

Rebuttal to Refusal Reasons for Planning Application: LA01/2024/0037/F from Applicant/Agent

Address: Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall

This note provides a summary of how the policy requirements have been met and our speaking note will cover this in detail.

Refusal reason 1

The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in that it has not been demonstrated that renovation, alteration or redevelopment opportunities do not exist, that the proposal is essential for the efficient functioning of the farm business or there are demonstrable health and safety reasons.

Policy Extracts

Paragraph 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) - Agriculture and forestry development states, inter alia:

'New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances'.

Policy CTY12 – Planning Policy Statement 21 – Agricultural and Forestry Development states, inter alia:

'In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;*
- the design and materials to be used are sympathetic to the locality and adjacent buildings;*
and
- the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or*
- there are demonstrable health and safety reasons'.*

Rebuttal to refusal reason 1:

There are no suitable existing buildings on the holding. There are no alteration or redevelopment opportunities available for an additional shed beside the existing farm holding which has been demonstrated within the planning application submission. This would result in unnecessary building works, disruption for the surrounding area and expense for the applicant and raise health

and safety issues given the restricted farmyard space and access to the farmyard which is too limited to manoeuvre the large machinery.

The applicant has demonstrated that there is a clear need for the agricultural shed for the functioning of the farm to accommodate the large farm machinery, hay bales and straw bales etc.

Accordingly, it has been demonstrated that the proposal is compliant with 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21.

Refusal reason 2

The proposal is contrary to 4.12 of the Strategic Planning Policy for Northern Ireland (SPPS) and criterion (e) of Policy CTY12 in that the development would, if permitted, harm the amenity of residents in adjoining properties by reason of its scale and dominance.

Policy Extracts

Paragraph 4.12 of the SPPS states:

'Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas'.

With reference to criterion (e) of Policy CTY12 of PPS21, it states:

'Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that, inter alia:

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution'.

The refusal reason specifically states, *'harm the amenity of residents in adjoining properties by reason of its scale and dominance'.*

Rebuttal to refusal reason 2

The proposal will not harm the amenity of residents in adjoining properties. No objections have been received to the planning application.

Given the scale and design (including the colour) of the sheds (including the neighbouring shed), they blend into the background of the residential properties.

A proposed landscape plan has been submitted with the planning application. The new planting is proposed to the south-east corner of the site, where there is currently a gap in boundary vegetation. The proposed planting will provide screening of the shed from the rear gardens of No.5 and 6 Kilnadore Brae and will mitigate and address concerns in relation to perceived dominance.

Accordingly, it has been demonstrated that the proposal is compliant with 4.12 of the Strategic Planning Policy for Northern Ireland (SPPS) and criterion (e) of Policy CTY12 of Planning Policy Statement 21.