

List of delegated planning applications with objections received / recommendation to refuse

Week Ending 24 March 2023

Item Number 1			
Application Reference	LA05/2021/0387/O	Date Valid	09.04.2021
Description of Proposal	Proposed dwelling on a farm including alteration of existing access onto Lany Road	Location	Approximately 90m West of 26 Lany Road, Moira
Group Recommendation	Refusal	Case Officer	Richard McMullan
Reasons for Recommendation			
<p>The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>The proposal is contrary to the SPPS and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does is not considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been sold off or transferred from the farm holding within 10 years of the date of the application.</p> <p>The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the development would add to a ribbon of development along the laneway.</p> <p>The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would result in a sub urban style build-up of development when viewed with existing buildings, it would also not respect the pattern of development found within the local area and it would add to a ribbon of development along the laneway, and would therefore result in a detrimental change to further erode the rural character of the countryside.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
1	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		
Amended site location plan submitted 7 th June 2021 not neighbour notified or re-advertised.	Original advertisement took place, 23 rd April 2021 and original neighbour notifications issued 20 th April 2021. In turn re-advertisement of the application took place, 18 th March 2022 and neighbours were re-notified, 11 th March 2022. Further re-advertisement took place 21 st Feb. 23 and re-neighbour notification, 20 th Feb. 2023. It is therefore contended that adequate advertising and neighbour notification has taken place to date.		

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Query regarding site area potentially triggering Major development threshold.	Following assessment/measurement of the submitted amended site location map the area of the site remains below 1h (measures 0.83h) and does not trigger the Major development threshold.
Application form needs amended to take account of the laneway widening as well.	Applicant requested to amend the P1 application form. This has been provided and was subject to re-advertisement and re-neighbour notification.
Ownership certificate query. This is a shared lane that accesses multiple properties	This issue was raised and dealt with by way of the submission of an amended application form with Cert. C filled out and notice having been served upon interested parties.
Works include an alteration to access which should be included on the P1 form	Application has been amended to reflect the splays and this has been the subject of re-advertisement and re-neighbour notification.
Third party ownership issue in respect of visibility splays and ownership certificate	Applicant has been made aware of this matter and a response provided via an amended application form, with Certificate C filled out.
P1C form states that there is no Business ID. Limited detail provided to support the application in terms of farm activity, contrary to criteria (a) of CTY10.	An amended P1c form has been provided in which the applicant has provided their DAERA Farm Business ID number which has been the subject of consultation with DAERA as is normal practice. Additional supporting information has also been provided for consideration which has been fully assessed.
The applicant has not presented any evidence to support the application under CTY10 or any evidence to justify it as a policy exception.	Supporting information has been provided for consideration in support of the application which has been the subject of a full assessment.
A land registry check can be undertaken to ensure that the existing dwelling number 26 has not transferred ownership since 25 th Nov. 2008.	A land registry search has been undertaken within the processing of this application and number 26 Lany Road has been transferred from the holding. This in turn is reflected within the refusal reasons put forward.

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<p>The two sheds do not benefit from planning permission and as such cannot be considered to be established.</p>	<p>This issue has been assessed and it is considered that the buildings (sheds) which have been the subject of a number of enforcement files, are lawful by virtue of Part 169 (2) 'Certificate of Lawfulness of existing use or development' of the Planning Act (Northern Ireland) 2011.</p>
<p>Proposal fails to meet criterion (g) of CTY13 as it is not visually linked or sited to cluster with an established group of buildings on a farm.</p>	<p>It is considered that the site, following a full assessment is in keeping with the above as it would be visually linked/sited to cluster with the applicants sheds (which as outlined are considered to be lawful).</p>
<p>Development would be a prominent feature in the local landscape.</p>	<p>It is considered that if the principle of development was acceptable a dwelling of appropriate scale, design and massing would not be a prominent feature in the landscape.</p>
<p>Sub-urban style build-up of development.</p>	<p>It is considered that as the principle of development is unacceptable that the build-up of development would in turn be a concern.</p>
<p>The development would result in ribbon development along the laneway (addition of). The proposed siting within the area shaded green would leave an infill site.</p>	<p>It is considered that the above would be a concern. This in turn has been reflected within the refusal reasons proposed.</p>