

Implementation Date: 01 September 2023

Template for Requesting Speaking Rights at the Planning Committee

The Protocol for the Operation of the Planning Committee provides for interested person(s) to register to speak on a planning application that is scheduled to be determined at the next meeting of the Planning Committee. This request must be received by the Planning Department no later than 10am on the Monday before the Planning Committee meeting via email account planning@causewaycoastandglens.gov.uk.

Planning Reference	LA01/2022/1152/O
Name	Mervyn McNeill
Contact Details	Tel: [REDACTED] Email: [REDACTED]
Support or Objection – please tick relevant box	Support <input checked="" type="checkbox"/> Objection <input type="checkbox"/>

Written representation summarising key points to be addressed and supplementary information in support of your case (minimum font size 10 and maximum length two sides of A4 page).

This is probably the last chance that this young couple will have the opportunity to apply for Planning due to Local Development Plans, and timescale of PAC. **If clarification is required, please ask questions**

- The Applicants, Mr & Mrs Pearse Black have lived in the local area all their lives as have their parents. They are a young couple, married last year, but temporarily living at 16 Clady Road (with Mr & Mrs Lawrence Magee, Shannon's parents), and wish to start a family. The current living situation is not suitable and their lives have been put on hold since intention to refuse by the Planning Department 26/1/23 until today.
They are both key workers, with employers based in Ballymena but they both carry out voluntary work in the local area and wish to continue to live in the area close to family and friends as part of a sustainable community
- Mr & Mrs Lawrence Magee have supported them and offered them the site and the entrance. This proposal is not for financial gain or sale, but will be an integral part of No. 16 Clady Rd
There are no objections – consultees or neighbours who actually support this young couple
 1. The application is supported by local government initiatives, etc. – Rural Isolation 17/12/2020 by DUP, Review of the Operation of PPS21, 16/7/23 by SDLP stating more flexibility is needed in CTY2a and the Rural Needs Act by Sinn Fein, together with local statistics of Clady Road indicating decline of the younger generation and as such threatens closure of schools, churches, shops, etc.

- Supported by the Ulster Farmers Union emphasising the need to maintain young people in rural communities, Appendix 1
- The application is similar to approval LA01/2021/0418/F under CTY2a and CTY6, in which the Planning Department report attempts to minimise this approval, by stating “disagreeing with the recommendation of a Planning Official is not binding or determining in the consideration of this application”, this sounds like they are annoyed and don’t do this again, but Planners do not clarify that this is a precedent which has legal standing (Appendix 2) not to treat people differently and overrides Policy, confirmed by PAC (Appendix 3). This application has much stronger reasons to approve, **please ask questions for clarification**
- Supported by the local GP for Shannon and Pearse who care to Lawrence under CTY6, an approval reason on its own but the medical evidence is dismissed by the Planning Department, **please ask questions for clarification**
- Planning report, which is volumous but misleading referring to a previous application refused including an Appeal on this site, but this current application is completely different, **please ask questions for clarification**
- Planning Report acknowledges that legally, PPS21 and SPPS both Policies on Sustainable Development in the Countryside is not the law and legally binding to Councils, hence why it was OK for the Planning Committee to approve LA01/2021/0418/F, **please ask questions for clarification**
- This application is based on CTY2a – New Dwellings in Existing Clusters, which contains 6 criteria, of which Planning accept compliance, (a) the proposal is within a cluster, (b) a visual entity in the local environment, and (f) does not adversely impact on residential amenity. Their recommendation to refuse is based on
 - (c) there is no focal point, which is incorrect, i.e. Cregagh Wood (see Appendix 4), but also misquotes this criteria by omitting “or at a crossroads” (LA01/2021/0418/F was at a “T” junction and this current application is similar) **please ask questions for clarification**
 - (d) lacks suitable degree of enclosure, and not bounded on at least 2 sides with other developments, please refer to Location Map, Appendix 5, **ask questions if needed for clarification**
 - (e) cannot be absorbed into the existing cluster through rounding off and will significantly alter the existing character or visually intrude into the open countryside. This proposal is environmentally designed, reduced to single storey with ridge height restriction and will be barely visible integrating as if it is part of no. 16 Clady Road and addresses the CTY13 and CTY14 concerns, **please ask questions for clarification**
- Regarding CTY13 – Lack of Integration, contains 7 criteria, and recommends refusal under (a) prominent feature and (b) lacks natural boundaries or is unable to provide degree of enclosure for the building to integrate into the landscape. I repeat it will be integrated with No. 16, not prominent and with natural boundaries, see location map, Appendix 5. However, Planning Department accepts compliance with (c) – (g), (c) being it does not rely on the use of new landscaping for integration and (f) being “it blends with the landform, existing trees, buildings, slopes and other natural features which provides a backdrop”
- Regarding CTY14 – Rural Character, there is 5 criteria (a) – (e) Planning only referring to (b) and (c) suggesting it would be suburban style build up when viewed with existing and approved buildings. How can it be, when Planning Department contradicts itself and accepts that it complies with Criteria (a), the proposal is not unduly prominent in the landscape, while Planners quote criteria (c) as refusal reason in that it does not respect traditional pattern of settlement exhibited in the area. They dismiss a dwelling clearly visible from road networks set back from the Clady Road and term it as anomaly in the area, however it does exist and could be termed a precedent within the area. Regardless of this, we have set out the proposal will be barely seen and environmentally designed to integrate into no. 16. To sum up, Planning fail to quote SPPS 3.8, “the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance”



475 Antrim Road T: 028 9037 0222
Belfast F: 028 9037 1231
BT15 3DA E: info@ufuhq.com
W: www.ufuni.org

28th June 2022

Re: Pearse Black and Shannon Magee

Ref: Dwelling on a farm 70m South West of 16 Clady Road, Cushendun

To whom it may concern,

The Ulster Farmers' Union (UFU) is the largest democratic voluntary organisation representing farmers and growers in Northern Ireland for over a century. Its central objective is to promote the interest of its members both at home and abroad.

I have been approached by Pearse Black and Shannon Magee and am aware of the previous history and I am extremely disappointed that the previous Planning Application could not be approved.

As a Senior Technical Officer with the UFU, a farmer, and rural dweller I am acutely aware of the importance of maintaining areas and hence the introduction and Aims and Objectives of PPS21 to maintain vibrant rural communities. By definition this Planning Policy necessitates the need to maintain young people within the local community directly and indirectly connected with farming and agriculture and allied services. Pearse and Shannon would provide crucial services for ageing farmers and caring support for single vulnerable people respectively.

Significantly Pearse has already has a small flock of breeding ewes and plans to increase these as funds permit. He also provides local small contract services based within this very rural area. This is to be commended and is in keeping with local Government objectives tackling 'rural poverty and social isolation' – an initiative from DAERA and supported by the Assembly in 2016.

The UFU takes a close interest in rural affairs, developments, services and social cohesion, working with politicians and other groups to advance rural interests. The UFU is a key stakeholder for many groups to include consumer, countryside, wildlife, welfare and academic organisations.

As noted in our article published in May 2020; "with more rural dwellers and farmers also growing older, it is important that these members of society who often reside by themselves in isolated rural areas are provided with opportunities to maintain a good standard of wellbeing which results in protection of their social inclusion and a good standard of mental health. As recorded in the Agricultural Census 2019 – the average age of Northern Ireland's farmers in 59 years old compared

to 52 years of age in 2009. This merely highlights the need for society and rural dwellers in particular younger ages to be accommodated within social and rural settings.

The UFU would like to see this application receive favourable consideration and permit this young couple to reside in their community while providing rural services.

Robert Cochrane



UFU Sen Tech Officer

COMPARING LEGAL STATUS OF
PRECEDENTS AND CONSISTENCY

I would suggest that the case of *Butterworth v Secretary of State for Communities and Local Government & Anor* [2015] EWHC 108 (Admin) is relevant in any consideration of any Planning Application and especially relevant in my client's Application. The Judge in that case, in his introductory remarks, made the following point. "Consistency in decision making is a well-established principle in planning, which has been supported in many court decisions".

The basis of the challenge in that case was that there was a failure to "deal lawfully with two previous appeal decisions on proposals for other buildings nearby. This ground comprised of two alternatives: either the planning official failed to have proper regard to the two previous planning decisions and the importance of consistency in decision-making or the planning permission has not properly explained the reasons for her decision.

In relation to the application herein, I would ask you to make your determination taking account of the following;

On foot of the representations made by my Client's agent Mervyn McNeill, it is clear from the examples highlighted by him, that Planning Permission has been granted to nearby properties that obviously exceed the ridge height that has been proposed in the Application herein. I repeat that the principle of consistency is central to my argument in favour of my client's proposal of the ridge-height in relation to his Application. The case of *North Wiltshire District Council v Secretary of State for the Environment and Clover* (1993) 65 p. & C.R 137 (at p.145) further amplifies this principle of consistency as shown in the following dicta in that case

"It was not disputed in argument that a previous planning decision is capable of being a material consideration. The proposition is in my judgement indisputable. On important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency in the planning process. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system. An inspector must always exercise his own judgement. He is therefore free upon consideration to disagree with the judgement of another but before doing so he ought to have regard

to the importance of consistency and give his reasons for departure from the previous decision."

I would ask you to take account of the representations made by me and deal lawfully with my client's Application and in particular to approach his proposal with regard to ridge-height based on importance of consistency in your decision making, taking full account of the significance of previous Planning Permission Approvals and if you are not minded to accept the proposed ridge-height, I expect you to give clear and adequate reasons for reaching your decision which is plainly inconsistent with those other Planning Approvals.

Yours faithfully,

T G BRESLIN

6. I agree with the appellant that there is a substantial and continuously built up frontage on this part of the Rathkeel Road. It comprises the former dwelling south east of the appeal site, the building on the appeal site, the engineering works west of the appeal site and the dwelling at No 119 Rathkeel Road. All of those buildings have a common frontage to the road.
7. However, as the appeal site contains a building, which extends across the full width of its rear portion, it does not constitute a small gap in this frontage. Whilst the appellant intends to remove this building to create a gap this is not a situation envisaged by Policy CTY 8 of PPS 21. In support of his appeal the appellant referred me to planning permission LA02/2018/0880/O for an infill dwelling and garage between 171 and 175b Knockan Road Rathkenny which was granted by the Council on 4th January 2019. Condition 5 of that planning permission stated 'the construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, dashed on the approved plan date stamped 27th September 2018 is demolished, all rubble and foundations have been removed.' The accompanying map shows a line of four road frontage buildings (there are also buildings with access onto Knockan Road but they do not have road frontage presence) within which the building to be demolished was located.
8. In seeking to distinguish this planning permission from the appeal site the Council said that it was a completely different context to the appeal site where there is an established build-up of development along Knockan Road. No direct comparison should be made between the particular sites. I disagree with the Council as I consider there to be a built up frontage on this part of Rathkeel Road, with or without the building on the appeal site. The council has failed to satisfactorily distinguish the proposed development from planning permission LA02/2018/0880/O. I consider both cases to be on all fours with each other. A precedent has been set and this outweighs the requirements of Policy CTY 8 of PPS 21. The Council has not sustained its first reason for refusal.
9. Although the appellant said he did not wish to make arguments under Policy CTY 7 'Dwellings for Non Agricultural Business Enterprises' of PPS 21 this policy forms the basis for the Council's second reason for refusal and the matter remains before me for my consideration. Policy CTY 7 states that planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. The appellant gave me no evidence in respect of this requirement and the Council has sustained its second reason for refusal.
10. As the council has not sustained its first reason for refusal the proposed development is acceptable in principle in the countryside and the appeal succeeds. A condition is necessary ensure that the vehicular access to the appeal site would not have an adverse impact on road safety. A landscaping condition is also required in the interests of the visual amenity of the countryside. A condition securing the demolition of the existing building on the appeal site would prevent an accumulation of buildings in this area. The appellant has also offered to remove containers, structures, scarp cars and metals from the appeal site. This would improve the visual quality of the countryside and offer an element of planning gain. A condition would secure such works.



The North Coast's First Red Squirrel Viewing Hide opens in Cregagh Wood

Working in partnership, the Glens Red Squirrel Group (GRSG) and Causeway Coast and Glens Borough Councils successfully secured funding from the Department of Environment through their The Challenge Fund 2015/16, to build the first red squirrel viewing hide in on the North Coast, and only the second in Northern Ireland.

The GRSG has been working successfully with Katy English, the owner of Cregagh wood, over several years to support the thriving red squirrel population within the woodland. It had been an aspiration of the group for a few years to build a viewing hide in Cregagh Wood.

This hide offers an up close and personal experience with our elusive and rare red squirrels. It will also play a part in improving the fate of our native red squirrels is through education, making people aware of their plight and how we can all help them.

Katy English, entered into a management agreement in 2015 with the Council to open up the wood to visitors and manage it for the wildlife it supports. This woodland has been in the English family ownership for many years. The site was recognised for its important biodiversity and new access with its designation as a Local Nature Reserve in 2015

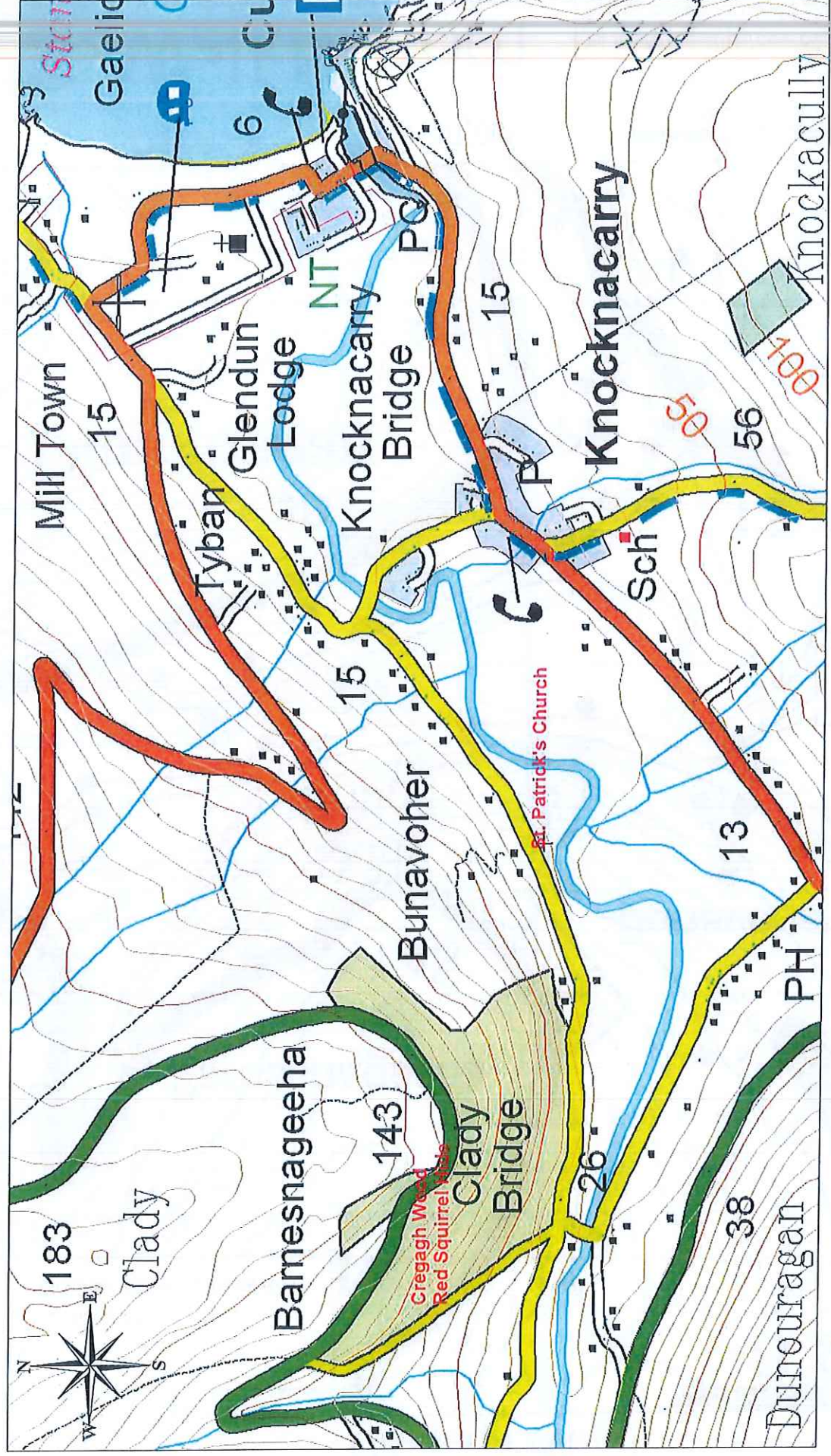
The funding not only enabled us to build an accessible hide that can accommodate a school class group, it allowed us to improve access in some of the muddier parts of the woodland trail and provide bird and bat boxes that were built and put up by volunteers and create a feeding station to attract red squirrels along with the woodland birds to the hide, to enhance the visitor experience.

The project has built on works carried out in partnership with the Heart of the Glens Landscape Partnership and the Council in 2015 to install way markers and restore the stone gate pillars at the access points.

Parking is available at St. Patrick's Church, Glendun Road, Cushendun, from there it's a short walk to the lower entrance of Cregagh Wood. The trail is also marked through the wood. [Location Map.pdf](#)

For further information or to book your visit to the hide, please visit www.glensredsquirrelgroup.com.

Cregagh Wood Location Map

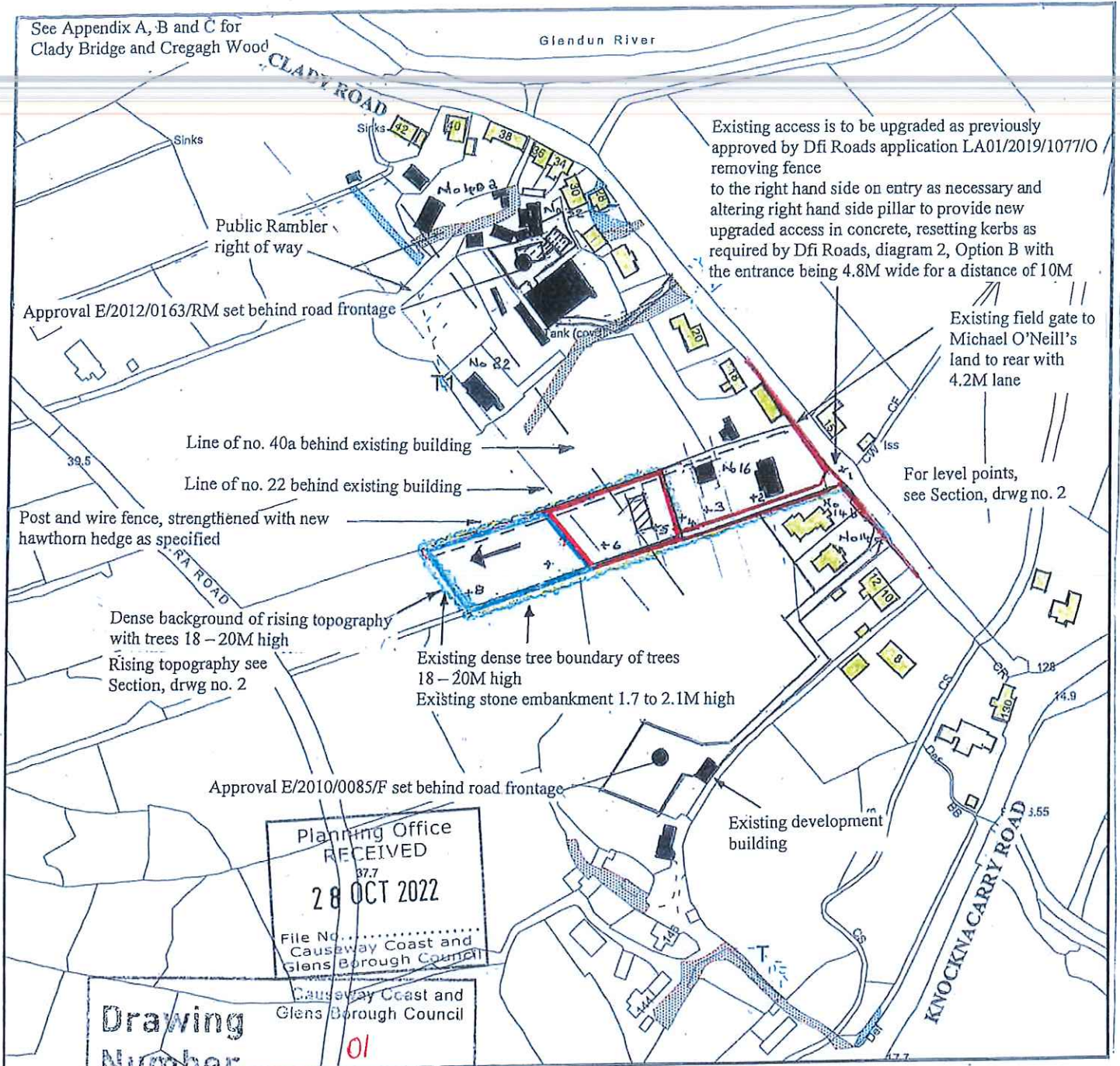


Reproduced from Ordnance Survey of Northern Ireland data with the permission of the Controller of Her Majesty's Stationery Office.
 © Crown copyright and database rights NIMA CS & LA 156
 Date: _____ Scale: _____



Moyle District Council
 Shesburn House,
 Millery Street,
 Co. Antrim,
 BT54 6CH





LA01/2022/1152

M.A.C.

McNEILL ARCHITECTURAL CONSULTANCY

**Site of a Modest Dwelling & Garage within an Existing Cluster, compliant under CTY2A of PPS21
70M South West of 16 Clady Road, Cushendun**

FOR Mr Pearse Black & Miss Shannon Magee

LOCATION MAP

Scale 1:2,500

Drawing no. 1

June 2022

Reproduced from OSIG 017-13SW
With the permission of the controller of
Her Majesty's Stationery Office
CROWN COPYRIGHT RESERVED
Licence no. 379

— Site outlined in red

— Other land owned outlined in blue



Key

Existing buildings shaded black are consistency of existing building behind existing road frontage, building shaded green

Location of Proposed dwelling hatched