

Item 10: Planning Appeals Update	Officer Presenting: Principal Planning Officer Author: Principal Planning officer
---	--

1 Purpose of Report/Recommendations

- 1.1 To appraise members on planning appeals currently in the system. A background table is enclosed in Appendix 18 showing the current status of any live appeals and any decisions made since the last meeting.

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 one new appeal has been submitted since last Planning Committee.

1. A/2014/0035/RM 2021/A0081 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.

3.2 Members are two appeal decisions with accompanying decisions on Costs have been notified since last committee meeting.

1. LA11/2017/0833/F 2019/A0242

Change of use of from dwelling to 6 bedroom HMO, 19 West End Park, Derry City

Commission Decision: Dismissed 16/07/2021

Costs claim by appellant denied.

2. LA11/2019/0271/F 2019/A0243

Proposed retention of 3 no. apartments - 2 no.2 bedroom apartments and 1 no.1 bed apartments, 19 West End Park, Derry City

Commission Decision: Dismissed 16/07/2021

Costs claim by appellant denied

3.3 The appeals schedule has been updated accordingly with dates for PAC hearings and PAC site visits and all current ongoing appeals have been highlighted grey.

4 Implications

Equality, Rural Needs, Climate Change and Data Protection

4.1 Not applicable

Financial, Legal, HR, Improvement and Other

4.2 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.

5 Recommendations

Members note the update on the appeals.

6. Background Papers

Background Papers

Appendix 17: Appeals Schedule

Appendices 18-21: PAC Decisions and accompanying costs decisions for

1. LA11/2017/0833/F 2019/A0242

2. LA11/2019/0271/F 2019/A0243