

Addendum

LA01/2016/1391/O

Outline Permission

A further document was submitted by the Agent, 22.09.2017 in response to the Planning Committee report. This addendum will be used to address the additional points.

The first part of the Agents statement sets out as to why they consider the applicants land to be an active and established farm. As set out in paragraph 8.7 of the Planning Committee Report no evidence has been submitted to demonstrate that the applicant has an established farm business that has been active and established over the last 6 years as required by the SPPS and as set out in Article 4 of the European Council Regulations (EC) No 1307/2013.

The agent has argued that the applicant is maintaining the land by replacing posts, mending fences, clearing drains, laying new drainage pipes, providing new drinking troughs, ploughing part of it and removing large stones and boulder. The Agent argues that this meets with point C (iii) of Article 4, by *carrying out minimal activity on agricultural areas naturally kept in a state suitable for grazing or cultivation.*

As set out in the application the applicant leases the land in conacre. It is therefore managed and farmed by that person for the purposes of the Article. This is discussed in Appeal reference 2016/A0186 see Appendix 1.

Similar arguments were made as part of the above appeal to the proposed. The appeal was considered under the SPPS, the applicant argued that whilst they let out the land in conacre they maintained the fencing and boundaries. The appellant also did not have a Business ID. Another farmer took and farmed the land in conacre as part of their larger farm holding. The PAC stated that the land is part of the farm business of the farmer who takes the land and farms it and not the applicant. The PAC dismissed the appeal as the applicant was not able to demonstrate that he had a farm business that was active and established for a minimum of 6 years.

The Agent has sited different appeals that are discussed below. I should be noted that none of them have been since the adoption of the SPPS.

The Agent has referenced Appeal 2009/A0297. With regards to this appeal the applicants owned the lands but did not farm the land. This was assessed under PPS 21 and the farmer who took the land in conacre provided their business ID and farm maps for the purposes of meeting with the policy at that time. It was demonstrated that the lands in question did make up an active farm managed by another person. This is not the case with regards to this application as Mr Moorhead who takes the land in conacre has not provided his Business ID or farm maps showing the rest of his holding. No further information has been provided to demonstrate that the lands relating to this site make up an active and established farm.

In relation to paragraphs 3 to 6 of the Agents document, Planning Policy Statement 21 requires that the farm has to be currently active and established for at least 6 years. As set out paragraph 8.6 of the Planning Committee report, the applicant does not have a DAERA Business ID that has been active and established for over 6 years. Furthermore, no evidence has been provided that the lands owned by the applicant make up an active and established farm.

A further consideration of criteria (B) and (C) of Policy CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside had been completed. Further points have been made in relation to these criteria.

• Criterion (b) requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application; this provision applying after 25 November 2008.

There have been no dwellings or development opportunities sold off from the lands identified on Map 1.

• Criterion (c) requires that the new buildings are visually linked or sited to cluster with an established group of buildings on the farm and, where practicable, access should be obtained from an existing lane

The proposed dwelling is located close to the dwelling, garage and stables associated with the property at 12a Carragh Road.

If it was demonstrated that the lands owned made up an active and established farm business the buildings associated with the property at

12a Carragh Road to include house, garage and stables would be considered an established group of buildings on the farm. The proposed dwelling would also make use of an existing access.

Integration

Further Assessment of paragraph 8.16 of the Planning Committee report. As stated in the Planning Committee report the site only benefits from one defined boundary which is the south eastern boundary which consists of a small hedgerow and makes up the boundary to the dwelling at 12 A Carragh Road. The North Eastern, North Western and South Western Boundaries are open and do not have defined boundaries. If it was demonstrated that the lands owned made up an active farm, the buildings associated with the property at 12a Carragh Road to include house, garage and stables would be considered an established group of buildings on the farm.

Rural Character

Further Assessment of 8.17. As stated in the Planning Committee report the proposed new dwelling would be unduly prominent on the site. The proposed dwelling would be considered a prominent feature on the landscape given the openness of the site which lacks long established natural boundaries, particularly at the North Eastern, North Western and South Western Boundaries which are open and free from any defined boundaries. The proposal would rely heavily on new landscaping to allow it to integrate into the landscape. Overall, this proposal fails to blend with the current landform, existing trees and other natural features which should provide a backdrop to the site.

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.