

Addendum

LA01/2016/0787/F

Full Planning Permission

Update

The applicant submitted a statement to Planning following the completion and circulation of the Committee Report. A number of issues were raised that the Agent considered were not originally addressed. These are addressed below:

- The Agent asserts that the SPPS should not be taken into consideration as the Council have not as yet developed its own Local Development Plan.

Clear instruction is set out in the Introduction of the SPPS, page 7 paragraphs 1.10 to 1.16 on transitional arrangements. It clearly states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During this transitional period Planning Authorities will apply existing policy contained within the documents identified together with the SPPS. This includes PPS 21.

- That CTY1 is only relevant if CTY 12 does not apply.

CTY 1 is the primary policy of PPS 21 and sets out the scenarios where development is permitted. It also sets out requirements in relation to integration for all development and other planning and environmental considerations including those for drainage, access

and road safety. These requirements and CTY 1 are therefore necessary for consideration of all proposals considered under PPS 21.

- The Agent states that in terms of CTY 10 and CTY 12 that you do not have to claim Single Farm Payment to be an active farmer.

This is correct if the applicant does not claim single farm payment they can submit additional evidence to prove active farming over the required period (para 5.37 of the PPS 21).

Active farming has been accepted by the Planning Authority in this case. The proposal does not meet with planning policy CTY 12 as outlined in paragraphs 8.8 – 8.11 in that it has not been demonstrated that a shed of this size is necessary for the efficient use of the agricultural holding which comprises 0.8ha.

- The Agent refers to the PAC determination that the shed would have no adverse impact on rural character as the “appearance of agricultural sheds in the countryside are common place...”

The application has not been refused under Policy CTY 14 in terms of rural character.

- The Agent refers to the refusal under Policy CTY 13 that the “proposed building is a prominent feature in the landscape.” The Agent states that: there are intermittent views; it is set 54m back from the road; similar sheds are visible throughout the countryside; and, that the applicant is willing to provide planting.

Planning agrees with the PAC in relation to integration on the site as discussed in paragraphs 8.12 to 8.14 of the Report. That the proposal would be a prominent feature in the landscape and lacks integration.

Policy is clear that new development is not appropriate where it relies primarily on the use of new landscaping for integration, criteria (c) of Policy CTY 13.

- The Agent states that he is able to overcome the access arrangements with new plans.

As stated in paragraph 8.17 the information submitted to date is inadequate and it has not been demonstrated that a safe and adequate access can be achieved.

- The Agent states that but for the third party dwelling being within 70m the shed would be Permitted development

The building does not meet with permitted development rights in that:

- 1) the building or structure to be erected is the first agricultural building on the unit;
- 2) it is not within 75 metres from the nearest part of a group of principal farm buildings as it is the first building: and;
- 3) the nearest part of any building erected or extended is less than 75 metres from a dwelling house (other than a dwelling house of any person engaged in agricultural operations on that unit).

- The Applicant is facing financial loss and stress.

Failure to understand planning is not a defence to carry out unauthorised development or a reason to grant planning approval. The applicant's circumstances may have been brought about by their disregard to Planning. If this application is approved under these circumstances it could set a wide ranging precedent.

- The Ministerial Statement seeks consistency and flexibility.

CTY 12 is not one of the six scenarios where further clarification was provided in the Statement. The Planning Authority considers that the assessment of this application has been consistent with policy.

- The Agent submitted details of the wording of Planning Committee reports in another Council area.

The operation and wording used in other Council Planning Committees is a matter for other Councils to consider.