
Appeal Reference:	2023/A0044
Appeal against:	Section 54 Application: Non-compliance with Condition 2 of planning approval LA11/2020/0210/F to reduce visibility splays in both directions to 33m
Location:	43m. N.E. of 71 Bellspark Road with access on to Sommerville Road, Urney, Strabane
Claim by:	Mr & Mrs Carlin, Mr & Mrs Keys, Mr & Mrs Duffy, Mr & Mrs McShane, Mr & Mrs Devine, Ms Hunter, Mr & Mrs McDaid, Mr Coyle and Miss McCormick
Claim against:	Ann Speers
Decision by:	Commissioner Cathy McKeary dated 4th September 2024

Decision

1. The claim for an award of costs is not eligible

Reasons

2. The planning application to which the appeal relates was determined under the Planning Act (NI) 2011 (the Act). An appeal was made in accordance with Section 54 of the Act against the refusal of full planning permission to develop land without compliance with conditions previously attached.
3. Section 205 of the Act enables the Commission to make costs awards in appeals under the following provisions of the Act: - sections 58, 60, 96, 97, 105(6), 115, 143, 159, 165, 173 and Schedules 2 and 3, which relate to appeals concerning the review of mineral planning permissions. The present application was made under Section 54 of the Act, which is not listed as a provision under which a costs award can be made. Accordingly, there can be no award of costs.

COMMISSIONER CATHY McKEARY

List of Documents

The Claimant: -

Statement of case by Lee Kennedy Planning on
behalf of Mr & Mrs Carlin
Mr & Mrs Keys
Mr & Mrs Duffy
Mr & Mrs McShane
Mr & Mrs Devine
Ms Hunter
Mr & Mrs McDaid
Mr Coyle
Miss McCormick

Rebuttal by Lee Kennedy Planning on behalf of the
above named parties

The Respondent: -

Statement of case by Planning Pal Planning
Consultants on behalf of Ann Speers

Rebuttal by Planning Pal Planning Consultants on
behalf of Ann Speers