

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

Belfast City Council
Adelaide Exchange
24-26 Adelaide Street
Belfast
BT2 8GD

Tel: 028 9024 4710 (switch board)
Fax: 028 9031 2536

E-mail info@pacni.gov.uk
Website www.pacni.gov.uk

COMMITTEE AND MEMBERS' SERVICES			
26 JAN 2009			
N & ES			TP
P & R	PERS	FIN	P & PR
MEM.	C. DIV.	CONTRACT	HOUSING
CLIENT	C & L	P & A	WHB
DEVEL.	E. DEV.	ARTS	T & PROM
REFERENCE:			
REFERRED TO:			

Your Reference:

Our Reference: 2008/E075

Date: 18th December 2008

Dear Sir/Madam

**THE PLANNING (NORTHERN IRELAND) ORDER 1991
APPEAL AGAINST ENFORCEMENT NOTICE
ISSUED ON 4th December 2008 TO: Adams & Bowen**

**The alleged unauthorised change of use of a dwelling to dental
surgery making a material change in the use of the said lands
Premises at 25 Stewartstown Road, Belfast**

The Commission has received an appeal against the above enforcement notice and copies of the relevant documents are enclosed with this letter.

The Commission is required under Article 69(5) of the Planning (Northern Ireland) Order 1991, to notify the District Council of such appeals and, in exercising its powers, to take account of any representations received from the Council.

As it is expected to deal expeditiously with these matters it would be appreciated if you could arrange for any representations which the Council may wish to make to be submitted within 5 weeks of the date of this letter. Should the Council not wish to comment, advice of this, within the 5-week period, would be helpful.

Yours faithfully

Ryan Beech

ENFORCEMENT NOTICE APPEAL FORM

For official use only
Date Received
PLANNING APPEALS COMMISSION
18 DEC 2008
File No.

Before completing the form please read the procedural notes which are available from our offices or on our website. Your appeal and essential supporting documents must reach the Commission BEFORE THE DATE SPECIFIED IN THE ENFORCEMENT NOTICE AS THE DATE ON WHICH IT SHALL TAKE EFFECT.

A. Appellant Details

Name: Mr Adams & Bowen
Address: Dental Surgery
 25 Stewartstown Road
 Belfast
 Antrim
 BT11 9FY

B. Agent Details For The Appeal

Name: Mr John Casey
Address: URPA
 58 Howard Street
 Belfast
 Antrim
 BT1 6PJ

Telephone No: 02890239500

Fax No: 02890239500

E-mail: urpa@btinternet.com

C. Divisional Planning Office Details

Name Of DPO: Belfast DPO

Department's Reference No: Z/2005/2533/F

ENFORCEMENT REF. -
 EN/2008/0385

I appeal, on the appellants behalf*) under Article 69(3) of the Planning (Northern Ireland) Order 1991, against the enforcement notice dated **4 December 2008**

Which was served by the Department of the Environment on **4 December 2008**

D. Appeal Site

The enforcement notice was in respect of land at:-

Address: 25 Stewartstown Road
 Belfast
 Antrim
 BT11 9FY

E. Grounds for the Appeal

I appeal on the following ground(s) specified in Article 69(3) of the 1991 Order and shown below:-

- That planning permission ought to be granted for the matters described on the notice or the condition or limitation concerned ought to be discharged.
- That any period specified in the notice in accordance with Article 68A(9) falls short of what should reasonably be allowed.

F. Statement Of Facts

As required by Article 69(4), the statement of facts to support each of the grounds of appeal are as follows:-

The dental surgery occupies the ground floor of the premises with the rest of the building remaining in residential use. It is compatible with the surrounding area and has adequate car parking. The Department was of the opinion to approve the planning application but changed to refusal following a meeting with residents. The surgery was assessed along with two other commercial land uses and all three refused.

G. Choice Of Procedure

The procedure you selected. Please note that we will also ask the Department for their preferred method.

The Final decision on which method is used will be made by the Planning Appeals Commission.

Written Representations

I. Essential Supporting Documents

The documents listed 1 – 3 below SHOULD be sent with your appeal. Please tick the boxes to show which documents you are enclosing.

- | | |
|--|-------------------------------------|
| 1. A copy of the enforcement notice and accompanying map. | <input checked="" type="checkbox"/> |
| 2. A copy of the Department's letter which accompanied the enforcement notice. | <input checked="" type="checkbox"/> |
| 3. Copies of all relevant correspondence with the department. | <input checked="" type="checkbox"/> |

J. Please Sign Below

I confirm that all sections have been fully completed and are correct to the best of my knowledge. I appeal for the reason as stated in Section E.

If exemption from fees or concessions are claimed please specify the reasons:(see paragraphs 25 & 26 of "Procedures for Enforcement Notice, Listed Building Enforcement Notice and Submission Notice Appeals").

The proposal was applied for and refused and is on planning appeal (2007/A0118). Therefore there is no need to pay for a deemed planning application

I enclose the prescribed fees:

1. the appeal against the enforcement notice £ 126.00
2. the deemed planning application £ _____

(Cheques should be made payable to the Planning Appeals Commission)

Signed

JJ Casey

(Appellant / Agent)

Delete As Appropriate

On Behalf Of

Adams + Bowen

Name _____

Date 18/12/2008

Data Protection Act 1998

The information contained on this form will be stored and processed by the Planning Appeals Commission in accordance with the terms of registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website or obtained from our offices.

Now send this form and any supporting documents to:

The Planning Appeals Commission

Park House

87-91 Great Victoria Street

Belfast

BT2 7AG

DO NOT SEND THIS FORM TO THE DEPARTMENT OF THE ENVIRONMENT (NI)

When we receive your form, we will:

1. Acknowledge its receipt and the payment of any fee.
2. Tell the Department we have received your appeal.
3. Tell you and the Department the procedure for your appeal.
4. Tell you the timetable for sending Statements of Case.
5. Tell you about the arrangements for the site visit or hearing (if appropriate).

At the end of the process the Commission will give the decision, and the reasons for it, in writing.



Date: 4th December 2008

Our Ref: EN/2008/0385
(Please quote at all times)

Divisional Planning Office

Bedford House
16-22 Bedford Street
Belfast
BT2 7FD

Recorded Delivery

Adams & Bowen
Dental Surgery
25 Stewartstown Road
Belfast
BT11 9FY

Please contact: Mr. P. O'Reilly
Direct Line: 028 90252952

Dear Sirs

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Premises at 25 Stewartstown Road, Belfast

Issued By: The Department of the Environment (hereinafter called "the Department")

1. The Department hereby serves on you an Enforcement Notice relating to the above land of which you are the Owner and Operator.
2. Unless an appeal is made to the Planning Appeals Commission, as described below, the Notice will take effect on 10th January 2009 and you must then ensure that the required steps for which you may be held responsible are taken within the period(s) specified in this Notice. Failure to comply with an Enforcement Notice which has come into effect within the times specified for compliance is an offence and a person found guilty of such an offence is liable on conviction to a fine.
3. If you wish to appeal against the Notice you should first read carefully the enclosed Explanatory Notes. Your appeal must be received by the Planning Appeals Commission before the date given in Paragraph 2 above as the date when the Notice takes effect.
4. You will note that if you appeal against this Enforcement Notice you will be deemed to have made an application for planning permission for the development to which this Notice relates. In these circumstances you will also be liable to pay the appropriate fee which in this case would appear to be £200 per 75 m².

Yours sincerely

Authorised Officer



PLANNING ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

THE PLANNING (NORTHERN IRELAND) ORDER 1991 (As Amended)

ISSUED BY: The Department of the Environment (hereinafter called “the Department”)

1. **This Notice** is served by the Department because it appears that there has been a breach of planning control, under Article 67A(1)(a) of the above Order, at the land described below. It considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.
2. **The Land To Which This Notice Relates**
Premises at 25 Stewartstown Road, Belfast shown edged in red on the attached plan.
3. **The Matters Which Appear To Constitute The Breach Of Planning Control**
The unauthorised change of use of a dwelling to dental surgery making a material change in the use of the said lands being development carried out without the grant of planning permission required.
4. **WHAT YOU ARE REQUIRED TO DO**
 - (a) Cease the unauthorised use and return the property to its former condition as a dwelling house within 2 months from the date upon which this Notice takes effect.
 - (b) Remove all roller shutters and window grills from the property within 2 months from which this Notice takes effect.
5. **This Notice Takes Effect** on 10th January 2009 unless an appeal is made against it beforehand.

Dated: 4/12/08.

Signed: 

Authorised Officer

On behalf of: The Department of the Environment
Belfast
The Divisional Planning Office
Bedford House
16-22 Bedford Street
BELFAST
BT2 7FD



Premises at 25 Stewartstown Road,
Belfast
Scale: 1:1250

For site identification purposes only



