly quickly and is part of everyday life in

rural Northern Ireland. Again increased traffic flow relating to silage and slurry spreading are activities associated with most farms.

- 2.2 Although the laneway may be narrow and that two cars could not pass at any one time, it is considered that again, any existing farm lane would experience this difficulty. Although there will be different vehicles using the farm laneway this may be at different times and instances of vehicles meeting is likely to be infrequent.
- 2.3 Within paragraph 5.42 of PPS 21 it is stated that where an alternative site is proposed under criteria (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. This has not been provided for the alternative location at 116 Carnbore Road. It is considered that the issues raised would not be considered demonstrable health and safety reasons for relocating the farm dwelling to a more open roadside site where there is no integration with no visual linkage to existing farm buildings.
- 2.4 The principle of development has been assessed within paragraphs 8.2 to 8.16 of the Planning Committee report. Given the absence of integration the proposal would not be considered acceptable even if these were the only lands and buildings associated with the farm business.
- 2.5 In terms of visual integration an assessment of Policy CTY 13 has been undertaken under Paragraphs 8.19 to 8.23 of the Planning Committee report. Reference to the Development Management Case officer report has also been provided which at that time considered the application site to be acceptable in terms of visual integration. In terms of this, a planning application remains under assessment until the date of decision. Given this it is not uncommon for a difference in corporate opinion to arise. This application was reassessed by the Senior Planning Officer and it is considered that the proposed development does not comply with Policy CTY 13 given the openness of the site.
- 2.6 In regard to the correspondence received on 12th September 2022 this information has been assessed under Paragraphs 8.14 and 8.16 of the Planning Committee report. It is considered that the

use of an existing laneway for traffic associated with the farm business would be a common issue associated with any busy working farm. Also, the issue raised that two cars could not pass each other on the existing laneway would also be common issues associated with farms. These issues are not considered to be demonstrable health and safety reasons for relocation of a dwelling. Potential access to field 5 of the existing farm business could be provided without accessing the farmyard. In terms of criteria (d) of Policy CTY 13 it is considered that a new access could be provided which could run along existing field boundaries and therefore not have a significant visual impact. It is considered that even with the provision of hardstanding, a dwelling located at the farm at 116 Carnbore Road could effectively integrate into the landscape. This is in contrast to the site north of 99 Carnbore Road which is completely open.

- 2.7 A comment was also made that given the need for new hardstanding at the site at 116 Carnbore Road that NIEA would likely have concern with increased surface water. NIEA have not been consulted in regard to this but if a new proposal was submitted at a location close to the farm buildings at 116 Carnbore Road this would be considered and consultation with NIEA would be made. NIEA would unlikely have a concern with clean storm water from the curtilage of a dwelling, unlike dirty stormwater, arriving from runoff at farmyards. It was also raised that a dwelling located on Field 5 would lead to potential overlooking of the property at 118 Carnbore Road. It is considered that through careful siting and the considerable separation distance located between the properties that this would not be of concern.

3.0 Recommendation

- 3.1 That the committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with paragraph 1.1 of the Planning Committee Report.