

Enforcement Appeal Decision

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| Appeal Reference: | 2020/E0052 |
| Appeal by: | Mr Niall Bell |
| Appeal against: | An enforcement notice concerning an alleged breach of planning control involving the unauthorised material change of use of land to a builders yard and the unauthorised laying of hardcore (highlighted in blue) to facilitate this unauthorised use; the unauthorised storage of construction/plant machinery, equipment, building materials and items associated with the unauthorised material change of use; the unauthorised erection of a building; the unauthorised siting of 4 metal containers; the unauthorised creation of an earth bund; and the unauthorised erection of floodlighting. |
| Location: | Land approximately 20m west of 101 Dungannon Road, Cookstown, Tyrone. |
| Planning Authority: | Mid Ulster District Council |
| Planning Authority Reference: | LA09/2020/0015/CA & EN/2020/0283 |
| Procedure: | Informal Hearing on 17 th November 2021 |
| Decision by: | The Commission dated 29 th November 2022 |

The Commission has considered the report by Commissioner Mc Parland and accepts her analysis of the issues and recommendation that;

- The notice is corrected at Part 3 bullet point one to state “*The unauthorised material change of use of the land to a builder’s yard and the unauthorised laying of hardcore highlighted blue on the attached site location map to facilitate this use*” and at Part 4 bullet point seven to state “*Permanently remove the unauthorised hardcore from the land highlighted blue on the attached site location map*”.
- The appeal on ground (b) fails.
- The ground (c) appeal succeeds only in relation to the siting of two containers. Accordingly, the fourth bullet point in Part 3 and the fourth bullet point in Part 4 of the Notice are varied to delete the word four and insert the word two.
- The remaining appeal on ground (c) fails.
- The appeal on ground (d) fails.
- The appeal on ground (f) fails

The notice, as so corrected and varied, is upheld

HELEN FITZSIMONS
Principal Commissioner