



M24 Burke Killyvally – SPEAKING NOTE – 30 April 2025

Item 5.10 – Causeway Coast and Glens Council Planning Committee

Murray Bell RIBA RIAS – Bell Architects Ltd

Application Ref No: LA01/2024/1004/F

Erection of dwelling & garage and all associated works (change of house type from that approved under C/2010/0029/F - based on material start made to the site and as per visible orthophotography).

Rebuttal to Refusal Reason 1:

‘The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Planning Policy Statement 21, Policy CTY 1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.’

The assertion that the proposal is contrary to the SPPS (para. 6.73) and PPS 21, Policy CTY 1, fails to fully consider the material circumstances of the site and the planning history associated with it.

The site benefits from a **previous approval**, which confirms that the principle of development on this rural site has previously been accepted.

The refusal reason allows for no distinction in this site between an ordinary agricultural field and this proposal. We have demonstrated without doubt that following the previous approval, works were undertaken to establish a material start, and those works have been illustrated and are clear in evidence.

The commencement of works, including access and the service lane, **demonstrates a clear implementation** of that permission, reinforcing the site's suitability for development and the applicant's commitment to lawful progress. These works constitute a **material start**, which must be given due weight in the decision-making process.

We have submitted evidence to show that a material start was made on this site.

An access has been created, established, and initially maintained.

A portion of lane has been created.

Works around the site were undertaken.

Aerial photography is clear that works took place.

CCG Planning have relied upon PAC decisions to justify their position, but we raise LA01/2020/0744/F as the more relevant approval as it was approved by CCG planning committee. To refuse the current proposal while similar development has been permitted undermines the principle of consistency in planning decisions, particularly where site characteristics and policy contexts align.

In application LA01/2020/0744/F planning committee disagreed with the case officers recommendation and allowed the application on the basis of the exact same information that relates to this planning application. **This is therefore the example precedent.**

At the LA01/2020/0744/F planning committee and site meeting, it was noted that a trench had been dug on site but that there was no evidence of foundations of a dwelling. **Therefore the approval was granted on the strength of the access works and creation of visibility splays which in themselves are works of development.** It is noted that this approval actually dated from 2004 in the original outline approval, some 16 years earlier than the subsequent approval.

There are many previous examples where Causeway coast and Glens has examined the issue of 'material start' and we consider that an appropriate start was made on this site, and the applicant should be allowed to proceed on the basis of the previous works.

In the above LA01/2020/0744/F planning report, it is significant to note the similarity of the case, and we would submit that our situation and case is on all fours with the previous approval as no building works in relation to the previous approval were demonstrated at the Fivey Road application site, and the trench that had concrete in it was in fact in the wrong location and was therefore not in line with the previous approval.

Our previous application LA01/2020/0744/F was withdrawn as the application was attempted to be summarily dismissed by the planning office without any opportunity for discussion by planning committee and the application has been represented so that discussion might take place.

The **development does not offend the spirit of Policy CTY 1**, as it aligns with a previously accepted use and does not introduce new or unjustified pressure on the countryside.