

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 17

	CURRENT APPEALS							
	Reference Number	PAC reference	Appeal Type	Proposal	Location	Applicant	Summary Update	Appeal Status
1	EN/2016/0199	2017/E0040	Appeal against Enforcement Notice Issued	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	Michael McGonagle	Enforcement Notice Appeal	Decision received 20 November 2018 Enforcement Notice Upheld
2	LA11/2018/0160/DE TEIA	2018/C004	Appeal on EIA Determination	Proposed restoration by infilling with inert waste of Lisbunny Quarry, Longland Road, Claudy	Lisbunny Quarry, Longland Road, Claudy	W & J Chambers	Delegated Decision to request Environmental Statement	Decision received 15 November 2018 Decision upheld - ES required
3	LA11/2015/0137/CA	2018/E0018	Appeal against Enforcement Notice Issued	Alleged unauthorised erection of buildings and change of use of the land and buildings for a manufacturing workshop	Land and premises at 69 Peacock Rd BT82 9NP, Sion Mills, Tyrone	Mr John Quinn	Enforcement Notice Appeal	Decision received 15 November 2018 Enforcement Notice Terms Varied

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

4	LA11/2017/0085/CA	2018/E0024	Appeal against Enforcement notice issued	Alleged unauthorised use of land for the deposition of controlled waste (as defined in the Waste and Contaminated Land (NI) Order 1997) causing infilling and raising of land.	Lands at former Drumahoe Industrial Estate, Drumahoe Road, Ardnabrocky, Londonderry. BT47 3SD.	Mr David Gilmore	Enforcement Notice Appeal	Enforcement Notice Quashed
5	LA11/2017/0242/F	2018/A0068	Appeal against decision to refuse	Retention of conversion of two storey mid terrace single occupancy dwelling to a house of multiple occupancy.	20 Barry Street Pennyburn Derry BT48 7PJ	Dermot McSorley	Committee Decision to refuse	Appeal Allowed
6	A/2012/0401/F	2015/A0102	Appeal against decision to refuse	Wind farm comprising 7 turbines and associated infrastructure	Barr Cregg, Ballymaclanigan and Slaghtmanus, near Claudy, Co Londonderry	Renewable Energy Systems Ltd	Committee Decision to refuse	Appeal Allowed
	A/2014/0112/F	2015/A0168	Appeal against decision to refuse	14 passing bays to facilitate construction of wind farm			Committee Decision to refuse	
	A/2014/0114/F	2015/A0169	Appeal against decision to refuse	Additional on-site access track associated with wind farm			Committee Decision to refuse	

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

7	LA11/2018/0182/L DE	2018/E0043	Appeal against decision to refuse	Existing business for vehicle diagnostic and automotive electrical repair workshop - having been listed for commercial purposes for more than 5 years.	Sproule Road, Castledearg with additional access onto Carrickdartans Road, Castledearg	Mr Jim Robb	Certificate of Lawful Use or Development (CLUD) Delegated decision to Refuse	Appeal Partially Allowed
---	------------------------	------------	---	---	---	-------------	---	-----------------------------

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

8	J/2014/0027/CA	2018/E0041	Appeal against Enforcement Notice	Alleged unauthorised winning and working of materials, stockpiling of minerals and export of materials; Alleged unauthorised change of use of land for screening and crushing of minerals; Alleged unauthorised erection of cabin used as an office, staff room and toilet; Alleged unauthorised erection of storage unit; Alleged unauthorised ponds; Alleged unauthorised earth bunds; Alleged unauthorised deposition of waste material, scrap metal and disused vehicles.	Lands North , South and East of 33 Castlewarren Road, Donemana	Riddles Brothers Limited	Enforcement Notice Appeal	Informal Hearing 29 May 2019 Part 1 Decision 28/8/20 Enforcement Notice Varied
---	----------------	------------	-----------------------------------	---	--	--------------------------	---------------------------	--

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

9	LA11/2015/0518/F	2018/A0129	Appeal against decision to refuse	Amendment to Wind Turbine planning approval J/2009/0340/F. Erection of a wind turbine - change in hub height from 30m to 40m and change in rotor diameter from 26m to 54m.	Lands 260m South West of 76 Strabane Road, Birnaghs, Newtownstewart, Co. Tyrone.	Mr Gordon Thompson	Committee Decision to Refuse	Appeal Dismissed
10	LA11/2017/1111/F		Appeal against decision to refuse	Change of Use from dwelling to HMO	2 Grafton Terrace, Derry	Mr P McCrisken	Committee Decision to Refuse	Appeal Allowed Full Award Costs Against Council

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

11	A/2013/0125/CA		Appeal against enforcement notice	Unauthorised use of land for importation, storage, processing and distribution of fossil fuels, sand, ash and other minerals. The alleged unauthorised stationing of a container unit; weighbridge; the stationing of concrete blocks forming walls; the stationing and use of plant, machinery and equipment in association with the above unauthorised change of use.	Land at Carrickeel Drive, Derry		Enforcement Notice Appeal	Enforcement Notice Quashed
12	LA11/2016/0597/F -	2018/A0193	Appeal against refusal	Amendments to existing 250kw wind turbine to increase tower height from 31m to 44m and to increase blade length from 14.5m to 19.5m	Approximately 125m North of Bunderg Road, Strabane	Miller McElrea	Committee Decision to Refuse	Site Visit held 29 June 2019 Appeal Dismissed 8 Feb 2020

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

13	LA11/2016/0223/CA	2018/E0052	Appeal against Enforcement Notice	Alleged unauthorised winning and working of minerals Alleged unauthorised installation of a drainage pipe	Lands to the North & East of 5 Derg Road, Victoria Bridge, Strabane, BT82 9JW	George Kelly	Enforcement Notice Appeal	Hearing 9 Jan 2020 Strabane Enterprise Agency 10.30am Await Decision
14.	A/2014/0026/CA	2018/E0065	Appeal Against Enforcement Notice	Alleged unauthorised erection of building Derry and Strabane	Land at 23 Monnaboy Road, Derryarkin Upper, Eglinton, Londonderry	Mr Michael McColgan	Enforcement Notice Appeal	Enforcement Notice Quashed
15	LA11/2018/0758/F	2018/C006	Appeal against EIA Determination	Determination that Proposal for 25 no. dwellings must be accompanied by an Environmental Statement (LA11/2018/0758/F) (2 no. detached 2 storey, 16 no. semi-detached 2.5 storey, 4 no. terraced 2.5 storey and 3 no. terraced with 1 no.	26 Lenamore Road, Shantallow, Derry,	by N & R Devine for	EIA Determination Appeal	EIA required and confirmed

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

				2.5 storey and 2 no. 2 storey)				
16	LA11/2016/0008/CA	2018/E0067	Appeal against Enforcement	Alleged unauthorised erection of buildings	Land at 120 Melmount Road, Sion Mills, Tyrone	Rev John Withy	Enforcement Appeal	EN Upheld
17	LA11/2016/0041/CA	2019/E0009	Appeal against Enforcement Notice	Alleged unauthorised Construction of a Slurry Lagoon, Fence and Associated Earthworks	on Land at Approximately 215m NNE of 191 Glenshane Road, Crossballycormick, Co. Londonderry	Mr Roy McCrea	Enforcement Appeal	Appeal Hearing held 14 Nov 2019 EN Upheld 23 Dec 2019

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

18	LA11/2016/0168/CA	2019/E009	Appeal against Enforcement Notice	Alleged unauthorised Construction of One Wastewater Lagoon and One Slurry Lagoon	Land at Approximately 190m East of 334 Longland Road, Co Londonderry.	Mr Roy McCrea	Enforcement Appeal	Appeal Hearing held 14 Nov 2019 EN Upheld 8 Jan 2020
18	LA11/2017/0763/LBC	2019/A0054	Appeal against refusal of Listed Building Consent	Change of use to 39 Shipquay Street to provide extension to approved amusement arcade(A/2014/0314/F)	39 Shipquay Street, 1 & 2 Bank Place Derry	Bentley Leisure	Committee Decision to refuse	Informal Hearing held 24 Oct 2019 Appeal Allowed 3 Jan 2020
19	LA11/2017/0764/F	2019/A0055	Appeal against refusal of application.	Change of use to 39 Shipquay Street to provide extension to approved amusement arcade (A/2014/0314/F)	39, Shipquay Street,1/2 Bank Place Derry	Bentley Leisure	Committee Decision to Refuse	Informal Hearing held 24 Oct 2019 Appeal allowed 3 Jan 2020

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

20	LA11/2018/0476/F	2019/A0066	Appeal against invalid application	Section 54 application to remove/vary condition no 9 of planning approval A/2001/0726/F (PAC 2004/A266) to allow the continuation of extraction activities until 31st March 2025	Land to the north of 22 Umrycam Road, Feeny Londonderry	FP McCann	Invalid Application Returned	Written Rep Oct 2019 Appeal Withdrawn by appellant 1/9/20
21	A/2014/0086/F	2019/A0086	Appeal against refusal of application	Redevelopment of vacant lands for an unattended 24 hour operating filling station incorporating new canopy, 4 fuel dispensers, new underground fuel tanks, upgraded associated site works & site boundaries plus a fuel cash and carry sales building and car wash.	Lands adjacent to Rosstowney Road and Crescent Link Junction, Derry	Dan O'Loughlin	Committee Decision to Refuse	Written Rep sent 4 Oct 2019 Appeal Dismissed 17/8/20

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

22	LA11/2019/0268/L DE.	2019/E0033) NON- DETERMINATIO N APPEAL -	Access point into lands C.360m north east of 35, Castlewarren Road, Donemana, Strabane Existing development and use of an entrance, access haul road and crossing point connecting the existing sand and gravel pit and washing plant site to the Castlewarren	Castle Warren Rd, Donemana	Robert Riddles	Non- Determination of CLUED	Informal Hearing scheduled for 26 Feb 2020 not held, revised procedures issued to advise the case would be dealt with by Written Representation Decision 28/8/20 Part Granted
23	LA11/2017/0053/ CA -	2019/E0034	ENFORCEMENT APPEAL	Alleged unauthorised Anerobic Digester Plant consisting of primary and secondary anaerobic digesters, Vielfrab solid feed unit, combined heat and power plant and office building, electricity substation, flare, weigh bridge, feedstock storage	Land North of 53 Dunnalong Road, Bready, Tyrone, BT82 ODW	Assured Energy	Enforcement Appeal	Hearing 5 Feb 2020 Strabane Enterprise Agency Enforcement Notice Varied 30/9/20 on legal grounds on appeal only. Statement if Case on EIA determination due 24/9/21

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

				clamps, concrete apron, hard standing, effluent storage tanks, pre pit and use of sheds and slurry tanks for the storage of digestate				
24	LA11/2018/0817/O	2019/A0127	Appeal against refusal of application	2no dwellings and domestic garages (in-fill site)	Immediately south (and adjacent to) 114 Duncastle Road Cullion Londonderry	Mr Liam Caldwell	Committee decision to refuse	Written rep SoC submitted Dec 2019 Appeal Dismissed 10 Feb 2020
25.	LA11/2018/0376/F	2019/A0133	Appeal against refusal of application	Proposed 6 no.1 bedroom apartments	Site 20m south of no's 22,24 and 26 Townsend Street on Back Row, Strabane	Mr N Maguire	Committee decision to refuse	Hearing 29/1/20 Strabane Ent Agency 11am Appeal Dismissed 26/5/20

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

26	LA11/2017/0251/F	2019/A0156	Appeal against refusal of application	Retrospective application to retention of part change of use from agricultural building to dog/cat kennels	511 Glenshane Road, Killycor, London derry	Mr G Rosborough	Committee decision to refuse	Informal Hearing 10 th March 2021 Appeal Dismissed 31/3/21
27.	EN/2019/0152	2019/E0051	Enforcement Appeal	Alleged unauthorised siting of portacabin and change of use of land for retail sale of goods.	Land to the rear of 41 and 42 Springhill Park, Strabane	Mr JA Mc Laughlin	Enforcement Appeal	Physical/Hybrid Hearing 24 th August 2021
28.	LA11/2018/0226/F	2019/A0200	Appeal against refusal of application	, Retrospective planning permission for the retention of works carried at sand & gravel quarry, with associated works and access. Proposed Western extension and southern extension to previously extracted areas. Proposed works to include new	23 Old Bridge Road, Victoria Bridge, Strabane	Kellys Sand and Gravel Ltd	Committee decision to refuse	Await dates

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

				haul road and realignment of existing internal road. Works to also include settlement ponds, development of screening bunds, 2 no. compounds, relocation of existing washing plant, stockpiles and the creation of a staggered crossing on the Derg Road access, and full restoration of combined sites and retention of temporary buildings.				
29.	LA11/2015/0114/CA	2019/E0057	Enforcement Appeal	The alleged unauthorised change of use of land and buildings for dog kennels and cattery business.	Land at 511, Glenshane Road, Killycor, Londonderry	Mr Graeme Rosborough	Enforcement Appeal	Informal Hearing 10 th March 2021 Enforcement Notice Upheld 31/3/21

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

30.	LA11/2019/0271/F	2019/A0243	Appeal of Refusal	Proposed retention of 3 no. apartments - 2 no. 2 bedroom apartments and 1 no. 1 bed apartment	19 Westend Park Derry City BT48 9JF	Green Homes NI Ltd	Committee Decision to refuse Planning Permission	Appeal Dismissed 16/7/21 Costs Refused
31	LA11/2017/0833/F	2019/A0242	Appeal on Refusal	Change of use from dwelling to 6 bedroom HMO	19 Westend Park Derry City BT48 9JF	Green Homes Ni Ltd	Committee Decision to refuse Planning Permission	Appeal Dismissed 16/7/21 Costs Refused
32	A/2014/0592/F	2020/A0017	Appeal on refusal of Planning Permission	Erection of 39 apartments (4 storey building) with rooftop amenity space, new access arrangements from Victoria Road, servicing and drop off provision, bin stores, cycle parking landscaping and associated site works.	Ltd 8-10 Victoria Road, Derry, BT47 2AB	Clanmil Developments	Committee Decision to refuse planning permission	Statement of case submitted Hearing 14 th April 2021 Appeal Allowed 30/04/21

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

33	LA11/2015/0065/	2020/E0014	Enforcement Appeal	Alleged unauthorised concrete walls, concrete base and earth banking .An engineering operation to provide a silage pit	Land approximately 100 metres East South East of 3 Elm Road, Gobnascale, Donemana, Tyrone, BT820JE	John McCrea	Enforcement Appeal	Enforcement Notice Quashed 27/04/21 Costs Decision Refused : 27/04/21
34	LA11/2017/0902/F.	2020/A0075	Non Determination Appeal	Housing development consisting of 97 No. units, creation of new access and associated infrastructure and ancillary works	Lands at Ballygudden Road, to the north and west of No.11 Ballygudden Road, Eglinton.	Mr John Paul McGinnis	Appeal against failure to take planning decision (Section 60 of Planning Act (NI)2011)	Not a valid appeal
35	LA11/2019/0382/F	2019/C005 –	EIA Reg 15 Appeal on EIA Determination	Hearing concerning a determination that an application for planning permission for retention of slurry lagoon and dirty water tank and provision of an acid storage tank, acid process tank and showering facility), must be accompanied by an environmental statement	Land approximately 190 metres to the east of 334 Longland Road, Claudy, County Londonderry	MR ROY McCREA	EIA Regulation 15	EIA development confirmed ES required.

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

36	LA11/2018/0130/F	2020/A0092	Appeal on refusal of planning permission	Replacement and relocation of wind turbine approved under J/2012/0038/F including an increase in rotor diameter from 26m to 44m and change of hub height from 30m to 40m Derry and Strabane	660m north west of 37 Cavan Road, Castledearg, Co. Tyrone	Oakdene Renewables	Committee decision to refuse planning permission	Written Representation procedure Statement of case submitted Feb 21 Await decision Costs Claim submitted
37	LA11/2018/0133/F	2020/A0093	Appeal on refusal of planning permission	Replacement and relocation of wind turbine approved under J/2010/0068/F including an increase in rotor diameter from 26m to 39m and change of hub height from 30m to 40m	Land 680m north west of 37 Cavan Road, Castledearg, Co. Tyrone.	HC Huey	Committee decision to refuse planning permission	Written Representation Procedure Statement of case submitted Feb 21 Await decision Costs Claim submitted
38	EN/2020/0181	2020/E0037	Enforcement Appeal	(a) Alleged unauthorised infilling and raising of land as an engineering operation to create a hard standing area (b) Alleged unauthorised erection of buildings (c)	Land at 75 Ervey Road, Highmoor, Londonderry	Mr Desmond Feeney	Enforcement Appeal	Informal hearing Procedure Statement of case submitted Informal Hearing 02/06/21 Await decision

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

				Alleged unauthorised stationing of caravan				
39	LA11/2016/0107CA Derry and Strabane	2020/E0045	Enforcement Appeal	1. Alleged unauthorised erection of 2 no. buildings 2. Alleged unauthorised erection of access gate	Lands to the rear of 35 Beechwood Avenue, Derry	Mr Damien McCafferty	Enforcement Appeals	Remote hearing held 9 th August 2021 Await decision
40	LA11/2019/0468/F	2020 C006	EIA Determination appeal Reg 15	Proposed 1 no. additional broiler breeder laying poultry shed including link to existing with 2 no. additional feed bins and associated site works. (New shed to contain 8,000 egg laying hens and 800 roosters, taking the total site capacity to 24,000 egg laying hens and 2,400 roosters)	Land to the rear of 131 Cumber Road Claudy	Neil McBeth	Appeal on EIA Determination that Environmental statement is required to accompany the application	Statement of case submitted Remote Hearing 15/9/21 10.30am

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

41	LA11/2019/0463/F	2020 C007	EIA Determination appeal Reg 15	Proposed dairy shed including automated milking facilities, 2 no. feed bins and associated site works (to contain 120 dairy cows)	Lands approx. 72m north east of No.20 Lisbunny Road, Dunamanagh, Strabane, BT82 OPZ	Cathal O'Neill	Appeal on EIA Determination that Environmental statement is required to accompany the application	Statement of Case submitted Remote Hearing 16/9/21 10.30am
42	LA11/2020/0585F	2020/A0131	Section 60 - Non determination appeal	Removal of an existing turbine approved under planning j/210/0450/f(41M hub height & 29m rotor diameter)and erection of wind turbine (40m hub height & 52m rotor diameter)power output 250kw	Approx 370msouth of 16 Drumeagle Road, Sionmills County Tyrone	Mr Jason Browne	Appeal on non - determination of application	Written Rep Procedure Statement of Case submitted Await decision
43	LA11/2016/0007/CA Appeal on Enforcement Notice	2020/E0055	Enforcement appeal	a) Alleged - Unauthorised wining and working of materials b) Alleged - Unauthorised stationing of a washing and screening plant and two associated containers	Land to the east of 6 Tornage Road, Ballynamallaght, Dunnamanagh, Co Tyrone, BT82 0SL.	Mr Trevor Mulhern	Enforcement Appeal	Await dates

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

				<p>c) Alleged - Unauthorised stationing of a crusher</p> <p>d) Alleged - Unauthorised concrete hardstanding</p> <p>e) Alleged - Unauthorised settlement ponds</p> <p>f) Alleged - Unauthorised hardstanding and water pump</p> <p>g) Alleged - Unauthorised earth bunds</p>				
44	LA11/2016/0976/F	2020/A0151	Appeal on Refusal of Planning Permission	Residential development of 33 No. houses comprising 8 no bungalows and 25 no 2 storey dwellings with landscaped amenity space, internal road layout and pedestrian cycle link to riverside	Ebrington Park / Limavady Road and Rockport Park / Limavady Road junctions to provide visibility splays. Lands at Rossey off Limavady Road Waterside Derry City BT47 6JJ.	McGinnis Group	Committee decision to refuse planning permission	Written Rep procedure Statement of case due 23/06/21

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

				walkway. Junction improvements				
45	LA11/2016/0342/F	2020/A0158	EIA Determination appeal Reg 15	Extension to an existing quarry	Leitrim Hill Quarry, Leitrim Hill, Aghnadoo, Aghnadoo Road, Killeter, Castledearg	Mr Ian Gillespie	Appeal on EIA Determination that Environmental Statement is required to accompany the application	Await dates
46	LA11/2016/0163/CA 15/04/2021	2021/E0009	Enforcement appeal	Alleged unauthorised removal of trees protected by a Tree Preservation Order (TPO)	Lands at Barleyfields, Culmore, Londonderry	Taggart Homes Ltd	Enforcement appeal	Await dates

Appeals Schedule Derry City and Strabane District

Please Note: Applications are listed in order received by PAC

Current ongoing Appeals are highlighted in grey

Appendix 18

47	LA11/2019/0478/F 21/04/2021	2021/V0001	EIA Determination appeal Reg 15	Extension and part retrospective application for extraction of sandstone within existing quarry incorporating full site restoration.	21 Urbalreagh Road, Victoria, Strabane	Ardstraw Quarries	Appeal against the Councils determination that the planning application in question requires the submission of an Environmental Statement.	Await dates
48	2021/A0081	A/2014/0035 /RM	Appeal against refusal of planning permission	Residential housing development comprising a mix of detached and semi- detached units (164 in total) with garages. All associated site works including amendment of levels, landscaping, waste-water pumping station and off-site road works.	Drumahoe Industrial Estate, Drumahoe Road, Drumahoe.	Mr David Gilmore	Committee decision to refuse	Await procedure and dates