

Title of Report: Item 15 - Planning Appeals Update	Officer Presenting: Principal Planning Officer Author: Principal Planning Officer
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1 Purpose of Report/Recommendations

- 1.1 To appraise members on planning appeals currently in the system. A background table is enclosed in Appendix 27 showing the current status of any live appeals and any decisions made since last month.

2 Background

- 2.1 Since transfer of Planning to local government, members have been advised on a monthly basis of the transitional provisions for dealing with planning appeals following transfer of powers on 1st April 2015 as set out in The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015.
- 2.2 With regard to applications refused by the Council post 1st April 2015, officials have and will continue to notify the Planning Committee when appeals are received and dates for submission are published by the Planning Appeals Commission (PAC).

3 Key Issues

- 3.1 Members are advised two new planning appeals have been submitted to the PAC since last committee meeting.
- **A/2012/0031/CA and EN/2017/0262** Land & buildings immediately south of 21 Bigwood Road, Ardmore, Londonderry. Alleged unauthorised change of use from agricultural land to stables
Appeal on Enforcement Notice
 - **A/2012/0031/CA and EN/2017/0161** Land and buildings immediately South of 21 Bigwood Road, Ardmore, Londonderry. Alleged unauthorised erection of buildings, pool, hard standing and access road.
Appeal on Enforcement Notice Issued

3.2 The appeals schedule has been updated accordingly. Two decisions from the PAC have been published since the last Planning Committee update provided.

1. 2017/E0016 – Non Determination Appeal on Validity of CLUD – Units 1-4 Strabane Retail Park. Removal of mezzanine and staircase in units 1-4. Removal of internal walls to amalgamate units 1-4 into a single ground floor retail unit for use as a food supermarket for the sale of convenience and comparison goods.

Summary – PAC found the proposal was not a change of use and would be lawful and ruled on the correct fee required. This was subsequently submitted to Council at the direction of PAC. A costs claim was also submitted to PAC by the appellant and PAC have awarded full costs to the appellant. Details of the costs will be presented to Members in a separate paper when the full details have been received by the Planning Officer Team and Legal Services departments.

2. LA11/2017/0272/A/2017/A0088 – 2 No. 96 Sheet advertising displays (retrospective) at Skeoge Roundabout, Buncrana Road.

Summary – PAC considered that in this location and the evidential context, the proposal is not visually intrusive or conspicuous and does not detract from the amenity and character of the immediate locality due to its size, scale and dominance.

4 Financial, Equality, Legal, HR, Improvement and other Implications

A costs claim was also submitted to PAC by the appellant and PAC have awarded full costs to the appellant. Details of the costs will be presented to Members in a separate paper when the full details have been received by the Planning Officer Team and Legal Services departments.

5. Recommendations

Members note the update on the appeals.

Background Papers