
Appeal Reference:	2023/A0107
Appeal by:	Ms Emma Mullan
Appeal against:	The refusal of full planning permission
Proposed Development:	Change of use of land for the stationing of a double decker bus for short-term visitor accommodation including creation of new access, provision of two parking spaces and ancillary development
Location:	Lands immediately south of 10 Castle Erin Road, Portrush
Planning Authority:	Causeway Coast and Glens Borough Council
Application Reference:	LA01/2023/0480/F
Procedure:	Remote Informal Hearing on 23 rd July 2024
Decision by:	Commissioner Gareth Kerr, dated 12 th August 2024

Decision

1. The appeal is allowed and temporary planning permission is granted, subject to the conditions set out below.

Reasons

2. The appeal seeks a two-year temporary, seasonal permission for the stationing of a double-decker, London-style bus on the site to be used as short-term visitor accommodation. The proposal includes the provision of a new access, the installation of a grasscrete surface for parking and the erection of a timber fence. The main issues in this appeal are whether the proposal would:
 - be acceptable in principle as tourism development;
 - make a positive contribution to the townscape of Portrush;
 - result in the loss of existing open space;
 - increase the risk of coastal erosion;
 - harm protected or priority species; and
 - have adequate means of sewage disposal.

Policy and Legislative Context

3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. As the development is proposed in close proximity to the marine area, Section 58 of the Marine and Coastal Access Act 2009 and Section 8 of the Marine Act (Northern Ireland) 2013 require that public authorities taking authorisation decisions that affect or might

affect the UK marine area do so in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise. Relevant marine policy documents include the UK Marine Policy Statement (March 2011) and the Draft Marine Plan for Northern Ireland (April 2018).

4. The Northern Area Plan 2016 operates as the LDP for this district as the Council has not yet adopted a Plan Strategy. In it, the appeal site falls within the development limit of Portrush. Part of the site (though not the area where the bus would be situated) is within a Local Landscape Policy Area (LLPA) PHL02 which extends to most of the West Strand Beach and the related slopes behind it. The LDP states that Portrush is Northern Ireland's most important tourist resort. It goes on to say that realising the tourism potential of the Plan area will continue to require investment in marketing, product development, and physical facilities in terms of visitor infrastructure, especially visitor accommodation. Since a vibrant tourism sector depends on a quality host environment, its growth must be based on the provision of quality tourism facilities, and accommodation that contributes to the sustainability of the industry. There are no specific policies for tourism development in the LDP. It states that such proposals should be assessed under regional policy including Planning Policy Statement (PPS) 16: Tourism.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out regional policy for topics including tourism, open space, coastal development and natural heritage and the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also indicates that certain existing PPSs including PPS 2 – Natural Heritage, PPS 8 – Open Space, Sport and Outdoor Recreation, PPS 16 – Tourism and relevant provisions of “A Planning Strategy for Rural Northern Ireland” (PSRNI) are retained during the transitional period.
6. Paragraph 3.13 of the SPPS sets out ways in which the planning system should help to mitigate and adapt to climate change including by avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms. The aim of the SPPS in relation to the coast is to protect the undeveloped coast from inappropriate development, and to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements. It will facilitate appropriate development in coastal settlements that contributes to a sustainable economy and which is sensitive to its coastal location. Within the developed coast, areas of amenity value (such as parks, outdoor sports / play areas and coastal walkways) should be protected from inappropriate development. Development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability.
7. The UK Marine Policy Statement states that adapting to the impacts of climate change will be a priority for terrestrial planning on the coast. This will include ensuring inappropriate types of development are not permitted in those areas most vulnerable to coastal change, or to flooding from coastal waters, while also improving resilience of existing developments to long term climate change. Marine plan authorities should be satisfied that activities and developments will themselves be resilient to risks of coastal change and flooding and will not have an unacceptable

impact on coastal change. A precautionary and risk-based approach should be taken in terms of understanding emerging evidence on coastal processes.

8. Policy TSM1 of PPS 16 relates to tourism development in settlements. It states that planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan. Policy TSM7 sets out a number of design criteria and general criteria for all tourism development, the following four of which have been raised in this appeal:
 - (b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
 - (c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
 - (g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area; and
 - (j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
9. Policy DES2 of the PSRNI is entitled "Townscape". It requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. It further states that an attractive and interesting townscape is essential to the well-being of residents and visitors. New development should therefore minimise visual, functional and physical disruption and enhance or create interest, vitality and variety. Land uses likely to alter the character of an area adversely will normally be refused.
10. Policy OS1 of PPS 8 relates to protection of open space. Development that would result in the loss of existing open space will not be permitted. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. For the purposes of the policy, open space is taken to mean all open space of public value.
11. PPS 2 sets out planning policies for the conservation, protection and enhancement of our natural heritage. Policy NH2 thereof sets out protections for European and national protected species. Policy NH5 concerns priority habitats, species or features of natural heritage importance. The Council raised concern that insufficient information had been provided to enable full assessment against these policies. The appellant provided a completed biodiversity checklist and statement by an ecologist with their appeal evidence. This indicated that the site is of low biodiversity value and is unlikely to be a viable habitat for nesting birds or other protected species. At the hearing, the Council confirmed that this information satisfied its ecological concerns, as set out in its fifth reason for refusal.

Tourism and Townscape Policy

12. The appeal site is located on the western coast of the Portrush peninsula. It is currently grassed and somewhat overgrown. It is accessed from Castle Erin Road, a cul-de-sac which runs between the site and Curry's amusement arcade to the east. The north-eastern part of the site where the development would be located is level with Castle Erin Road and relatively flat. The land then slopes down steeply to the west to the promenade above the West Strand beach. A lifeguard station is built into the slope. To the north of the site is a dwelling, a restaurant and further outdoor amusements. To the south is a sloped walkway linking the promenade with Castle Erin Road.
13. The Council argued that the development is not sensitive to the character of the area in terms of its scale, massing and design and that it would appear prominent and incongruous in public views. They highlight the visual amenity value of this grassed site as a backdrop to the beach. Conversely, the appellant used words like iconic, quirky, eclectic, innovative concept, talking point, photo opportunity and focal point to describe their proposal. They argued that it would create interest, vitality and variety. They referred to the poor streetscape along Castle Erin Road and considered that this central location in the town and its tourist industry is the best place for the proposal.
14. As the LDP notes, Portrush is Northern Ireland's most important tourist resort. It is dominated by tourist accommodation of various types and other tourist uses. The commercial heart of the town lies in the centre of the peninsula to the north east of the appeal site. The area in which the appeal site is located is dominated by amusement arcades, the railway station and public open space. Views of the appeal site from the central area of the town are limited by surrounding buildings. The main public views of it are from the promenade which runs the length of the West Strand beach and it can be seen from as far as Black Hill on the road to Portstewart, approximately 1km to the south west.
15. When viewed from the promenade, beach and harbour wall, the town appears picturesque with a predominance of two- and three-storey terraced buildings with a strong vertical emphasis and the rhythm of dormer and bay windows and chimneys. The LDP states that many of the streets and terraces within the peninsula still bear witness to the former style and elegance of the resort during the golden years of the Victorian and Edwardian periods.
16. However, a notable exception to this pattern is the area in which the appeal site is located. This section of the coastline is dominated by low quality architecture associated with the various amusement arcades. Kiddieland Amusements to the north of the site is bound by an elongated grey metal fence with perspex above to around 5m in height which effectively turns its back on the coast. The Council has granted a series of temporary, seasonal permissions (similar to that sought in this appeal) for a 32m high big wheel on this site. To its south is a restaurant and a dwelling, both of modern design with a horizontal emphasis. The appeal site is then viewed against the backdrop of Curry's Fun Park, located in an industrial style long and low building. Despite it having some windows facing the coast, views of the area from around the bay are dominated by the expanse of this building's roof, the steel framed rollercoaster which sits to its south, the big wheel at Kiddieland to the north and the unsightly fence that surrounds it.

17. The nature of the proposal which would provide additional, and no-doubt unique, tourist accommodation would accord with the wider tourist industry in Portrush and would help realise the aspiration in the LDP for investment in tourist product development and visitor accommodation. It would be viewed with the backdrop of poor quality larger buildings which would ensure that it would not appear out of scale with its surroundings, or unduly prominent or incongruous. It would read as a parked vehicle rather than as a building and, as such, its massing would be in no way unusual. Having regard to the immediate surroundings of the appeal site, I am not persuaded that the parking of a double-decker bus on it for a temporary period comprising two summers would fail to respect the site context.
18. Whilst the design of an older type of London bus is not necessarily local to Portrush, it would evoke associations with the former heyday of the resort in the earlier 20th Century. Such a vehicle would not appear out of place in a beach resort. Although its location adjacent to various amusements and the accommodation within it may not be to everyone's taste, I concur with the appellant that it would create interest, vitality and variety (as advocated by Policy DES2) in what is otherwise a poor street scene. It would therefore make a positive contribution to the townscape along Castle Erin Road and to views of this section of the town from the promenade and beach.
19. While I acknowledge the visual amenity value of the grassed backdrop to the beach, the parking of a vehicle at the top of the slope would not diminish this given the poor architectural quality of the surrounding buildings. I do not agree with the Council that a bus parked on the site for a temporary period would detract from the landscape quality and character of the surrounding area because the proposal would make little discernible change to the landscape of the site and its surroundings and the townscape character of its immediate surroundings is limited. As the grassed slope which forms the backdrop to the beach would remain and the development would not encroach into the part of the site which is within a LLPA, the development would not harm the visual amenity that the site provides in wider coastal views. I conclude that it would accord with the aims of the LDP for Portrush, Policy TSM1 of PPS 16 and Policy DES2 of the PSRNI. The Council has not sustained its second reason for refusal.
20. The Council raised concern that no details of fencing, bin storage, associated outdoor seating or structures had been provided. The appellant proposed the use of a timber triple wheelie bin store which would screen bins from view. I consider that this would adequately screen the infrastructure associated with tourist accommodation on the site, and, if sited between the bus and the adjacent dwelling, would not unduly harm amenity. I consider that if permission was to be granted, a condition requiring the precise location of the bin store and design of the fencing to be agreed in writing by the planning authority before the development takes place would ensure that the site layout, infrastructure and landscaping arrangements are of sufficient quality and appropriate to the site, thereby complying with criteria (b) and (c) of Policy TSM7. I do not consider it necessary to request details of any outdoor chairs and tables associated with the proposal.
21. During the processing of the planning application, a third party (Curry's Fun Park) objected to the proposal on grounds that noise from the operation of the amusements would be detrimental to the amenity of guests staying in the bus and

may result in complaints. The Council did not sustain these concerns on the basis that the proposal was not for permanent residential use. The appellant states that they will make anyone booking the bus aware of its location and potential amenity impacts. I consider that anyone booking to stay in the bus would be aware of its busy location in an area of existing amusements and as stays are likely to be short, there would be no sustained unacceptable noise impact. As a temporary, seasonal tourist use, I find it to be compatible with surrounding land uses in accordance with criterion (g) of Policy TSM7. The Council's concerns under criterion (j) will be considered below under sewage disposal.

Loss of Open Space

22. The site is an unmaintained grass area with an abundance of weeds. The appellant states that it is private land, bounded by a wall and fence with no public access. However, during my site visit, I observed that the fencing is broken down and there is no physical boundary to the southern side. Therefore, it is effectively open to public access.
23. Notwithstanding the poor and unmaintained condition of the appeal site, at the hearing, both parties accepted that the site is open space as defined by PPS 8. The appellant argued that the proposal meets the first exception in Policy OS1 as it will bring substantial community benefits that decisively outweigh the loss of the open space. They stated that any loss of open space will only be temporary and that the proposal will attract visitors who will frequent the local shops, hospitality and entertainment venues, contributing to the positive vitality and viability of Portrush. They argued that tourism has declined in Portrush and this proposal would enhance it, resulting in benefits for traders. It would also create a focal point for tourists and a photo opportunity.
24. While the proposal may bring additional tourists to the town while it is operational and such tourists are likely to spend money in other businesses in the town, the benefits referred to by the appellant are essentially economic ones. I consider that when PPS 8 refers to community benefits, it is referring more to social benefits for the local population and visitors. Simply providing a photo opportunity could not be described as a substantial community benefit that would decisively outweigh the loss of existing open space. Therefore, the proposal would not meet the stated exception in Policy OS1. As the proposal would result in the loss of existing open space, albeit on a temporary basis, it would fail to satisfy Policy OS1.
25. The appellant argued that the Council's temporary approval of a portable coffee kiosk in the nearby West Strand car park under application LA01/2022/0735/F served as a precedent in favour of the appeal proposal. Although it is sited within a tarmac area of the car park rather than green space, it is within the zoned area of existing open space. While it is smaller than the proposed double decker bus, it does demonstrate that certain tourism uses may be acceptable on a temporary basis within open space in the town. I will consider the weight to be attributed to this and other precedents cited by the appellant at the end of this decision.

Coastal Change

26. The Council raised concern that the application site is adjacent to the coastline of Portrush West Strand which has been identified as having a high risk of coastal erosion and risk of potential flooding. Their comments were based on advice from

the Department of Agriculture, Environment and Rural Affairs (DAERA) Marine and Fisheries Division which was represented at the hearing. Given the elevated position of the site, they accepted at the hearing that there was no risk of flooding and withdrew this aspect of their fourth refusal reason. The DAERA consultation advice focused on four areas: coastal erosion, land instability, coastal squeeze and seascape.

27. It was stated that the West Strand beach has historically been erosional in trend and is currently subject to coastal erosion due to wave action, climate change and sea level rise. This has led to the construction of hard sea defence structures along the length of the beach whereby the coastline has been artificially held since the mid-1900s. Research undertaken in 1991 indicated that the construction of hard defences has resulted in a fall in beach levels due to deflection of wave energy against the hard wall. If the defences were to fail or be overtopped by storm waves, the sand dune bank upon which the site sits may be eroded leading to slippage or collapse. As storms increase in frequency and intensity and with rising sea levels, the level of risk faced by this section of coastline will increase.
28. With regard to land instability, the appeal site sits on a former sand dune. DAERA is concerned that the development could add pressure to the cliff slope, potentially weakening it, which may give rise to slumping and landslides. Increasing development along this previously undeveloped coastal strip is regarded as coastal squeeze. They stated that it would potentially remove the coast's natural ability to adapt, particularly to the impacts of climate change and that it may be contrary to paragraph 6.33 of the SPPS (my emphasis). They therefore recommend that a precautionary approach is adopted. In respect of seascape, as the application is for a new development within a previously undeveloped green area situated within a prominent, highly visible and key tourism coastal location, it has the potential to adversely impact views of the sea and it may be contrary to paragraph 6.48 of the SPPS (my emphasis).
29. To assess the coastal policy implications of the development, it is first necessary to determine whether the site sits within the developed or the undeveloped coast. Footnote 18 of the SPPS states that the developed coast includes existing settlements. Notwithstanding that the site itself has not previously been developed, it is located within the settlement of Portrush and is surrounded by other development on all sides (a dwelling and restaurant to the north, a road and amusement arcade to the east, a pedestrian walkway to the south and the promenade and sea wall to the west). It therefore comprises part of the developed coast. The SPPS aims to support the sensitive enhancement and regeneration of the developed coast within coastal settlements and to facilitate appropriate development.
30. The DAERA consultation response provided estimates for projected sea level rise over the course of the next 76 years. Depending on the greenhouse gas emissions scenario, global sea levels could rise between 0.28m and 1.01m by 2100. The UK Marine Policy Statement indicates that development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion risk elsewhere. The appeal site currently sits around 10m above sea level and 6m above the level of the promenade. The slope is retained by the sea wall and a further dwarf wall at the rear of the promenade.

31. The proposal before me is not to erect a building, but simply to park a vehicle on the site. Its planned lifetime is two years. I have been presented with no persuasive evidence that conditions are likely to change so much in that time as to render the development unsafe. Adjacent buildings are sited closer to the coast than the proposal. The use of grasscrete would spread the weight of the bus on the site and limit the risk of slippage. In the unlikely event that a storm caused waves to breach the sea wall and retaining wall and the bank began to erode or become unstable, the nature of the development is such that the bus could simply be driven off the site to negate any risk. The 32m high Big Wheel was granted temporary approval at a similar distance from the coast with no consideration of marine issues and because of its height would be potentially more dangerous and would take longer to remove than the bus in the event of land instability.
32. Given the developing nature of coastal science and climate change, the language used by DAERA to substantiate its concerns (words like “potentially” and “may be contrary”) was necessarily suggestive and caveated as impacts cannot be predicted with certainty and if they occur will do so over a relatively long period of time. Given the existing anthropogenic influences upon this coastline in the form of sea defences, I am not persuaded that the proposal to park a vehicle at some height above existing sea level for a short period would remove the coast’s natural ability to adapt to climate change. Neither do I regard such a temporary use, on a site which is currently overgrown and of low biodiversity value, as coastal squeeze. The proposed orientation of the bus on the site and its juxtaposition in relation to neighbouring buildings means that any reduction in views of the sea from the town would be extremely limited. It will not in any way impinge on existing public access to the coast. Paragraph 6.48 of the SPPS relates to the use of conditions as a mitigation measure in the undeveloped coast. Therefore, the DAERA objections on this basis cannot be sustained.
33. Whilst I acknowledge the potential impacts of climate change over the course of the Century and the need to adapt to it, it would be wrong to assume that this requires a blanket refusal of any coastal development proposal. Given the surrounding development, we cannot simply walk away from the current coastline and allow it to be overtaken by rising sea levels. Strategic decisions will have to be taken as changes occur. It therefore seems to me that proposals like this for temporary uses (that don’t alter coastal levels or introduce permanent long-lifetime buildings that could become vulnerable to coastal change over the longer term) are an appropriate and sensitive response to their coastal location. The approval of such temporary uses where evidence suggests that immediate risks are low would not, to my mind, be contrary to the precautionary and risk-based approach advocated by the UK Marine Policy Statement and the draft Marine Plan for Northern Ireland, or the coastal policy provisions of the SPPS. For the reasons given, the Council has not sustained the remaining elements of its fourth reason for refusal.
34. Any proposal to extend the use beyond the two-year period sought would be assessed in the context of the circumstances then prevailing. Should it become clear at such times that the risks have become unacceptable, planning permission could be refused.

Sewage Disposal

35. The amended sketch design within the appellant's evidence confirms that a toilet would be provided on the bus. NI Water was consulted and recommended refusal. While the receiving wastewater treatment works would have the capacity to serve the development, the existing network of sewers within Portrush is at capacity. NI Water advised that the public system cannot presently serve the proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. There are plans to upgrade the sewerage system in this area, but I was advised at the hearing that there is currently no funding available for upgrades.
36. NI Water advised the applicant to consult with them and submit an application for a Wastewater Impact Assessment (WwIA) to see if an alternative solution could be agreed. The appellant has not yet done so due to the fee involved, but is willing to if the development is found acceptable in principle. The appellant has proposed the use of a cesspit to hold wastewater as an interim solution. This would be monitored weekly and emptied as necessary by a licensed contractor. The NI Water representative at the hearing stated that they would have no objection to a private arrangement to use a cesspit as an interim measure. However, the Council raised concerns about this approach as it had not been part of the description of the development when the application was advertised and they were worried about environmental harm if it were to leak in this sensitive location.
37. At the hearing, the NI Water witness stated that a possible solution through the WwIA would be storm water off-setting. It may be possible to remove output from an existing road gulley from the combined network which would allow the sewage from the development to enter the combined sewer without increasing overall volume to the detriment of existing customers. This approach has been successfully implemented elsewhere.
38. Both parties suggested that in the event of permission being granted, a negative condition could ensure that no development could take place until the method of sewage disposal has been agreed in writing. The NI Water witness expressed some confidence that an off-setting solution could be agreed, but could not do so definitively without an application. If this does not prove possible, the interim option of a cesspit remains a possibility. I have no reason to believe that a properly approved and installed cesspit maintained by a licensed contractor would pose any environmental risk. An appropriately worded condition which would have to be discharged by the Council as planning authority would ensure that an acceptable method of sewage disposal is in place before the development can proceed. As the matter can be dealt with by condition, the proposal would satisfy criterion (j) of Policy TSM7 and the Council has not sustained its first and sixth reasons for refusal.
39. The Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 (as amended) require that I consider the implications of the proposal on European designated sites and make an appropriate assessment where there are likely significant effects. The site lies in proximity to a number of European sites including the Skerries and Causeway Special Area of Conservation (SAC) and the Bann Estuary SAC. The Council's Shared Environmental Service (SES) carries out Habitats Regulations Assessments on behalf of the competent authority. It undertook an appropriate assessment of the proposed development and concluded

that the construction phase would have no conceivable effect on any European site. Subject to a mitigation condition requiring the means of sewage disposal to be agreed in writing, it was satisfied that the operation of the proposal would not adversely affect the integrity of any European site. As the Commission is now the competent authority for the purpose of the Habitats Regulations, I agree with and adopt the conclusions of the SES appropriate assessment.

Planning Balance and Conclusions

40. I have found that the development would be acceptable in principle as tourism development and that it would make a positive contribution to the townscape of Portrush. Concerns regarding coastal change, sewerage and biodiversity have not been sustained. However, the proposal would be sited on existing open space and would not bring substantial community benefits that decisively outweigh the loss of the open space, contrary to Policy OS1 of PPS 8.
41. As the proposal has been found to comply with most of the relevant policies apart from Policy OS1, there are factors that persuade me that its failure to satisfy Policy OS1 should not be afforded determining weight in this instance. These may be summarised as:
 - the condition of the site;
 - the abundance of high quality public open space in the surrounding area;
 - the temporary and seasonal nature of the proposal which would ensure no permanent loss of open space;
 - other temporary approvals for tourism uses;
 - support from elected representatives and a travel writer; and
 - the economic and tourism benefits of the proposal.
42. The site is currently unused and unsightly and much of it is overgrown with weeds. While it lies open to the public, I saw no evidence that it is used by members of the public for amenity or recreational purposes. This is partly due to the abundance of high quality public open space in the surrounding area including the West Strand beach and promenade with associated coastal paths, the paved skate park and amphitheatre area between Kerr Street and Castle Erin Road and the extensive maintained grass amenity area between the beach and the West Strand car park. With such high quality spaces available, there is no reason for people to use the poor quality appeal site for amenity purposes. I consider that this would remain the case if planning permission was refused.
43. Furthermore, the proposal would not result in a permanent loss of open space because the permission is sought for only two years and the appellant is willing to accept a seasonal condition, similar to that applied to the nearby big wheel (application LA01/2022/0593/F). This means the bus would be removed each year for the months of October to February. While the big wheel is within an existing area of outdoor amusements, its approval demonstrates that seasonal tourism uses are acceptable in the town. The Council's approval of the lifeguard station on the bank to the west of the appeal site (application LA01/2015/0293/F) and its temporary approval of the coffee kiosk in existing open space at the West Strand car park further show that certain tourist uses can override the presumption against the loss of existing open space.

44. The appellant provided letters of support for the proposal from a Councillor and MLA for the district, from two different political parties. They highlighted how the proposal would provide a unique alternative for visitors and would extend the tourist offer in Portrush. The appellant also provided a website article by a tourist writer about the north coast. It was written when the application was first submitted and welcomed the proposal, describing it as novel, innovative, and “would provide an unparalleled opportunity for tourists seeking a truly unique place to stay”. These statements of support, and particularly the article by an independent local tourist writer, lend weight to the case to approve the development.
45. Finally, whilst the proposal would not bring substantial community benefits for the purposes of PPS 8, the economic benefits to the town and its tourism industry can attract weight in the overall planning balance. It would provide a different and unique type of tourist accommodation, expanding the range of places to stay, and it is expected that users would spend money in other local businesses. It would also create interest in the street scene in what is currently a run-down area. On balance, the combination of the above factors outweighs the failure to fully comply with Policy OS1 of PPS 8 in this instance. The Council has not sustained its third reason for refusal.
46. In addition to the conditions referred to above, it is necessary to condition the provision of the new access and visibility splays in the interest of road safety and the provision of the grasscrete surface to ensure stability of the land. I do not consider it necessary to control the gradient of the access given the land is relatively flat. The appellant and supporters had suggested that the bus could be painted in various colour schemes making reference to local or national events. However, I consider that such designs or advertisements could detract from the character and townscape quality of the area. A condition will require that the bus be painted in a single colour and no advertisements should be displayed unless otherwise agreed in writing with the planning authority.
47. In the evidential context before me, I conclude that the appeal proposal is acceptable on the site on a temporary, seasonal basis. The appeal succeeds and planning permission is granted, subject to the conditions set out below.

Conditions

- (1) The permission hereby granted shall be for a limited period only between:
 - 1st March 2025 and 30th September 2025
 - 1st March 2026 and 30th September 2026The double-decker bus for short-term visitor accommodation and all associated equipment brought onto the site in connection with the use shall be removed between 1st October and 28th February each year.
- (2) No development shall take place until detailed proposals for sewage disposal have been submitted to, and approved in writing by, the planning authority. The bus shall not be occupied by visitors until the approved arrangements are in place.
- (3) No development shall take place until details of all fencing and bin storage have been submitted to, and approved in writing by, the planning authority. The bus shall not be occupied by visitors until the approved fencing and bin store are in place.

- (4) The bus shall not be brought onto the site until the grasscrete surface finish has been installed as indicated on the approved drawing No. 02D, which was received by the Council on 6th November 2023.
- (5) Before the bus is occupied by visitors, the access and visibility splays of 2m x 33m onto Castle Erin Road shall be provided as indicated on the approved drawing No. 02D, which was received by the Council on 6th November 2023, and shall be permanently retained and kept clear.
- (6) The bus shall be painted in a single colour unless otherwise agreed in writing with the planning authority and no advertisements shall be displayed on the site save with the express consent of the planning authority.

This decision is based on the following drawings:-

- No. 01B, Site Location Map at scale 1:1250 which was received by the Council on 18th September 2023.
- No. 02D, Site Layout at scale 1:200 which was received by the Council on 6th November 2023.
- No. 03A, Sketch Design at scale 1:100 which was received by the Commission on 28th June 2024.

COMMISSIONER GARETH KERR

List of Appearances

Planning Authority:- Ms Jennifer Lundy – CCGBC Planning
Mr Alan Moore – NI Water
Mr Mark Conn – DAERA Marine & Fisheries Division
Ms Abigail Kilgore – DAERA Marine & Fisheries Division

Appellant:- Ms Emma Mullan
Mr Matt Kennedy – MKA Planning
Ms Aoibhinn Roarty – MKA Planning (observing)

List of Documents

Planning Authority:- A Statement of Case & 5 Appendices
Causeway Coast and Glens Borough Council

Appellant:- B Statement of Case & 8 Appendices
MKA Planning