

Addendum

LA01/2017/1391/O

Outline Planning

Update

An email was received from the Agent on 15 December 2017 in support of the above application.

The Agent recognises that work on the holding may have been commissioned by the farmer that leases the holding. However, he argues that this remains relevant to the applicant's farm business as he provided a discount for payment on the conacre rent. Officials do not accept this as the work was commissioned by a third party farm business (i.e. farmer who leases the land) rather than the applicant's farm business. It is the applicant's farm business activity that is relevant to meeting the active and established test.

To address the issue of some receipts not being dated, the Agent has provided some post-dated receipts and a signed statement from the relevant contractor confirming the date of the works. However, as indicated in appeal 2006/A0187 (for an agricultural shed at Seskinore, Omagh), determining weight cannot be attached to back dated receipts.

The Agent cites a case ***FW Gabbitas v SSE and Newham LBC (1985) JPL 630*** which refers to the weight attached to evidence submitted by the applicant in terms of its veracity. This judgement has regard to the evidence being sufficiently precise and unambiguous. However, this is not the case here where undated receipts and now backdated receipts cannot be afforded determining weight.

Recommendation

That the Committee notes the content of this addendum and agrees with the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report.