

Addendum

LA01/2018/0910/F

1.0 Update

- 1.1 A letter was submitted from the agent 8th May 2019 which referenced an appeal decision which allowed permission for a replacement dwelling where all external walls were not fully intact, a letter from a relative of the previous owner of the property subject of this replacement application and details of the applicant's farm investment plan.
- 1.2 Appeal 2011/A0302 (110m West of 102 Duncrun Rd, Bellarena, Limavady) was granted following consideration of the extent of remaining structure at the time of application. The building subject to this appeal had two walls fully intact to wall plate level, while some material had collapsed from the front elevation and from one gable. The appellant did carry out some remedial works which extended to the re-construction of some small parts of the walls between the main door way and adjacent windows. The Planning Appeals Commission considered that the building was not ruinous or partially remaining and concluded that the building was substantially intact for the purpose of replacement.
- 1.3 The Planning Authority do not consider this appeal to be directly comparable given the amount of remaining built structure to each of the four external walls. The subject building within this application has only one substantially complete wall remaining, one wall with approximately 60-65% remaining, with two walls completely removed. The SPPS and Policy CTY3 requires all external walls to be substantially intact and given the substantial amount of structure missing from the building the policy requirements cannot be met. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY3 of PPS21. Officials refer to PAC decision 2016/A0028 Ballyportery Road, Cloughmills

where the Commissioner stated that “the test of substantially intact should be interpreted on a plain reading of the words” and proceeded to refuse the appeal on the grounds that although the building to be replaced exhibits the essential characteristics of a dwelling, it does not as a minimum have all its external structural walls substantially intact.

- 1.4 A letter was submitted from a relative of the previous owner of the property. The letter outlines that once vacated, the dwelling fell into disrepair and the front and internal walls and roof were removed. While this letter verifies the use of the building as a dwelling, this issue is not disputed by the Planning Authority and the letter, confirming removal of an external wall, further verifies that the remaining structure is not substantially intact.
- 1.5 The agent provided a letter outlining the applicant’s farm details including Business ID, and Flock and Herd Numbers, the letter also outlines recent expenditure on the farm business and future plans for the business. The applicant was asked to explore the potential of a dwelling on a farm during the processing of the application, however advised that they were unable to meet the requirements of the SPPS and Policy CTY10 at this time.
- 1.6 A further submission was received from Cllr Edgar Scott 24th June 2019. This submission contained a copy of the same letter submitted 8th May 2019 from a relative of a previous owner of the farm, and a letter from the applicant to Cllr Scott, which outlined their recent purchase of the farm and their plans to run it as a family business and their desire to build a family home on the farm. Again as noted at Paragraph 1.5 above the potential for a dwelling on a farm was suggested to the applicant, however it was advised that the Policy CTY10 could not be met.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to **Refuse** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.