

Addendum 2

LA01/2020/0744/F

1.0 Previous Recommendation

1.1 Application LA01/2020/0744/F was presented to planning committee on 23.11.2022 with a recommendation to refuse on the basis that the identified foundation is not reflective of the permission granted and insufficient evidence exists to confirm commencement of works. The principle of development is therefore considered unacceptable.

1.2 Refusal was recommended for the following reason:

“The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (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”.

1.3 The application was deferred for 2 months to facilitate submission of further information in order to bridge gaps in the invoicing evidence previously received.

2.0 Update

2.1 An additional supporting letter was received on 17.02.2023 incorporating responses to a number of points raised during the planning committee meeting 23.11.2022. Additional copies of supporting information including plans and receipts previously received are also included.

3.0 Consideration

3.1 In relation to the points raised:

- Access arrangements have not been provided as approved under the original permission. DFI Roads has confirmed that the access arrangements proposed as part the current submission (Drawing No. 03 date received 6th August 2020) are acceptable.
- The supporting information describes the digging and pouring of foundations relevant to a section of the previously approved dwelling, and while acknowledging the inaccuracy of the foundation positioning, states that 3m of the foundation accords with the dwelling permission, as granted. Regardless of any corresponding positioning between the approved dwelling and works referenced, it remains the case that the identified trench / foundation does not appear to correlate with any part of the approved dwelling footprint in terms of positioning, orientation or length but rather transects and extends beyond it. Significantly, the time period between the pouring of the foundation (identified as 9.11.09) and the available aerial image (dated 11.04.2010) is short, and during the winter period when growth would be limited. A recently dug and poured concrete foundation even to this limited extent would be expected to be readily identifiable but is not evident.
- The information reiterates the accuracy of the invoice from Straid Concrete which references 8 cubic metres of concrete delivered to DC Construction at Fivey Road on 9.11.09. The concrete foundation as identified by the agent on drawing No 02A extends to approximately 7m x 0.7m.
- Point 4 reiterates comments previously received regarding the basis on which the site was purchased and costs currently incurred while point 5 states that no harm would be caused if permission were to be granted.

3.2 The identified foundation is not reflective of the permission granted. Insufficient information has been presented to confirm that works in relation to D/2007/ 0633/RM (as defined within Article 36 (1) of the Planning (Northern Ireland) Order 1991), commenced while that permission remained extant. Contradictory evidence exists regarding the commencement of any works and aerial

photographic images do not corroborate supporting evidence. The principle of development is considered unacceptable and as such the recommendation to refuse remains unchanged and planning permission is recommended to be refused.

4.1 Recommendation

- 4.2 That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application for the following reason:

“The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (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”.