



Isle of Man
Government
Reillys Ellen Vannin

**DEPARTMENT OF ENVIRONMENT, FOOD AND
AGRICULTURE**

**TOWN AND COUNTRY PLANNING ACT 1999
TOWN AND COUNTRY PLANNING (REGISTERED BUILDINGS)
REGULATIONS 2013**

IN ACCORDANCE with Part 3 14(2) of the Act, The Department of Environment, Food and Agriculture on the 3rd April 2019 determined for entry,

Groudle Glen Hotel King Edward Road Onchan Isle Of Man IM3 2JY

as identified on the Register Entry Summary hereto attached, on to its PROTECTED BUILDINGS REGISTER.

As required under Schedule 2 2(1) of the Act the Department HEREBY GIVES NOTICE that WITH IMMEDIATE EFFECT the demolition, alteration or extension of the building is prohibited in any way which would affect its character as a building of special architectural or historic interest UNLESS written consent is first sought under 15(2) of the Act ("registered building consent") and the authorised works are executed in accordance with the terms of that consent and any conditions attached to it.

Dated this 16th April 2019,

By Order of the Department

For and on behalf of the Director, Planning and Building Control

NOTE :

Under The Town and Country Planning Act 1999;

**Schedule 2
The Protected Buildings Register**

Notifications of entries on register etc.

2 (1) As soon as may be (practical) after a building has been entered in the register, or the register has been amended by removal of a building from it, the Department shall serve a notice on the owner and the occupier of the building stating that it has been entered in or removed from the register.

(2) The owner or the occupier of, and any other person having an interest in, a building which has been entered in the register may apply to the Department to remove the building from the register-

- (a) within the prescribed period after service on him of a notice under sub-paragraph (1);
- (b) after the expiration of the prescribed period after the decision of the Department on a previous request under subsection in relation to the building.

Under the Town and Country Planning (Registered Buildings) Regulations 2013

5. Periods for purpose of Schedule 2 paragraph 2(2)

(1) The period specified for the purposes of paragraph 2(2)(a) of Schedule 2 to the Act (period after notice of registration, within which owner or occupier may request de-registration) is 21 days.

(2) The period specified for the purposes of paragraph 2(2)(b) of Schedule 2 to the Act (period after initial period, during which owner or occupier may not request a de-registration) is 5 years.

Notices sent to:

Property Owner

Local Authority - ONCHAN, Onchan Commisioners Office, Main Road, Onchan,
Director, Manx National Heritage

Secretary, Isle of Man Natural History and Antiquarian Society

The Isle of Man Victorian Society

Groudle Glen Hotel, King Edward Road, Onchan, IM3 2JY
The Protected Buildings Register: Entry Summary

This Building is included in The Protected Buildings Register, a register of buildings of special architectural or historic interest under the Town And Country Planning Act 1999 as amended for its special architectural or historic interest.

Name: Groudle Glen Hotel
Register Entry Number:RB

Location

Groudle Glen Hotel, King Edward Road, Onchan, IM3 2JY

Parish: Onchan

Date first registered:

Register entry description

Summary of Principal Building(s)

A former Hotel constructed in 1893 in an Arts and Crafts style and attributed to renowned Arts and Crafts Architect M. H. Ballie Scott for Richard Maltby Broadbent to provide accommodation for visitors to the Glen.

Reasons for Registration

The Groudle Glen Hotel, King Edward Road, Onchan is recommended for entry into the Protected Buildings Register for the following reasons:

- HISTORIC INTEREST:

- * The Groudle Glen Hotel is an important surviving building of the Groudle Glen, a 19th century pleasure glen developed by Richard Maltby Broadbent for the developing tourist industry.

- Age and rarity:

- *The Groudle Glen Hotel is a surviving building associated with a Glenside development created as part of the island's 19th century tourist industry.

History

The Groudle Hotel is located on the Douglas to Laxey coast road, at the entrance to Groudle Glen. The glen was established in 1893 by Richard Maltby Broadbent, the director of the Palace Company. Mr Broadbent was keen to take advantage of the benefit of the newly constructed Douglas-Laxey Electric railway. Broadbent applied to the licensing court in July 1893 when the hotel was still under construction. The roof had been built but the windows had not yet been added and there were still decorative works to be done. The licence was granted and the hotel opened in August 1893.

In 1894 the Douglas and Laxey Coast Electric Tramway Limited doubled its track to Groudle Glen and completed its route to Laxey; also that year the hotel's distinctive wooden veranda was constructed. The glen was famous for being the home of polar bears and sea lions, which were kept at the seaward end of the valley.

The Groudle Hotel has been attributed to Baillie Scott as at the same time of the hotel's construction, Ballie Scott was designing Ivydene, in Little Switzerland for Richard Maltby Broadbent.

There is no documentary evidence to prove that the Groudle Hotel was designed by Baillie Scott. The Building is thought to be the work of Scott due to the connections with Mr Broadbent, as it has been suggested it would have been unlikely that he would have employed two architects at the same time, it has also been documented in Slater's 1995 book that "a Miss Denver, who was

the daughter of the licensees of the hotel during the inter-war period, was told by Mr R.G. Shannon, an accountant for an estate company during the same period, that Baillie Scott undertook the commission”.

The Groudle Hotel reached its peak in the late 1970's, due to a popular and friendly landlady, known affectionately as 'Ma'.

The hotel was refurbished during the early 1980's and a restaurant was added.

Details

A former Hotel constructed in 1893 in an Arts and Crafts style attributed to renowned Arts and Crafts Architect M. H. Ballie Scott for Richard Maltby Broadbent to provide accommodation for visitors to the Glen.

Materials:

Rough cast render, hanging tiles, timber windows under pantiled roof with brick stacks.

Plan:

The building is rectangular in plan form of two storeys plus dormered attic to the front with additional lower ground floor to the rear. The building sits on the roadside of a sloping site with the rear projecting onto the sloping glenside.

Exterior:

The roadside elevation has projecting rendered veranda with piers, balustrade and rail underbuilt at ground floor with three centrally placed chamfered mullioned windows with leaded lights with two centrally placed opening toplights. Eastern most bay part recessed to original building line with timber door part glazed flanked by sidelights in timber frame. Part projected but recessed containing double doors. Western most bay recessed double doors continuing westwards to a flat roofed toilet block with six small casement windows and door. At first floor 3 oriel windows with leaded lights directly under eaves, eastern most

window built out to form bay flanked by timber door with four panels and top leaded lighted panel. End bays contain oriel windows positioned lower than central three with rendered panel below eaves, above timber leaded lights, eastern most window has oriel brackets still in situ. Each end of the elevation contains detailed scrolled console brackets with leaf motif. Hipped roof with deep set eaves now covered in pantiles two flat roofed dormers to front not equal in size, larger dormer to eastern end with brick stack above.

The Glenside elevation, three flat roofed dormers with brick stack above eastern most dormer, scrolled console brackets under eaves and under jettied first floor, leaf detail upon upper bracket and triskelion at ground continuous bay with timber casement windows, hanging tiles below at first and ground floor at either end. At first floor central bay window with timber casement flanked on both sides by mullioned windows between bays. At ground floor central bay replaced with projection extension up to western bay window. At lower ground floor recessed door to eastern side, projecting ground floor extension above central lower ground floor.

Eastern elevation continuous bay with timber casement windows and hanging tiles under hipped roof. Western elevation hipped single storey and later flat roofed extension, large brick stack projecting from hipped roof of principle building

Interior:

Altered but not inspected.

Subsidiary Features: None

Please note: Descriptions annexed to the entry in the register may draw attention to features of particular interest or value, but they are not exhaustive.

Selected Sources

Isle of Man Victorian Society, No.35, Autumn 1993.

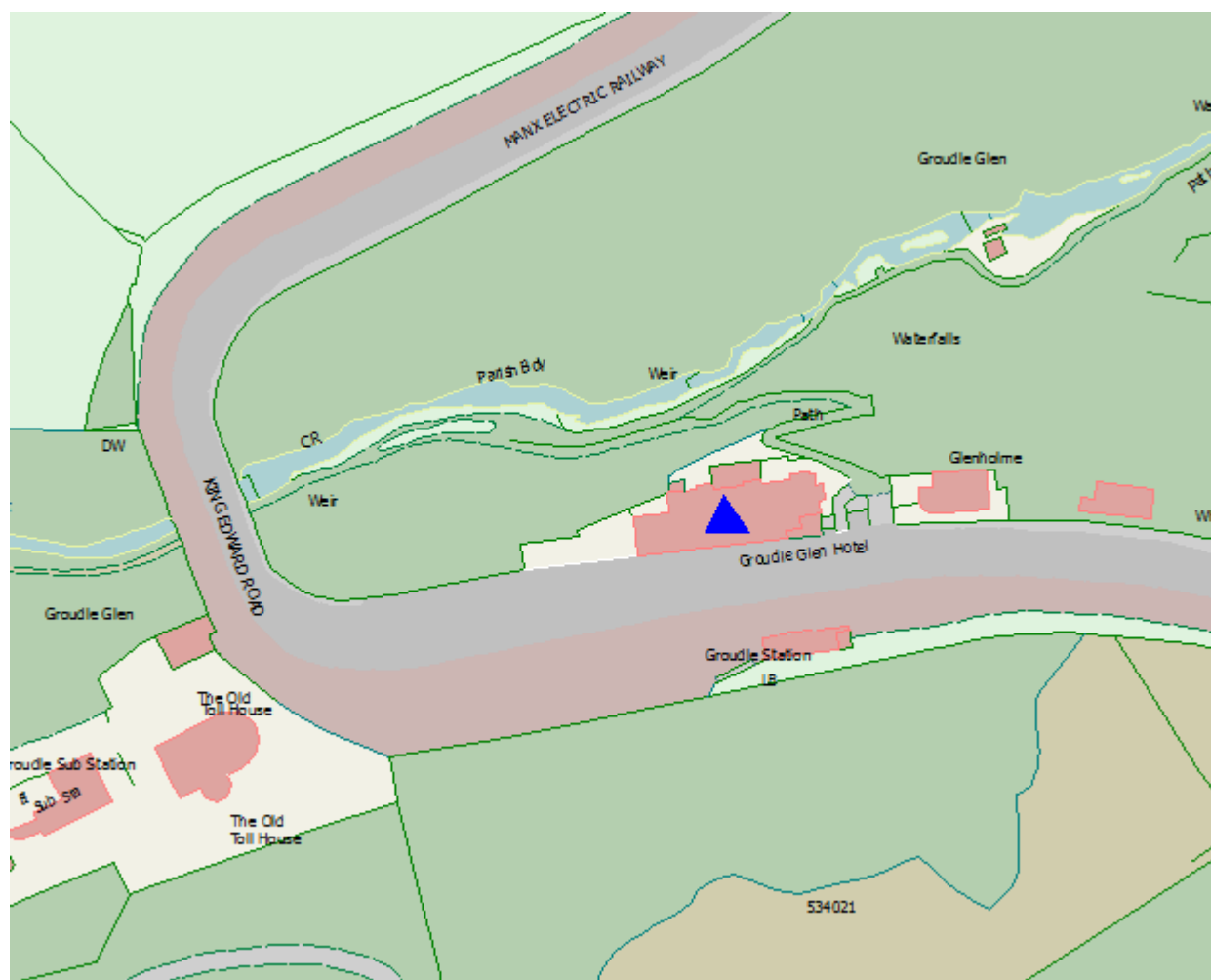
Cubbon S., 1997, Manx Inns – A pub Crawl Through History.

Dearden S. and Hassell K., 1996, The Isle of Man, A Postcard Tour – Volume Two, Douglas and the East.

Jessopp A., 1995, Isle of Man Pub & Brewery Guide.

Slater G.J., 1995, Mackay Hugh Baillie Scott, An Architectural History.

Map: For Identification purposes only



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End of Official Register Entry

Department of Environment, Food and Agriculture

RECORDING OF MINISTERIAL DECISION IN RESPECT OF A REGISTERED BUILDING

Date: 21 August 2019

File Number: 19/00510/CON

Subject: Assessment of the application to remove the Groudle Glen Hotel from the Protected Buildings Register

Complete relevant boxes as appropriate	Yes	No	N/A
Does the proposal comply with the principles of the Government Strategic Plan?	Yes		
Government Policy and Aim	We will have a built and natural environment which is enjoyed and nurtured by all for the future		
Departmental Policy and Aim	Promote the value and utilisation of our amenity, cultural and landscape resources		
Appropriate regulatory consultation taken place?	Yes		
Resource/Personnel Implications		No	
Finance Director support obtained			N/A
Treasury Concurrence required			N/A
Inter-Departmental Implications		No	
Priority Level (High, Medium, Low)	High		
Responsible Department Officer Name: Jennifer Chance Title: Director, Planning & Building Control			

DECISION(S) REQUIRED:-

The Department is invited to consider the content of the attached report, and is recommended to:

Refuse the application to remove the Groudle Glen Hotel from the Protected Buildings Register.

Application to De-Register the Groudle Glen Hotel, Kind Edward Road, Onchan, IM3 2JY

Application reference 19/00510/CON

1. Introduction and Purpose

1.1 The purpose of this paper is to consider the application to remove the Groudle Glen Hotel from the Protected Buildings Register.

2. Background

- 2.1 On 1 February this year, the Department issued a Notice of Proposal to Register a Building with respect to the Groudle Glen following a meeting of the Policy and Strategy Committee on 9 January.
- 2.2 Comment was invited from the owner/occupier, the Local Authority, Manx National Heritage, Victorian Society and the Isle of Man Natural History and Antiquarian Society (IOMNHAS).
- 2.3 Representations supporting the registration were submitted by Manx National Heritage, IOMNHAS, Groudle Glen Railway, Manx Electric Railway Society, Isle of Man Steam Railway Supporters' Association and a private individual.
- 2.4 Detailed comments were received from the owner who objected to the proposals as did Onchan District Commissioners whose concern related mainly to restrictions on future maintenance works and is in need for remedial works and they do not consider there to be sufficient architectural or historic interest.
- 2.5 Manx National Heritage supported the registration stating that the building is very likely to be the work of Baillie Scott but regardless of this the hotel is of special interest as being representative of the development in the infrastructure of the Glen and of Victorian tourism, Groudle Glen being one of a number of 'micro resorts' with Groudle Glen being the best and the most surviving compared to Glen Maye, Glen Helen or Port Soderick with the Hotel being an important element of the micro resort.
- 2.6 IOMNHAS also supports registration considering the building to reflect the historic development of the Manx Electric railway and Groudle Glen as a tourist attraction, also considered it to be by Baillie Scott. Support for registration was also received from three heritage transport groups, Groudle Glen Railway, Manx Electric Railway Society and Isle of Man Steam Railway Supporters' Association their support can be summarised as the building being an intrinsic part of the Glen and associated tourism and associated transport.
- 2.7 The Owner of the building is opposed to the registration stating that: the building has been vacant for many years; they are unable to sell the building; there is no substantive documentary evidence exists to link the building to Baillie Scott; registering the building will devalue all other buildings on the list. Later architectural historians who have published on Baillie Scott have not referenced the building.

Slater's evidence from Miss Denver is flawed. The building was not considered during the review of his buildings for registration on 1995/6. The Groudle was not raised by Manx National Heritage or considered for registration when the Majestic Hotel that was Baillie Scott's first major work was demolished. There are examples of Baillie Scott's work that remain in their original form such as the Red House. The building has been altered to such an extent and is in poor condition that it is not of special interest.

2.8 The Assessment of the building considered three main issues; whether it is the work of Baillie Scott; the extent of alteration and the significance of the Groudle Glen resort.

2.9 The work Baillie Scott:

While the building is clearly designed in the Arts and Crafts style and there are elements that can be seen in other work by Baillie Scott's there is no documentary evidence to categorically state the building was designed by Mackay Hugh Baillie Scott. Manx National Heritage is of the view that the building is very likely to be by Baillie Scott. That attribution is not sufficient to warrant registration alone. If there were evidence, it would warrant registration alone.

2.10 Extent of Alteration:

Alteration has occurred both externally and internally. Externally the introduction of a wooden veranda in late 19th Century and then a solid veranda possibly in the 1950's. Although not part of the original design and the building has had a veranda since its construction with the exception of part of its first year. There is a single storey side extension and the roof has been replaced from normal clay tiles to pan tiles, the larger dormer has been extended. To the Glen-side elevation there have been alterations to the openings at lower ground floor and the addition of a projecting extension at ground floor. The building does however maintain a number of distinctive architectural features including bay and oriel windows, chimney stacks, detailed brackets and is clearly still identifiable as the building in the historic photos. Internally it would appear the building has been considerably altered, the principal staircase remains and does limited amounts of coving. Internally the building is of limited interest however those remaining features such as the staircase are.

2.11 Significance of the Resort:

The Glen was developed as a resort and the building, irrespective of designer, was constructed in 1893 by Richard Maltby Broadbent at the entrance to the Glen. Groudle Glen is more intact than other resorts, an important element of that (the hotel) survives at the entrance to the Glen and adjacent to the Manx Electric Railway. It is my view that the Groudle Glen Hotel as part of the Groudle Glen resort and associated transport network is of special historic interest to the island.

2.12 It was agreed to register the Groudle Glen Hotel. This was formally done on 16 April 2019. A copy of the Registration is attached.

3. The Application to De-Register the Building

3.1 The application to de-register the building was submitted on 2 May 2019. The reasons for the application are summarised below.

(i) The building came to the attention of the Department following an application to demolish it and re-develop the site. The basis for its consideration at that time was that it was attributable to MH Baillie Scott. As there is no documentary evidence to substantiate this, the basis of the entry shifted to being one of 'historic interest' due to its age and rarity and relationship with the tourist industry and the development of Groulle Glen. Such a basis was considered without prior notice to the Owner.

(ii) The building is redundant because its use as a hotel, public house and restaurant are not viable. It has been on the market for 5 years with no interest. Visitors to the building peaked in the late 1970s and drink driving laws sounded a death knell. Off Island visitor numbers are not sufficient to make the building viable. For an historic building to take a meaningful place in modern times it needs to remain relevant and have a viable use. This is not the case with this Building.

(iii) Onerous drainage covenants attached to building means that no-one will take it on. Being Registered will reduce the chances of finding a buyer to nil.

(iv) The building has suffered cruel disfigurements over the last 100 year both internally and externally. Almost all external and internal walls have been altered with many windows replaced and any originals have had poor quality replaces or are in advanced decay. The building requires substantial financial investment which the owner does not have. Would the Department like to make an offer? The applicant repeats her offer for the decision makers to visit the property to make an internal inspection.

(v) The applicant asks why consideration is being given to registration now, the Department should have shown interest 40 years ago. The building is long past its best, its usefulness and relevance. Its removal would allow crucial re-development.

(vi) If the Registration is due to the Glen and its links with the tourist industry then why are the waterwheel and development by the Sea Lions Rocks not listed.

(vii) The tourist industry, even allowing for interest in the electric railway is not sufficient to sustain an interest in the building. The private sector will not invest in this history and the building has no future unless Government is prepared to step in and restore it to its former glory and run it as part of Manx National Heritage.

(viii) The report upon which the Department made its decision is not public and therefore it is not known to what extent the Department had regard to representations made by the owner. Nor is it apparent how the Department arrived

at its conclusion that the building is of historic interest due to its age and rarity.

(ix) The owner believes the building does not have any special historic interest and that it is in a poor condition and beyond economic refurbishment. Due to the level of deterioration, it does not contribute to its current setting and its registration is a serious impediment to the beneficial development of the building.

(x) If the building were allowed to be demolished the owner would undertake to maintain a record of the building and the part it played in the development of the area.

4. Representations

4.1 Representations are on the file and on line, however the comments received are summarised below.

4.2 Onchan District Commissioners (11 June 2019): Recommend approval of the application.

4.3 The Isle of Man Victorian Society (4 June 2019): The Society was formed in 1977 with purpose of promoting Victorian and Edwardian arts, architecture and crafts. It has been accepted as a party to proceedings on many occasions and have a particular interest in this matter. The Society therefore applies to be treated as an interested party. They state that they are not aware of any regulations approved by Tynwald to overrule this section.

The Society strongly objects to the application to de-register the building. There has been no change in circumstances since the Registration. The representation lists a large number of consistencies in design and execution between the Groudle Glen Hotel and many other Baillie Scott properties. They state that circumstantial evidence is accepted by courts and used in successful prosecutions. They also cite what they describe as direct evidence in that a former licensee's daughter confirmed that Baillie Scott was the architect of the Hotel.

Many of the reasons given for de-registration are not relevant (drainage system, viability of a public house or restaurant, inability to sell). The reason for the request is a desire to demolish the property and benefit from a site value if planning permission was obtained for redevelopment.

Hotel was built specifically to act as the terminus hotel for what was intended to be the end of the line for an urban electric railway. It is the only purpose built terminus hotel for the coastal electric railway and is therefore rare. It was also built to serve the glen that was being established. Its position was prominent on the roadside and of a distinctive landmark quality.

The building as shown on Cowley Groves website does not show the building is in a poor condition in regards to the interior and beyond economic repair and there is no

information implied or supplied that the building is structurally unsound.

The building has a presence due to its design and madding and its current condition does not detract from its ambience other than the fact that the ground floor is closed.

- 4.4 Isle of Man Natural History and Antiquarian Society (4 June 2019). The Society objects to the application. It argues that the details closely resembling those of Baillie Scott are the most sound form of evidence, short of written contemporaneous proof, that architectural historians use in attributing the architecture of a building. The Society lists a number of Glens where the former buildings associated therewith have now been lost. They set out that the Groudle Glen Hotel is a relatively intact surviving example of 19th Century Victorian Glenside hotel development, is unique visually and historically, being closely associated with the railway station. They state that the electricity for the hotel came from the railway. From the Glen below the building remains as it was historically. In winter it is possible to see the hotel in association with the water wheel which was built to pump water up into the slate tanks in the roof of the hotel.

While appreciate concerns over the condition of the building, and the drainage responsibilities and the potential for alternative use, these do not carry any weight in the registration or de-registration of the building. The application does not appear to consider in detail why the architecture and history is not so important as to warrant deregistration.

- 4.5 Groudle Glen Railway (30 May 19). Object to de-registration. The Groudle Glen Railway charity is run by volunteers who have restored and maintain the Groudle Glen Railway. The railway was built at around the same time as the hotel to transport visitors to the terminus on the headland at the site of a Victorian zoo. The hotel is an integral and vital part of the Glen's history and should undoubtedly be protected.

The ambiguity over whether the building is Baillie Scott should not trigger de-registration as this was detailed when the building was considered for registration. Evidence is weighed towards it being Baillie Scott.

Building synonymous with Groudle Glen. It is instantly recognisable and features heavily in photographs and paintings through the years. It is a key link in the tourist route between Douglas and the Railways which sees thousands of visitors every year. Argument in respect of viability should be treated with caution, the Hotel could be utilized in a different capacity whilst preserving its key features. The argument that interest in the hotel peaked in the 1970s is misinformed. Anecdotal evidence of volunteers suggests recent visitors express disappointment that the hotel is not playing a more active role in the Glen.

The drainage issues are irrelevant and the owner knew of these upon purchasing the site.

The exterior of the building is still recognisable against historic photography and is not a reason to deregister the Hotel.

Its preservation has been contemplated for several years, the Onchan Local Plan (2000) suggests an area embracing the Groudle Glen Hotel, the Tram Station and adjacent buildings and the water wheel as a conservation area.

The applicant's comments regarding the waterwheel and Sea Lion Rocks are not relevant. The water wheel is being restored in its original form and the current buildings at Sea Lion Rocks are not original.

The charity argues that the Hotel is of special historic interest in that it is more likely than not a Baillie Scott building (Baillie Scott was already in the employ of Richard Maltby Broadbent) and it is a key part of the landscape in the Groudle Glen area and an integral part of the Glen's unique heritage. It contributes to the Glen in a way in which the proposed residential dwellings would not. The condition of the building is not relevant. The offer to record the building is wholly insufficient.

- 4.6 Isle of Man Steam Railway Supporters' Association (3 June 2019). Object to the application to deregister the building. Consider a Conservation Area should be created embracing the hotel, tram station and waterwheel. Strongly believes Hotels should be protected. It is essential in keeping the appeal of both the Manx Electric Railway and the Groudle Glen itself alive.
- 4.7 Friends of Onchan Heritage (4 June 2019). Strong objection to de-registration of this landmark building in Onchan. It was built for Richard Maltby Broadbent who created Groudle Glen. He resided in the newly completed Ivydene by Baillie Scott and was one of the first five Onchan Village Commissioners to be elected when they were formed. The hotel has played an integral part in the history and development of the Groudle Glen and the Electric Railway, being its first terminal at the time of opening. While there have been alterations the corpus of the Baillie Scott design is still present and visible.

The property has been Registered for its historic interest but it should have been registered also for its architect MHB Scott.

- 4.8 Manx Electric Railway Society (28 May 2019). The Manx Electric Railway Society is registered as a charity. Its prime function is to promote interest in and for the continued retention, operation and development of the Manx Electric and Snaefell Mountain Railways. The Society has been accepted as an interested part with regard to planning applications in the past, particularly Laxey Station. The Charity has worldwide support. The railway is an exceptional survivor from 1983, in its original style, along its original route.

There is little room for debate that the building was the work of Baillie Scott. The fact that there is no interest in the building is likely to be its price. To enable

anyone to overprice a property and thereby justify de-listing it on the grounds it is a white elephant is not in the public interest. If sold at the right price it could be converted into self catering accommodation and be preserved. It would be very attractive for tourists interested in railways and tramways and would take a meaningful place in modern times.

The building is unique in that it is the only surviving hotel designed by the world renowned Arts and Crafts architect Baillie Scott. It is therefore of special interest due to its age and rarity.

The hotel forms a key part of the setting for the MER station. It is part of the pedestrian route linking the tramway to the Groudle Glen Railway. Its removal will detract from the experience of visitors to the glen which would be tragic at the very time great efforts are being made to improve and restore the glen.

Hotel is a vital piece of tourist infrastructure

- 4.9 Resident of Balladoyle House, Fort Island Road, Derbyhaven (17 May 2019). Believes there should be more registered buildings that reflect the history and context of the Isle of Man. Should not be beyond the imagination for a suitable use to be made of the building by an appropriate purchaser who is willing to put in the work and effort for an economic business plan and hopefully restore some of the original features.
- 4.10 Resident of Glenholme, King Edward Road (324 May 2019) The property should remain on the Register. It is debatable that there is no documentary evidence that the building can be attributed to Baillie Scott. He was already working for Mr Broadbent when he decided to build the hotel. It would be strange for Mr Broadbent to employ another architect for the hotel. The front and side elevations and the roof remain more or less unchanged. The sale price does little to reflect its condition, little or no maintenance has been carried out for last 8 years.

5. Legal Issues

- 5.1 The means to designate Registered Buildings is set out within Section 14 of The Town and Country Planning Act 1999 (The Act).
- 5.2 In registering a building the Department shall consider its special architectural or historic interest.
- 5.3 The Town and Country Planning (Registered Buildings) Regulations 2013 sets the procedure for consideration of an application to de-register a building. Such an application must be made within 21 days of the Registration. No further application may be made for a period of 5 years after a decision on a previous request.

- 5.4 If a person wishes to apply to be treated as an interested person the person must indicate in his or her written submission the relationship between the person's land and the building that is the subject of the application. When it determines the application the Department must decide which persons (if any) who have made written submissions with respect to the application should be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application. The applicant, the agent if there is one, the owner and occupier of the building, Manx National Heritage and the local authority are interested parties by virtue of Section 9(4) of the Town and Country Planning (Registered Buildings) Regulations 2013.
- 5.5 Reasons must be given for the decision whether or not it is to retain the building on the register or to de-register it.
- 5.6 The decision can be appealed by the applicant or the applicant's agent and any interested person in writing to the Department within 21 days of the date of the notice.

6. Policy

- 6.1 The application should be assessed against DEFA's Operational Policy on the Principles of Selection for the Registration of Buildings into the Protected Buildings Register. This helps set out that the statutory criteria is that the building be of architectural or historic interest.
- 6.2 **Architectural Interest:** To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms.
- 6.3 **Historic Interest:** To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by Registration.
- 6.4 In applying the statutory criteria and considerations, as set out above, the Department will also consider the following principles:

Age and rarity. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The dates are indications of likely periods of interest and are not absolute. The relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that: (i) before 1800, all buildings that contain a significant proportion of their original fabric are likely to be registered; (ii) from 1800 to 1860, many buildings may be

worthy of consideration for Registration; (iii) after 1860, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively selection is necessary; (iv) particularly careful selection is required for buildings from the period after 1945; (v) buildings of less than 30 years old are normally registered only if they are of outstanding quality and under threat.

Aesthetic merits: The appearance of a building – both its intrinsic architectural merit and any group value – is a key consideration in judging registration proposals, but the special interest of a building will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality.

Selectivity: Where a building qualifies for registration primarily on the strength of its special architectural interest, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. However, a building may be registered primarily because it represents a particular historical type in order to ensure that examples of such a type are preserved. Registration in these circumstances is largely a comparative exercise and needs to be selective where a substantial number of buildings of a similar type and quality survive. In such cases, the Department's policy is to register only the most representative or most significant examples of the type.

National Context: The Isle of Man is a separate entity to the UK and the unique context of the Island's historic development must be taken into consideration as part of the selection process. Special interest is likely to be conferred on buildings which may not be the case if they were in the UK, given the Island's unique context.

State of Repair: The Department should register a building which has been assessed as meeting the statutory criteria, irrespective of its state of repair or other factors such as implications for future use or financial issues.

7. Assessment

- 7.1 The reasons for the application to de-register the building are set out in Section 3 above. Of the reasons put forward matters such as drainage, why other buildings are not also Registered and the implications for future use are not relevant. The argument that its use as a hotel and/or restaurant is understood, as is that tourism is not sufficient to sustain an interest in the building. However, the registration of a building does not mean it cannot be put to another sympathetic use or mix of uses.
- 7.2 The applicant's other reason for applying, that the building does not have any special historic interest and that due to the level of deterioration, it does not contribute to its current setting, is disputed by those objecting to the application who have set out compelling reasons why the building is of architectural merit and has close links to the social history of the Island.

8. Conclusion

- 8.1 Following assessment of the application, taking into account the reasons put forward and considering these against the statutory requirements and the Operational Policy it is concluded that the information provided in the application is not sufficient to warrant deregistration of the building.

9. Consideration of Interested Person Status

- 9.1 As stated above the Registered Building Regulations sets out that when it determines the application the Department must decide which persons should be treated as Interested Parties. DEFA's Operational Policy on Interested Persons does not apply to applications to de-register a building. Nevertheless it does state that 'if a person wishes to apply to be treated as an interested person the person must indicate in his or her submission the relationship between the person's land and the building that is the subject of the application'. This is presumably so that a decision can be made as to the impact of the decision on that person's land.

Victorian Society wish to be given IPS. The Manx Electric Railway Society state that they have been accepted as an interested party in the past. Both cite their special interest in the subject matter but do not give any information in respect of the relationship of their land and the building.

No other party has expressed an interest in IPS or given details of the relationship of their land and the building.

Accordingly it is recommended that no parties are to receive Interested Person Status, other than those who automatically receive it under paragraph 9(4).

10. Resource Issues

- 10.1 None

11. Options

- 11.1
1. Having considered the content of this report to approve the application and remove the building from the register.
 2. Having considered the content of this report to refuse the application to remove the building from the register.
 3. To agree to not award Interested Person Status to persons other than those listed in paragraph 9(4) of the Regulations

12. Recommendations

- 12.1 To refuse the application to remove the Groudle Glen Hotel from the Protected Buildings Register for the following reason.

Following assessment of the application, taking into account the reasons put forward and considering these against the statutory requirements and the Operational Policy it is concluded that the information provided in the application is not sufficient to warrant deregistration of the building which is of architectural and historic interest.

- 12.2 To not award Interested Person Status to persons other than those listed in paragraph 9(4) of the Town and Country Planning (Registered Building) Regulations 2013.

AUTHORISATION

Supported by relevant Director: JENNIFER CHANG	
Signature: Jennifer Chance	Date: 20/8/19
Chief Executive: APPROVED / NOT APPROVED / REFERRED BACK	
Signature: [Signature]	Date: 11/9/19
Minister: APPROVED / NOT APPROVED / REFERRED BACK	
Signature: [Signature]	Date: 16/9/19.

COMMENTS

(Continue overleaf if necessary)



Mrs Anna Kawalek
Former Groudle Glen House
King Edward Road
Onchan
Isle Of Man
IM3 2JY

Town and Country Planning Act 1999

Town and Country Planning (Registered Buildings) Regulations 2013

In pursuance of powers granted under the above Act and Regulations the Department of Environment, Food and Agriculture determined to **REFUSE** an application by Mrs Anna Kawalek, (Ref **19/00510/CON**) to remove **Former Groudle Glen House King Edward Road Onchan Isle Of Man IM3 2JY** from the Protected Buildings Register for the following **reason(s)**:

1. By the serving of this decision notice the abovementioned property is hereby retained on the Protected Buildings Register and as such, under Section 15 of the Town and Country Planning Act 1999,

(1) No works may be executed

(a) for the demolition of a Registered Building, or

(b) for its alteration or extension in any way which would affect its character as a building of special architectural or historic interest

without grant of formal Registered Building Consent

NOTE Following assessment of the application, taking into account the reasons put forward and considering these against the statutory requirements and the Operational Policy it is concluded that the information provided in the application is not sufficient to warrant deregistration of the building which is of architectural and historic interest.

Sections 14 to 16 of the Town and Country Planning Act 1999 impose special controls on the demolition, alteration and extension of registered buildings. As this property has been retained on the Register, those controls will continue to apply.

The effect of this refusal is that the property remains on the Protected Buildings Register.

Date of Issue:
15th October 2019

Director of Planning and Building Control

Guidance Note

The effect of this decision is that the building has been removed from the Protected Buildings Register. However, under Regulation 11 Appeal to the Minister;

- (1) An appeal from a decision of the Department may be made by the applicant or the applicant's agent and any interested person in writing to the Department within 21 days of the date of the notice under regulation 10(1), signed by that person and must include –
 - (a) the reasons for making the appeal;
 - (b) Payment of a planning appeal fee as prescribed in an order made by the Department under section 1(1) of the Fees and Duties Act 1989; and
 - (c) An election to have the appeal conducted by means of an inquiry or by means of written representation.
- (2) The Department must refer the documentation received under paragraph (1) as soon as practicable to the Chief Secretary.

Note: section 20 of the Interpretation Act 1976 enables the Chief Secretary's powers under these Regulations to be delegated.

- (3) Within 10 working days if the receipt of the documentation, the Chief Secretary must –
 - (a) if the appellant has elected to have the appeal conducted by means of written representation, invite the Department or any interested person within 21 days of the invitation to indicate whether the invitee would prefer an inquiry; and
 - (b) in all cases invite the appellant, the Department and any interested person to send detailed written submissions to the Chief Secretary within 21 days of the date of invitation, which period may be extended on request at the Chief Secretary's discretion, for consideration by the planning inspector.
- (4) With respect to appeals to be conducted by means of written representations only, the Chief Secretary may invite the submission of additional written submissions within 14 days from the date of such invitation.
- (5) If the appellant or any interested person requests the appeal to be conducted by means of an inquiry, the appeal must be conducted by such means unless all persons making such a request elect instead for the appeal to be conducted by means of a written representation.
- (6) The Chief Secretary must refer an appeal under paragraph (1) to a planning inspector.
- (7) The planning inspector –
 - (a) must consider the application and any written submissions made with respect to it;
 - (b) may in the case of an inquiry only, hold a pre-inquiry meeting to be convened at his or her behalf by the Chief Secretary;
 - (c) must in the case of an inquiry only, give to the appellant, the Department and every interested person, an opportunity to appear before him or her on a date fixed and to make oral representations and to call and examine witnesses;
 - (d) may invite any Government Department (including any Division of the Department) or any other body or person to provide technical advice; and
 - (e) must make to the Department a report in writing that includes the planning inspector's recommendations as to the determination of the appeal.
- (8) The Department must consider the report of the planning inspector and –
 - (a) must either allow or dismiss the appeal; and
 - (b) may in either case reverse or vary any part of its decision, whether or not the appeal relates to that part.
- (9) As soon as practicable after the determination of the appeal, the Department must give notice in writing of the decision to the appellant and every interested person, and the notice –
 - (a) must include details of where the report of the planning inspector can be viewed; and
 - (b) if, and to the extent that, the decision does not follow the recommendation of the planning inspector, must state the reasons for the decision of the Department.

- (10) The appellant may withdraw the appeal by giving notice in writing to the Chief Secretary at any time before –
- (a) 7 days from the date scheduled for the commencement of the inquiry; or
 - (b) in the case of the written representation procedure, at any time before the final date of receipt for written submissions.

If no appeal is lodged within 21 days of the date of issue overleaf, and this decision becomes final, the Department's public reference copy (counter copy) of the planning application may be collected by the applicant or their agent from Murray House.

Please note that if the counter copy of the application is not collected within THIRTY DAYS following the last date on which a planning appeal can be made it will be destroyed without further notice.

