

Enforcement Appeal Decision

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Appeal Reference:	2021/E0041
Appeal by:	Mr Keith McAdoo
Appeal against:	An enforcement notice concerning an alleged breach of planning control involving the unauthorised material change of use of land from an agricultural use to use for motorised sport activities.
Location:	Land approximately 600m northwest of 54 Drumearn Road Cluntyganny, Cookstown.
Planning Authority:	Mid Ulster District Council
Planning Authority Reference:	LA09/2019/0061/CA & EN/2021/0208
Procedure:	Informal Hearing on 9 th March 2022
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 appeal on ground (c) fails.
- The appeal on ground (f) succeeds in part in relation to the requirement to restore the area to agricultural land.
- The Notice is varied to delete the requirement to restore the area to agricultural land specified in (i) of Part 4 (b) and at Part 4 (b) (ii) to insert the words "*other than the sand and soil*" before the word "*permanently*".
- The appeal on ground (g) succeeds in part in respect of one discrete time period and the Notice is amended at Part 4 (b) (iii) to insert the words "*within six months from the date this Notice takes effect*" before the words "*where grass and topsoil has been stripped away...*".
- The notice, as so varied, is upheld.

HELEN FITZSIMONS
Principal Commissioner