

# **Addendum 2**

## **LA01/2020/0815/O**

### **1.0 Update**

- 1.1 An additional Planning Statement was received from TC Town Planning on 19<sup>th</sup> October 2022 and uploaded to the planning portal addressing the Planning Committee Report, Addendum and Erratum previously circulated.
- 1.2 The statement raises that paragraph 8.31 of the committee report failed to include a portion of Environmental Health's consultation response which raised impact on amenity of the proposed site on account of its proximity to farm buildings and activity. The response from Environmental Health goes on to state that a separate farm business has been identified approximately 90 metres from the proposed development and does not appear to be connected to the applicant.
- 1.3 Reference is made to paragraph 4.11 and 4.12 of the SPPS which states the Planning Authority must take environmental and amenity considerations into account when determining a planning application. The document goes on to state that the detrimental impact on amenity would be a sustained reason to refuse if another application was submitted.
- 1.4 The Planning Statement addresses the two PAC decisions referenced in the Committee Report and Erratum, namely 2017/A0060 and 2019/A0199 and highlighted the key differences between those and the current planning application. Having regard to Appeal 2017/A0060 it was stated that it was distinguishable from the current application as the applicant was not associated with the farm, that the applicants dwelling and amenity space adjoin the farmyard, that the farm is active that the farm buildings are used to house livestock and slurry tanks are located in 2 of the sheds. In terms of Appeal 2019/A0199 it was stated that it was distinguishable from the current application as the appellant had a vested interest in the land, that the number of

sheds that lay outside the appeal site but within the ownership of the appellant were a lot less than the current application and that there were no verifiable plans that a farm shed with a slurry tank would be constructed and that the applicant for the current application has no control or influence over that farm business.

- 1.5 Within the Planning Statement reference is also made again to appeals 2011/A0045 and 2016/A0059. It was stated that the purpose of this was to demonstrate that it was the impact of a working farm and sheds on residential amenity that was behind the justification to allow an off-site replacement for 2011/A0045 and to sustain the refusal for the conversion of an old farm under 2016/A0059. -
- 1.6 The planning statement, under the title of Equity and Fairness makes reference to recent approvals by Causeway Coast and Glens Planning Department, namely LA01/2021/1182/O and subsequent reserved matters application LA01/2022/0681/RM which was for an off-site replacement dwelling. It was stated that the Council believed that relocating the dwelling approximately 50 metre would result in amenity benefits given the location of existing farm sheds. The statement goes on to state that the same approach must be applied to the current application especially as the applicant has no involvement in the farm.
- 1.7 The statement provided goes on to state that in situations where there are tensions between the policies, the decision maker must weigh up the benefits to include amenity benefits and these material considerations which are a criterion of Policy CTY 3, carry determining weight.
- 1.8 Within the Statement provided regard is had for policies CTY 13 and CTY 14 and states that the proposed dwelling will not have an than the existing building. It involves replacing an existing dwelling which will be demolished as to not add to the number of buildings in the locality.

## **2.0 Consideration**

- 2.1 The Environmental Health response is based on the proposed site which remains within the advisory 75m proximity to agricultural activity. This was addressed in paragraph 1.2 of the Addendum. The proposed site would still suffer any potential amenity impacts as a result of the location adjacent to the agricultural activity and therefore this is not an overriding reason to site the dwelling at the

proposed site. It must also be emphasised that the existing dwelling and farmyard have co-existed over many years.

- 2.2 Although amenity considerations would be considered if a new application was submitted the site history would also be another material consideration and would reveal that a dwelling has co-existed on the site with the existing farm buildings for a long period of time.
- 2.3 In regard to the difference pointed out in appeals 2017/A0060 and 2019/A0199 it is accepted that no two applications are the same and there are differences between the applications. However, the issues raised are similar having regard to this application in terms of potential amenity benefits by locating a potential dwelling away from existing farm buildings. It must also be noted that there are additional concerns with the current proposal as in both of the above appeals these the proposed dwelling did not lead to the creation of an infill opportunity. Furthermore, the proposed siting in this case is roadside on rising lands which has limited screening. The appeal site under 2017/A0060 is located along a laneway set back from the main road with screening. The appeal site under 2019/A0199 although roadside is well screened.
- 2.4 Appeals 2011/A0045 and 2016/A0059 were also raised in this document. These appeals have been considered in paragraphs 8.12 to 8.14 of the Planning Committee report.
- 2.5 Application LA01/2021/1182/O and subsequent reserved matters application LA01/2022/0681/RM was also raised. Within these applications it was identified that the curtilage of the existing dwelling was sufficient but that with the existing farm buildings located around the site that this would have greatly reduced the curtilage of the any replacement dwelling. Again this is different to the current application as the existing dwelling at 124 Mullan Road sits within its own defined curtilage and garden, is not directly within an active farmyard and is not attached to any farm buildings. The curtilage is not considered to be of a restrictive scale and therefore the example provided is not considered to be comparable. The proposed site also did not create an infill opportunity and was not located on a roadside site with limited screening. Instead, the site is located on a long laneway with only distant views.
- 2.6 CTY 13 and 14 remain material to this current application and whether or not the proposed site would bring amenity benefits, it is

considered that a new dwelling would not successfully integrate given the openness of the proposed site, would rely on the use of new landscaping, would be a prominent feature on the landscape given that the lands are raised and would open up an opportunity for ribbon development if permitted. The existing dwelling on site does have a degree of screening with defined hedgerows and a mature boundary to the rear.

## **2.0 Recommendation**

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.