
Appeal Reference:	2021/A0252
Appeal by:	Claire Robinson
Appeal against:	The refusal of full planning permission
Proposed Development:	Proposed 2 no. Glamping Pods for respite care of disabled, with facilities for gardening and recreation.
Location:	Gobbins Road, Islandmagee
Planning Authority:	Mid and East Antrim Borough Council
Application Reference:	LA02/2021/0877/F
Procedure:	Informal Hearing 7 th October 2022
Decision by:	Commissioner Jacqueline McParland, dated 23 rd March 2023.

Finding

1. There is no valid appeal.

Reasons

2. The main issue to be considered in this finding is whether the address given on the application is sufficient to notify the public of the location of the subject site.
3. Section 41 of the Planning Act (Northern Ireland) 2011 (the Act) makes provision for the notice of applications for planning permission. It states that arrangements for giving notice of applications for planning permission may be provided in a development order. The detailed requirements for publicising and giving notice of applications for planning permission are set out in Article 8 (1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (the GDPO). This includes the advertisement of a planning application in the local press, serving notice on identified occupiers on neighbouring land and publication of applications on a local Council's website. Article 8 (1) (d) of the GDPO prohibits the Council from determining a planning application until 14 days after it has published notice of the application. Under Article 8 (2) (d) of the GDPO, the notice to be given must include the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land.
4. The purpose of publicising a planning application is to inform people of the location of the development and the substance of what is proposed to allow them an opportunity, if they so desire, of following the matter up and making representations. Failure to publish a proper notice would defeat the purpose of publication and render any decision on the application invalid.

5. The validity of an appeal to the Commission against the refusal of planning permission under Section 58 of the 2011 Planning Act is entirely dependent on there having been a valid planning decision in the first place. If the Council's decision is not valid, then the Commission has no jurisdiction to consider an appeal against it.
6. Question 2 of the P1 form submitted with the planning application to the Council on 8th September 2021 described the location of the site as Gobbins Road, Islandmagee. It was this site location which appeared in an advert in the local press on 17th September 2021. However, Gobbins Road, Islandmagee begins at the edge of Ballystudder settlement limit and continues in a mostly northern direction for 4 to 5 miles and finishes around 500m the south of the settlement limit of Mullaghboy.
7. At the hearing, the Commission invited the appellant, the Council and the third parties to comment on the issue of the description of the address. Whilst the appellant believed the site address to be adequate, the Council and the third parties considered that the site address provided in the advert did not give sufficient information to describe the postal address of the land or a description of the location of the land to which the development relates.
8. The address as provided means the site to which this development relates could be located anywhere along the Gobbins Road, which is 4 to 5 miles in length. Whilst the road name has been provided the address as described fails to give a postal address or a location along the Gobbins Road. The location of the development as described is vague. Accordingly, any landowner, neighbour or member of the public would not have had sufficient details of the location of the land from the public notice of the application when it was advertised. The location of the development as described therefore fails to inform people living in the locality of the location of the proposal and may have prejudiced the ability for anyone to follow the matter up by making representations if they wished to do so. Consequently, as the site address is vague and lacks sufficient details, I find the address as described to be seriously misleading. Failure to publish a proper notice defeats the purpose of publication and renders the Council's decision on the application invalid. Accordingly, there can be no valid appeal.

COMMISSIONER JACQUELINE MCPARLAND

List of Appearances

Planning Authority:- Ms Julie Blue (Mid and East Antrim Borough Council)

Appellant:- Mrs Gemma Jobling (JPE Planning)
Ms Claire Robinson
Mr Kenny Hunter (Planning Agent)

Third Parties:- Ms Michelle McGarry
Mr Tom Morton
Ms Jillian Nicholl
Mr Colin Nicholl

List of Documents

Planning Authority:- "A1" Statement of Case

Appellant:- "B1" Statement of Case
"B2" Rebuttal

Third Parties:- "C1" Statement of Case
"C2" Rebuttal

"D1" Statement of Case

"E1" Statement of Case

"F1" Letter of Support