

<b>Update on Development Management Statistics:</b>	<b>24<sup>th</sup> May 2017</b>
<ul style="list-style-type: none"> <li><b>Planning Applications Received and Decided in the period 01 April 2016 – 30 April 2017</b></li> </ul>	
<b>Planning Committee</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environments and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Head of Planning
<b>Cost: (If applicable)</b>	N/A

## 1.0 Background

The “Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided.

## 2.0 Details

- 2.1** [Website link 1](#) and [Website Link 2](#) provide a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of April 2017. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.
- 2.2** Table 1 below details the number of planning applications received and decided as well as the number of live planning applications in the system and those in the system over 12 months. Please note that these figures are unvalidated statistics extracted from internal management reports.

**Table 1 Applications Received, Decided and Live**

<b>Applications Received</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>April 2017</b>
Received	303	335	340	336	95
Decided	369	340	264	328	76
Live >12months	113	90	90	79	74
Total Live	635	621	685	654	665

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

**2.3** The number of applications received has dropped to just below the 100 mark, previously having dropped below it in January 2016. This is likely attributable to the Easter Holiday period. Staff issued 66 planning application decisions, plus 3 Discharge of Conditions, 2 Certificate of Lawful Development Proposed or Existing applications, 1 Proposal of Application Notice and 4 Non-Material Change. Again, this reduced level of activity is attributed to many staff being off on leave during the holiday period. The number of live applications in the system has risen slightly to 665.

**2.4** Sustained progress continues to be made in relation to the number of over 12 months applications. Work continues to reduce these older applications. Table 2 below provides a further breakdown of the over 12 month applications in the system. A significant improvement has been made in the 12-18 months applications. The weekly monitoring of these figures continues and staff are conscious of the need to prioritise their efforts in this area of work.

**Table 2 Breakdown of over 12 month applications (August 2016 – April 2017)**

Applications Received	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
12-18 months	48	40	31	36	39	39	45	37	32
18-24 months	9	17	15	17	18	20	13	13	14
>24 months	39	33	32	32	33	30	30	29	28
Total	96	90	78	85	90	89	88	79	74

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

**2.4** Table 3 below details the number of appeal decisions issued since 1 April 2016 showing the continued high quality of decision making taken by both Planning Officers and supported by the Planning Committee. Please note that these figures are unvalidated statistics extracted from internal management reports. A copy of the report relating to the decision issued by the PAC in April 2017 is also attached for your information.

**Table 3 Appeals to the Planning Appeals Commission (PAC)**

Appeals lodged with PAC	Q1	Q2	Q3	Q4	April 2017
Upheld	4	1	0	0	0
Dismissed	8	6	3	4	1
Total Appeal decisions	12	7	3	4	1
% of Appeals Dismissed	67%	86%	100%	100%	100%

Source: Unvalidated Statistics

**2.5** Table 4 details the number of referral requests received from elected members under Part B of the Scheme of Delegation in Q1 of 2017/18. Four previously referred applications are due for determination at the May Planning Committee Meeting. Of note is that the Planning Committee has overturned 15 out of 93 Planning Officer's recommendation in the year 2016/17, which equates to 16.13%. So far in this year 2017/18, 2 out of 7 recommendations have been overturned.

**Table 4 Referrals Requested in Q1 2017/18**

Referral Request	Requestor	Application Ref	Date of Planning Committee	Planning Officer Recommendation Agreed/Disagree
Q1	Cllr Fielding	LA01/2016/1157/F		
	Cllr Clarke	LA01/2016/1070/F		
<b>TOTAL</b>				

Source: Unvalidated Statistics

**3.0 Recommendation**

**3.1 IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.



Planning Appeals  
Commission

Causeway Coast & Glens BC  
Local Planning Office  
County Hall  
Castlerock Road  
Coleraine  
BT51 3HS

Park House  
87/91 Great Victoria Street  
Belfast  
BT2 7AG

Phone: 028 9025 7255 (direct line)  
Phone: 028 9024 4710 (switchboard)  
Fax: 028 9031 2536

Email: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

**Website: [www.pacni.gov.uk](http://www.pacni.gov.uk)**

Your Ref: LA01/2016/0584/LDP  
Our Reference: 2016/E0031

Date: 4<sup>th</sup> April 2017

Dear Sir/Madam

**THE PLANNING ACT (NORTHERN IRELAND) 2011**

**APPEAL: Miss Rosemary Hunter**

**Temporary siting of mobile shepherd huts which are  
approximately 14ft x 7ft x 12ft.**

**Located at field adjacent to 97 Causeway Road  
Bushmills**

Please find copy of the Commissions' decision and cost decision into the above appeal enclosed.

Yours faithfully

**Case Officer**



INVESTORS IN PEOPLE





Planning Appeals  
Commission

# Appeal Decision

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BT2 7AG  
T: 028 9024 4710  
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<b>Appeal Reference:</b>	2016/E0031
<b>Appeal by:</b>	Rosemary Hunter
<b>Appeal against:</b>	The refusal of a Certificate of Lawfulness of Proposed Use or Development
<b>Proposed Development:</b>	Temporary siting of 3 mobile Shepherd Huts
<b>Location:</b>	97 Causeway Road, Bushmills
<b>Planning Authority:</b>	Causeway Coast and Glens District Council
<b>Application Reference:</b>	LA01/2016/0584
<b>Procedure:</b>	Written representations
<b>Decision by:</b>	Commissioner A Speirs, dated 3rd April 2017.

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## Decision

1. The appeal is dismissed.

## Claim for Costs

2. A claim for costs was made by the council against the appellant. This claim is the subject of a separate decision.

## Reasons

3. The application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) sought confirmation that the siting of 3 mobile shepherds huts on the subject land, for not more than 28 days in a year, would be lawful. Section 170 of the Planning Act (NI) 2011 allows for the making of an application to the appropriate council for a CLOPUD. The onus is on the applicant to provide information to satisfy the planning authority that the development described in the application would be lawful if instituted at the time the application was made. Lawfulness is a matter of fact, rather than merit, and the presence of other caravan sites in the area, which may or may not be permitted development, is not relevant to my considerations.
4. Article 11(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 states that an application to the council for a certificate under section 170 of the 2011 Act "... shall, in addition to specifying the land and describing the use, operations or other matters in question in accordance with those sections, include the following information -

(f) the applicant's reasons, if any, for regarding the use, operations or other matter described in the application as lawful; and

(g) such other information as the applicant considers to be relevant to the application.

5. Article 11(2) of the 2015 Order indicates that "an application to which paragraph (1) applies shall be accompanied by - (a) a plan sufficient to identify the land to which the application relates; (b) such evidence verifying the information included in the application as the applicant can provide; and (c) a statement setting out the applicant's estate in the land, the name and address of any other person known to the applicant to have an estate in the land and whether any such other person has been notified of the application". The applicant's LDC2 form indicated that she is the sole owner of the land in question. The form refers to a site area of 0.99 hectares, "set in an area of fields amounting to 10.6 hectares". The 1:2500 site plan submitted with the application identifies the site by means of a red line around a single field.
6. The appellant argues that the proposed use of the site is permitted under Part 6 of the Schedule to the Planning (General Permitted Development) Order (NI) 2015 (GPDO). Part 6 is entitled 'Caravan Sites' and indicates that planning permission is not required for the "use of land, other than a building, as a caravan site in any circumstances referred to in paragraph A.2". The latter states that "the circumstances mentioned in this Part are those specified in paragraphs 2 to 10 of the Schedule to the Caravans Act (Northern Ireland) 1963 (the Caravan Act)". The Schedule lists circumstances in which a caravan site licence is not required. The appellant relies on paragraph 3, which relates to the use of holdings of five acres or more in certain circumstances. Paragraph 3(1) indicates that a licence shall not be required "... for the use as a caravan site of land which comprises, together with any adjoining land which is in the same occupation and has not been built on, not less than five acres -
  - (a) if in the period of twelve months ending with the day on which the land is used as a caravan site the number of days on which a caravan was stationed anywhere on that land or on the said adjoining land for the purposes of human habitation did not exceed twenty-eight; and
  - (b) if in the said period of twelve months not more than three caravans were so stationed at any one time".
7. The Shepherd Huts fall within the definition of caravans as contained in Section 15 of the Caravans Act (NI) 2011. The council's determination of the CLOPUD application was based on two considerations and these are stated in its decision notice in the two reasons for refusal. The council examined Paragraph 2 of the Schedule to the Caravans Act and stated that a CLOPUD would not be merited since it was proposed to site 3 caravans on the application site at any one time and this part of the Schedule allows for only one. The council also took into account Part 5 of the Schedule to the GPDO - 'Temporary Buildings and Uses' - and determined that the proposed use would not be permitted under the order as the field in question lies within a site of archaeological interest. I do not disagree

with the council's conclusions in respect of the specific legislation which it took into account.

8. The appellant's case was set out in the LDC application form and referred specifically to Paragraph 3 of the Schedule to the 1963 Caravans Act. No argument was put forward in respect of the matters considered by the council. If the proposal complied with the terms of Paragraph 3, it would be permitted development by dint of Part 6 of the schedule to the GPDO, irrespective of its location within a site of archaeological interest. The council is incorrect in implying that, even if the proposed use qualified as permitted development under Part 6 of the Schedule to the GPDO, it would still require planning permission as it would fail to comply with Part 5 Class B1(b) and (c). The GPDO grants permission for development falling within any class in the Schedule, regardless of whether it is excluded from another class.
9. The size of the appeal site indicated in the LDC2 application form, and on the plan identifying its location, is less than 5 acres in extent, in which case Paragraph 3 of the Schedule to the Caravan Act could not apply. However, there is compelling evidence that the appellant owns considerably more land in the vicinity. The LDC2 form, date stamped received by the Council on 16th May 2016, refers to the application site being "set in an area of fields amounting to 10.6 hectares". The council provided the Commission with copies of plans and application forms for a planning application (reference LA01/2016/1143/F), made by the appellant in September 2016 for development of a 'Glamping Site' on another field on her holding. This was accompanied by a plan showing the application site edged red and other land owned by the applicant edged in blue; the latter contains the appeal site. The aforementioned application was accompanied by a certificate, under Section 42 of the 2011 Planning Act, indicating that Rosemary Hunter is the owner of the land. In addition, the appellant's rebuttal comments state that she owns 50 hectares of land with 10.6 hectares at the location of the appeal site and an aerial photograph was attached to indicate the fields owned in the vicinity of the appeal site; the land identified extends to well beyond five acres. In light of the information before me, I am satisfied that the appeal site is part of a holding of over 5 acres and this requirement of paragraph 3 of the Caravans Act is met.
10. Paragraph 3 of the Schedule to the Caravan Act applies two further conditions in order for a caravan site licence exemption to exist. The first of these is that *no part of the site and adjoining land* (my emphasis) in the holding can have been used for the stationing of caravans for human habitation for more than 28 days in the previous 12 months; the second is that, at no time, should there have been more than 3 caravans so stationed. The critical date in terms of the CLOPUD is the date the application was made, which was 10<sup>th</sup> May 2016. I have not been presented with any evidence from the appellant to demonstrate, on the balance of probabilities, that these conditions were met on the aforementioned date. As such, I cannot conclude that permission for the proposed use of the subject site would be granted by Part 6 of the Schedule to the 2015 GPDO. In the circumstances the council's decision to refuse to issue a CLOPUD is well founded, albeit not for the reasons set out in its decision notice.

This decision is based on the following drawings:-



Drawing No. SK001 at scale 1:2500 stamped received by the council on 10th May 2016.  
Details of Shepherd Hut stamped received by the council on 16th May 2016.  
Drawing 01 relating to planning application LA01/2016/1143/F stamped received by the  
PAC on 17<sup>th</sup> November 2016.

**COMMISSIONER A SPEIRS**

**List of Documents**

Planning Authority:-

Doc A - Statement of Case  
Doc B - Rebuttal comments

Appellant:-

Doc C - Statement of Case  
Doc D - Rebuttal comments

