

Title of Report: Item 11 - 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 13 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 no new planning appeals have been submitted to the PAC since last committee meeting.
- 3.2 One appeal has been decided by the PAC since the last Planning Committee meeting. A copy of the appeal decision is included in Appendix 14.

1) LA11/2017/0065/F (2017/A0152) Change of use from house to 10 bedroom HMO, 30 Lawrence Hill, Londonderry, BT48 7NJ

Appeal Allowed

2) EN/2016/0199 (2017/E0040) Alleged unauthorised change of use of land to a clothes recycling facility; of buildings and land for the storage of materials, storage containers, vehicles and trailers; of a dwelling to flats; and of an outbuilding to a dwelling. Buildings and land at 15 Beragh Hill Road, Ballynagalliagh, Londonderry

Interim Finding: Further Hearing Scheduled

The Interim finding ruled on the legal standing of the enforcement notices and concluded the notice was not a nullity and noted directions to be explored when the hearing is reconvened at a future hearing, to which parties have not been notified of the date yet.

3.3 The appeals schedule has been updated accordingly with dates for PAC hearings and PAC site visits.

4. Appeals Workshop for Members

An appeals workshop is being arranged as requested by Members at 5th September 2018 Planning Committee. Date, time and venue will follow.

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

Paragraph 3(5) of The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order 2015, states that an appeal made to PAC against relevant decisions or determinations of the Department under the 1991 Order before 1st April 2015, the award of costs shall not apply. In all other cases the award of costs shall apply.

No costs claims submitted since last month's committee.

6. Recommendations

Members note the update on the appeals.

Background Papers

Appendix 13 Appeals Schedule

Appendix 14 Appeal Decision & Ruling