

Implementation Date: 01 September 2023

Template for Requesting Speaking Rights at the Planning Committee

The Protocol for the Operation of the Planning Committee provides for interested person(s) to register to speak on a planning application that is scheduled to be determined at the next meeting of the Planning Committee. This request must be received by the Planning Department no later than 10am on the Monday before the Planning Committee meeting via email account planning@causewaycoastandglens.gov.uk.

Planning Reference	LA01/2021/0803/O
Name	James Dunlop
Contact Details	Tel: Email:
Support or Objection – please tick relevant box	Support <input checked="" type="checkbox"/> Objection <input type="checkbox"/>
Written representation summarising key points to be addressed and supplementary information in support of your case (minimum font size 10 and maximum length two sides of A4 page).	
Find attached report to be presented at Planning Committee and plan of site.	

**REPLACEMENT OF DWELLING AT APPROX 273 M SOUTH OF
136 MOYAN ROAD- LA01/2021/0803/O**

Proposal

The proposal is to remove a dwelling and replace it with a retirement dwelling, modest in size and in accordance with Policy CTY13 and 14 (Indeed the case officer's report confirms the proposal will comply with CTY 13 and 14). The other structure will remain intact maintained and continued to be used as storage.

The site is not unduly prominent in the landscape and also has long established natural boundaries and will not rely on the use of new landscaping for integration, indeed the large number of existing mature trees around the site which will provide a backdrop which will allow the new dwelling to blend with the landform. The proposed site will comply with all the required criteria "for replacement cases" as highlighted in CTY3.

Publicity & Consultations

Upon reviewing the Planning Committee Report we note there are no letters of objection to the proposal and DFI Roads, Environmental Health, NI Water or NIEA WMU have also no objections to the proposal.

Ecological Assessment Required

Kane Ecology will carry out a Preliminary Ecological Approval (PEA) which I trust will not identify any ecological impact of the proposed development. As advised the survey may only be conducted between April and September, Kane Ecology will carry out the survey within the month of May.

As highlighted within the Development Management Officers Report dated 3 June 2022 the case officer stated the PEA has "not been requested by the Planning Department as the proposed building does not meet the criteria for a replacement dwelling and unnecessary expense would be incurred by the applicant in requesting ecological information"

Vernacular Buildings

It is the case officer's opinion "the internal arrangement suggests that this building is more likely a garage/store or in agricultural use" We strongly disagree with this statement

The existing structure clearly exhibits the following characteristics of a dwelling house:

- 1 Built without the benefit of any formal plan
- 2 Linear plan, elongated, rectangular
- 3 Depth of house – 5.50M
- 4 Walls of mass load-bearing materials
- 5 Opening (windows and doors) predominantly on front and back long walls
- 6 Dwelling extended linearly or with extra storey (demolished)
- 7 Openings lack symmetry and regularity

It is our opinion the existing structure was the main dwelling on the site. The chimney to service the fireplace at the gable has been removed and after consulting "locals" the cooking

hearth and chimney has been removed at the opposite gable when the sliding door was formed in the gable. New facing brickwork can be clearly seen above the door opening.

A doorway in the gable of the building has been blocked up in stonework. This doorway provided access to the demolished section of the building.

There are window and external door openings located in the front and rear elevations (refer to the attached plan of the existing dwelling and site). Within the plan I have shown the locations of the two chimneys which I understand were demolished.

It is clear the building was constructed as a dwelling house and not designed and used for agricultural purposes. The existing structure has been altered over the past number of years but the existing structure, stone walls, roof, evident of external doors and windows remain intact.

Precedent

Within the above two approved applications which are local to the site, it was my wish to highlight like our proposal both dwelling houses were currently being used for storage.

I fully understand each application has to stand on its own merits, but I must highlight to the Committee there have been many applications approved for replacement dwellings in the countryside which have little of the existing structure remaining (i.e. LA01/2013/0803/O and LA01/2021/1349/O).

Policy

Policy CTY3 clearly states “Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact”

Policy CTY 14 of PPS21 states “planning permission will be granted for a building in the countryside where it does not cause a detrimental change, or further erode the rural character of an area” It is my opinion we can achieve this within the proposed mature site.

Case Law

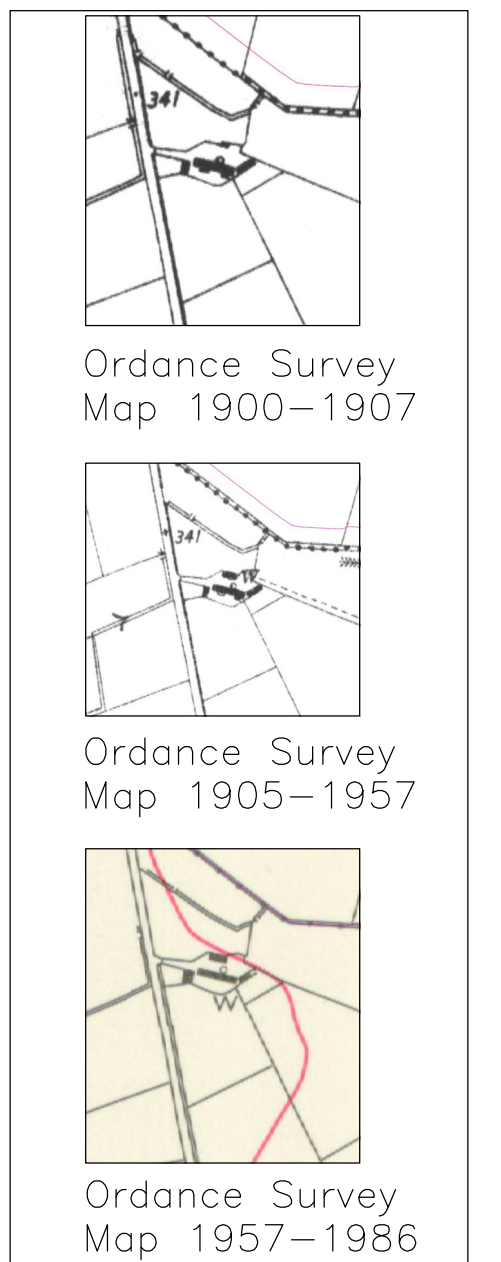
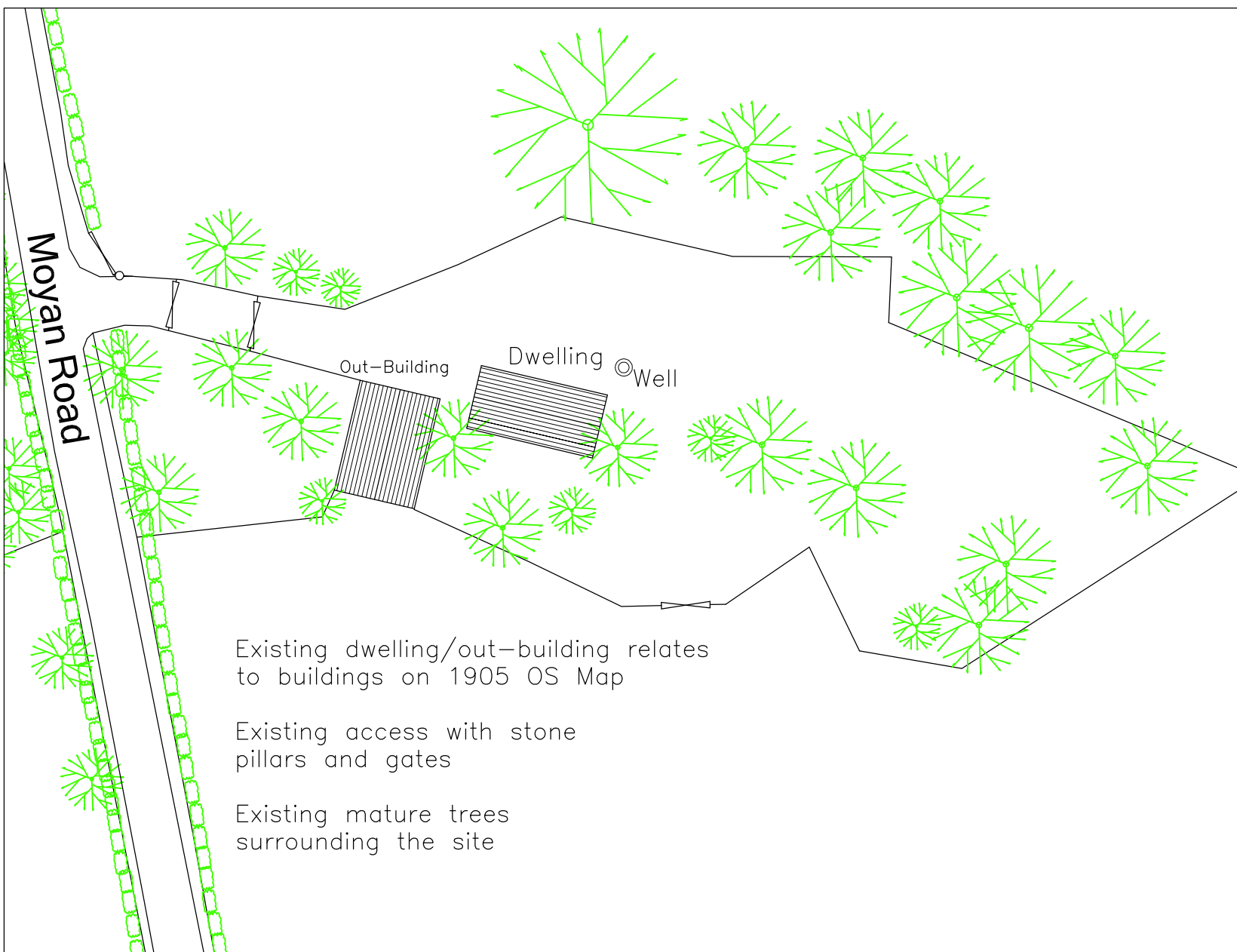
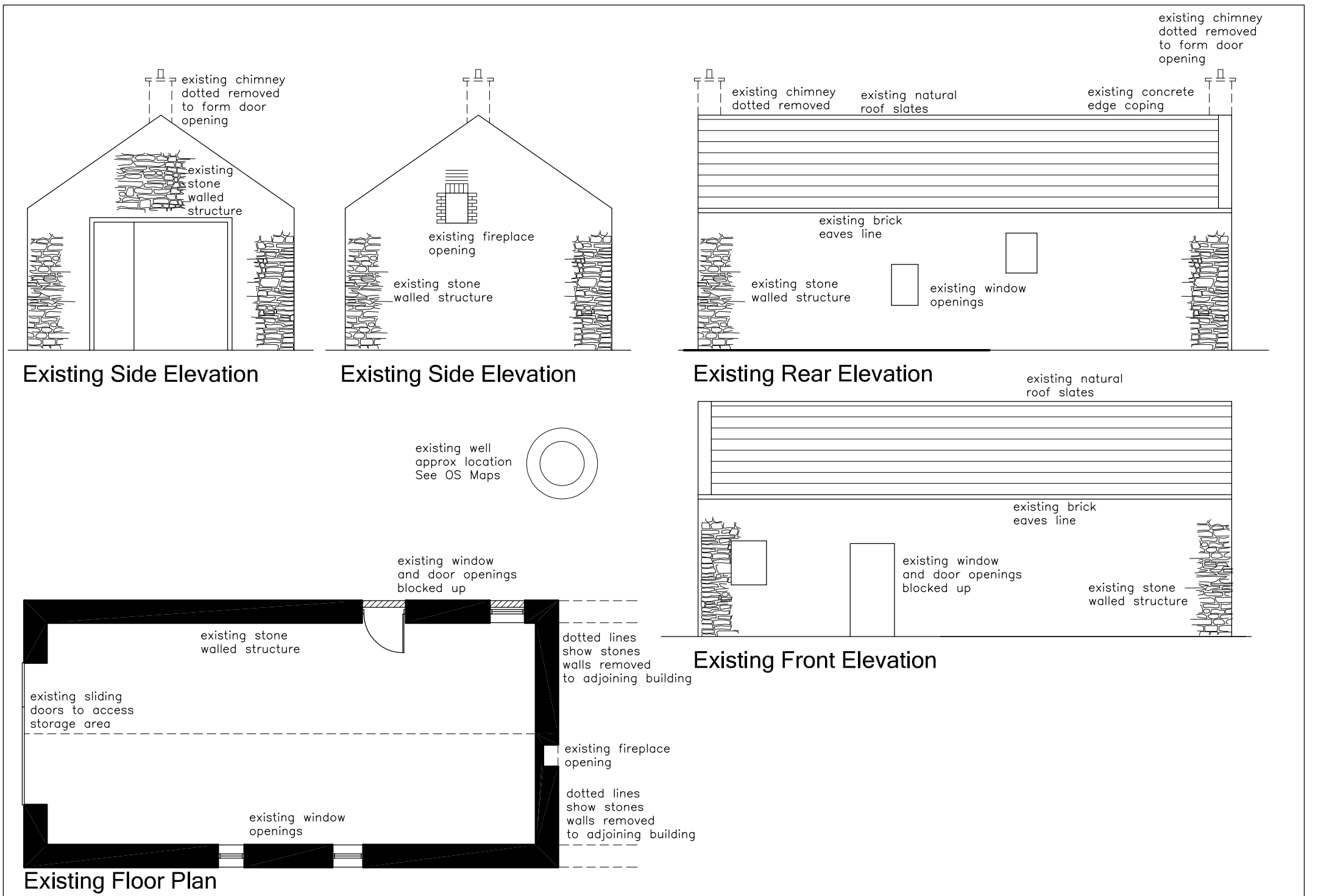
Case law has created precedent in that the decision maker is not obliged to adhere to each point of a planning policy and it is unreasonable if the decision maker’s interpretation of policy results from a failure having regard to a material consideration.

The case officer’s recommendation for refusal seems to rely on only one point, the building having no cooking hearth or chimney (which has been removed). It is wrong to rely on only one point and ignore the remaining primary characteristics of the building when recommending refusing this application.

Conclusion

I have proven beyond doubt that the existing building to be replaced exhibits the essential characteristics of a dwelling and the development complies with policy.

In view of the above I would request the Planning Committee to approval to this application.



Planning Ref LA01.2021/0803/0



Replacement Dwelling Plan & Site Layout