

Report on an Inquiry into a Planning Appeal

Inquiry: Wednesday 16 February 2022

Site Inspection: Monday 14 February 2022

Appeal made by Port Erin Commissioners against the refusal of an application for De-Registration of a Building at Cosy Nook, Shore Road, Port Erin, Isle of Man, IM9 6HH.

Present:

Mr J Roberts – Clerk to Port Erin Commissioners - Appellants
Mr P Tyreman – Architect to Port Erin Commissioners
Mr J Cryer – Architect Port Erin Commissioners
Mr R Brazier – Principal Registered Buildings Officer, DEFA
Mr T Sinden – Registered Buildings Officer, DEFA
Ms P Newton – Manx Natural History and Antiquarian Society

Procedural Matters

1. The Port Erin Commissioners, as the Appellants in this matter, are concerned that the same DEFA Registered Buildings Officer (RBO) undertook both the initial pre-Registration assessment and the De-Registration assessment that led to this appeal, suggesting that this is unfair due to the subjective judgements required. Be that as it may, this appeal provides the requisite fresh and independent assessment for further consideration by the Minister.
2. A previous withdrawn planning application, Ref 20/00598/B, for erection of a building to provide a café and restaurant to replace Cosy Nook, is cited in the evidence but this proposal and whatever intentions the Port Erin Commissioners or anyone else may have for Cosy Nook are not material to this appeal, which proceeds strictly on the merits or demerits of the case for De-Registration of the building under current policy and guidance.
3. As a matter of record, on Monday 14 February 2022, I undertook both an internal inspection of the Cosy Nook as well as an external inspection of the building in the context of the surrounding settlement of Port Erin.

Description

4. Cosy Nook is situated on Shore Road in Port Erin. It was entered into the Protected Buildings Register (PBR) in April 2021. According to the Entry Summary, the two-storey building comprises two mid-19th Century former Manx vernacular dwelling houses. The dwellings were converted into a single unit in the early 20th Century. Since then the building has been a cafe, associated with the role of Port Erin as a holiday resort and tourist destination. During the 20th Century, a flat-roofed extension was added to the principal south elevation. The roof is of artificial slate, the door and windows are of timber and the stone walls are painted white.
5. The reason stated for Registering Cosy Nook is its historic interest in terms of its age and rarity as a surviving vernacular building of early Port Erin in a unique, shoreline location, adapted to accommodate the growing tourism industry and part of the national story of the Island's development from rural life to tourist destination and associated social and cultural history.

Planning Legislation, Policy and Guidance

6. Government guidance is set out in the Operational Policy on the Principles of Selection (OPPS) for the Registration of Buildings in the PBR.
7. The statutory criteria of the Town and Country Planning Act are special Architectural Interest and special Historic Interest. Section 14(2) of the Act provides that, in considering whether to enter a building in the PBR, account may be taken of (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part and (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.
8. Wider Considerations of the OPPS are Group Value with other buildings and associated Objects and Structures.
9. General Principles refer to Age and Rarity, Aesthetic Merits, Selectivity in relation to the number of similar buildings that survive, National [Manx] Context and State of Repair.
10. It was agreed at the Inquiry that Cosy Nook should be assessed against the Wider Considerations and General Principles of the OPPS for Registered Buildings in order to inform proper judgements on the

two statutory criteria of special Architectural Interest and special Historic Interest.

11. Planning Policy Statement (PPS) 1/01, Policy and Guidance on the Conservation of the Historic Environment of the Isle of Man is also relevant in that it too sets out essentially the foregoing guidance.

The Case for the Planning Authority

The material points are:

Architectural Interest and Group Value

12. The property stands alone but it was not Registered for Group Value in any event.
13. The potential special interest of the building can be summarised with respect to the following main issues.

Age of the Building:

14. The building has been dated prior to 1840 in some consultation responses including by NHAS. Whilst this is possible, there is insufficient direct architectural or documentary evidence to state this categorically. There is, however, sufficient evidence to state that the buildings were constructed by the Watt family at some point during the mid-19th Century and this is fully supported by the documentary evidence. In terms of age, the building falls within the 1800-1860 category such that it may be worthy of Registration and it is appropriate that this building be assessed and considered.

Extent of Alteration and Intactness

15. Cosy Nook is clearly vernacular in style, construction and materials, and is without doubt a building that pre-dates the expansion of the village as a tourist destination.
16. The development of the building is evident, in that the larger cottage was built first, followed by the smaller cottage closer to the sea. Through change of use, the building has lost its original plan form by conversion into a single dwelling. In addition, it has also lost all internal features with the exception of the chimney breasts. The entire roof structure has been replaced and is less than 30 years old. This replacement was not in traditional materials and artificial slates were used. The roof structure is not representative of historic or traditional roof construction.

17. The NHAS and others have stated that the larger cottage was thatched, due to the survival of slate weatherings upon a chimney stack. Again, there is insufficient evidence to state this categorically and there is no evidence of surviving pegs that would have been used to tie down the thatching. The building has also lost historic windows and, although in traditional timber, the windows are of a non-historic type. The building also has a large, single-story, flat-roofed extension to the principle front elevation. The external form of the building, with the influence of the ground floor extension, does still however read as two cottages and is still identifiable as a vernacular building. That said, the extent of alteration and level of intactness are such that this building cannot be seen as a nationally important example of vernacular dwelling houses of the mid-19th Century. The alterations made to extend and enable the use of the two cottages as a café are not of sufficient quality, technology or innovation to make them of architectural interest in their own right.

Proposed Conservation Area

18. Cosy Nook has been identified within the 2009 character area appraisal for the proposed conservation area, as making a positive contribution to the area. This matter is not material to the suitability of the building for entry in the PBR.

Historic Interest and National Context

Social, Economic and Cultural History

19. Taking the degree of architectural interest into consideration, the core of the issue of special interest is its significance in terms of social and cultural history and how the building is an important illustration of that nationally.
20. Cosy Nook clearly demonstrates how its position, along the shore at Port Erin Bay, led to its conversion into a café in the early 20th Century. This was in order to benefit from the increase in tourism that the Island had seen develop since the late 19th Century. Port Erin had particularly developed and grown as a direct result of the coming of the railway and the increase in numbers of tourist visitors. In that context, the building has played a part in the experiences of people visiting the beach, and also holidaying on the Island. In that sense, Cosy Nook has contributed to the cultural and social history of the Port Erin beachside.
21. The building has been photographed, drawn and painted since the late 19th Century, albeit at a personal level and not by any internationally renowned artists. The building, despite its alterations,

is still identifiable as vernacular cottages in a shoreline location and has historic value in representing the early village. The form of the building retains a quality of interest in the fabric that remains to connect it to its past, both as cottages and as a café.

22. The building is clearly of high value locally both as a surviving building of the pre-tourist shoreline village and its social and cultural history as a venue associated with the village's tourism. A key factor is whether this sufficiently reflects special interest at a national level.
23. On merit, Cosy Nook is a borderline case. It is considered that there is sufficient information to support the continued Registration of the building in accordance with the OPPS for Selection.

Other Matters

24. Whilst no full internal inspection was conducted specifically in connection with the Registration, there is no requirement to do so and the Principal RBO had visited the building previously.
25. Poor structural condition and presence of asbestos are not directly relevant.
26. Matters of flood risk and energy efficiency are not relevant to Registration.

Conclusion

27. The Planning Authority relies upon reports to and decisions by its Policy and Strategy Committee recommending Cosy Nook be entered into the PBR and subsequently to dismiss the initial application to De-Register the building.
28. The application to De-Register Cosy Nook was recommended for refusal and this was confirmed by the Minister for the reason that:

"After examining the information submitted by the applicant and comments made as part of the consultation, it is considered that all the relevant matters raised by the applicant had previously been considered in the initial advice report. No new information has come to light to justify the removal of the building from the Protected Buildings Register. It is therefore recommended that the application is refused."

29. The Commissioners as Appellants simply disagree with that ruling and provide no additional or material information that has not

already been considered as part of the Registration and De-Registration Ministerial decisions.

30. The Department has not changed its opinion that Cosy Nook is of special Architectural Interest and worthy of inclusion in the PBR and considers that this appeal should be dismissed and the Registration of Cosy Nook upheld.

The Case for Port Erin Commissioners – Appellants

The material points are:

General

31. The Commissioners consider that the Department has ignored its own adopted OPPS for the Registration of Buildings in the PBR of 2018 in connection with the original Registration of Cosy Nook and with regard to this appeal. It is believed that the interior of the building was not inspected by the Department in connection with its Registration.
32. It is argued that Cosy Nook has neither special Architectural Interest nor particular Historic Interest.
33. With regard to Section 14(2)(a) of the Act, the Cosy Nook stands alone and does not contribute to the architectural or historical interest of a group of buildings. With regard to Section 14(2)(b) modern alterations and extensions for the most part effectively screen the original cottages.

Architectural Interest

34. Paragraph 3.2.1 of the OPPS for Registration states that a building must be of importance in its architectural design, decoration or craftsmanship. As typical cottages, the Cosy Nook does not display any of these attributes.

Historic Interest

35. Paragraph 3.3.1 of the OPPS for Registration states that the building must illustrate important aspects of the nation's social, economic, cultural, or military history. As a small commercial enterprise, it is considered to have none of these attributes. There should also be some quality of interest in the physical fabric. It is argued that the physical interest is in the open space in front of the building, which affords visitors views over the bay. The building itself is merely a backdrop.

36. As the building fails the statutory criteria, any other considerations are incidental and do not warrant its Registration. Notwithstanding this, the Commissioners continue to comment on the remaining sections within the OPPS for Registration.

Wider Considerations

Group Value

37. Cosy Nook sits alone and therefore has no group value.

Objects and Structures

38. There are no features of the Cosy Nook that in themselves merit preserving. In fact, much of the original building has been altered during its lifetime. The windows and roof have been renewed completely and its interior bears no resemblance to its original form.

General Principles

Age and Rarity

39. These are factors which may contribute to the special interest of a building. The plan form of the building is not rare in as much as it is a common layout for numerous cottages throughout the Island. It dates from about 1840 so may be worthy of consideration but, given the alterations already noted, it is not a good example of traditional building.

Aesthetic Merits

40. When a building has no aesthetic merit it may still be considered as illustrating particular aspects of social or economic history. As a café, it would have contributed to the general appeal of Port Erin as a tourist centre but would have been eclipsed by any number of more interesting and arguably more popular venues. Being seasonal, it has remained unoccupied and open to the elements for six months of the year, contributing to its decline and current state of repair. The success of Noah's Bakehouse and the Foraging Vintners pop-up establishments, both of which are external only, confirms that it is the location that is popular, not the building.

Selectivity.

41. Registration is a largely comparative exercise and needs to be selective. Department policy is to register only the most

representative or most significant examples. The Cosy Nook is considered to be neither significant nor representative.

National Context

42. While it is accepted that the Island's unique context is important, the Cosy Nook is not considered to be worthy of Registration in this context.

State of Repair

43. Whilst it is accepted that the condition of a building should not affect whether or not it is Registered, as Cosy Nook sits more or less on the beach, it will undoubtedly be affected by rising sea levels and will be subject to flooding on a more regular basis. The erosion of the north west coast of the Island is a more tangible example of how the sea has progressively destroyed various buildings, some of merit, and the rising sea level will have the same effect on the Cosy Nook. (The representations of the DOI in respect of the recent planning application confirmed the concerns over flooding.)

Identification of Buildings for Consideration for Registration

44. Buildings may be added to the PBR following proposals from special interest groups or other bodies or individuals. The Cosy Nook has been Registered in large part as a reaction to social media pressure resulting from the Port Erin Commissioners' application to demolish the existing building and build a replacement facility which meets modern requirements.
45. In the first instance it is pertinent to note that many of the comments received were in respect of the replacement building and not the demolition of the Cosy Nook itself. Secondly, it is reasonable to suppose that most if not all the objectors have never been inside the Cosy Nook. They may well have dined on the patio area in front of the building, at the same time enjoying the atmosphere and views of the beach. These have nothing to do with the Cosy Nook itself.

Conclusion

46. The Registration of Cosy Nook precludes or at least severely restricts any alteration or improvements and therefore leaves it to become vulnerable to damage from rising sea levels. Removing it from the PBR would not necessarily mean that it would automatically be demolished but there would be more latitude in approaching its future.

47. The foregoing appraisal shows that the Cosy Nook meets only four out of ten of the Department's own criteria. It is felt that this in itself should be reason enough for the building to be De-Registered and would ask that the Minister reconsider his decision and De-Register the Cosy Nook as proposed in this appeal.

The Case for IoM Natural History and Antiquarian Society (NHAS)

The material points are:

Street Scene and Group Value

48. As one travels along Shore Road and St Catherine's Terrace from South to North, one is aware of the complete transition from an initially very old cottage, White Cottage dated 1781, to a modernised terrace infill, gap sites to the older St Catherine's Terrace, culminating in the word 'Café' on Cosy Nook, a building that is in front of a pair of traditional vernacular dwellings, now The Cosy Nook. Together with the Range Front (Leading Light) Lighthouse, itself Registered Building 305, Cosy Nook bookends this part of Port Erin's development.
49. The Cosy Nook is backed by the brooghs (grassy cliffs) above, which, in turn, are dominated by modern hotel and apartment blocks. The flat-roofed extension on the southern side of the Cosy Nook is not seen before reaching the car park and turning area immediately in front of it.
50. Coming from the other direction, north to south, one drops down towards the roof of the vernacular building from the upper level of the Promenade, a road of substantial modern buildings. Architecturally, it is a descent into a different era. (*Appendix 1- Photographic images – kept on file*).
51. It is this transition from one era to another, with Cosy Nook at the foot of the brooghs and the green space of the brooghs separating two entirely different areas of the village, that makes this building important, regardless of changes to it. Group value and intriguing street scene are all represented here.
52. The history of Port Erin is represented in this lower level of development. The clear preference of its current owners, Port Erin Commissioners, totally to demolish the Cosy Nook, as indicated in the application PA20/00598/B (*Appendix 2*) would completely alter the balance between the upper and lower levels.

History

53. Along Shore Road and St Catherine's Terrace the larger part of Cosy Nook is the second oldest surviving building after White Cottage.
54. As stated in Deed 58 of August 1861, the larger three-bay part of the building was already present when the plot was acquired by William Milner from John Gawne (*Appendix 3*). Woods Atlas asylum plan of the plot dated 1863 appears to show only this first house (*Appendix 4*). By comparison the OS map, surveyed in 1868, includes the two-bay part of the building (*Appendix 5*). Therefore, the smaller part was built sometime between 1863 and 1868.
55. The Society believes that the older, larger portion of the Cosy Nook may date up to 20 years earlier than the 1861 sale of the site to Milner. Tithe Plan 97, dated May 1840, shows the property belonging to William Gawne, John Gawne's father. The original plan in the Isle of Man Public Record Office has pencilled in some hatching at the corner of the plan where the larger dwelling of The Cosy Nook is sited (*Appendix 6*).
56. In addition, the 1851 Census records two Watts families, father's and son's, living in Port Erin at that time. The father was aged 80 and described as 'beggar agricultural labourer' and the son a 'lead ore miner'. The father is described as living in Watt's house. Census details at the time do not however give street or house names, other than by surname. As confirmed in the memorial to William Milner's will (*Appendix 7*) and in The Cosy Nook's later sale to Trustum (Deed No 123 of May 1891) (*Appendix 8*), Milner financially supported both Edward Watt, who built the earlier part, and John Watt, his son, who built the other.
57. St Catherine's Terrace, the terrace nearest the Cosy Nook and now in the ownership of Port Erin Commissioners, was built by William Milner. Other individual older buildings, shown on the OS 1868 map, have been demolished, including the second Watts house, which was on Shore Road south of the terrace (*Appendix 9*). North of the Cosy Nook, some other old buildings, variously shown on the OS map, tithe and asylum plans, that were on the brooghs, have been demolished, either following a fire or a massive landslip in 1888, after which the northern broogh was re-profiled.
58. William Milner's other gifts to the community, shown on the 1868 map, include the currently named Falcon's Nest Hotel, opposite on its north side The Rest, which was Milner's home, and the hotel to the north of that, the latter two both now having been demolished and redeveloped. Milner's legacy resulted in the construction and

completion of other later buildings, viz St Catherine's Church after his death in 1874. These all post-date those on Shore Road and the 1868 map and are more contemporary, with many of the Promenade buildings, which developed after the arrival of the steam railway in 1874.

59. Milner has become a name of national significance. Following his father, William Milner had become owner of Milner's Safe Company and a notable industrialist and benefactor. He started to come to the Island in 1837 and stayed in Port Erin. His reputation was for befriending the local population and helping them financially, including the construction of a harbour for Port Erin through creation of a breakwater (later destroyed). His reputation grew to such an extent that Milner's Tower, in the shape of a key, was designed and constructed on Bradda Head, as a tribute to him. That is Registered Building 303. It is one of the most iconic and most photographed structures on the Island and is maintained as such. Rushen Heritage Trust has just commemorated the 150th anniversary of the building of the Tower. By way of comparison, the Cosy Nook, which the Milner family owned for over 30 years, represents his earliest known surviving help to members of the local populace. As such, Cosy Nook deserves recognition by way of Registration for its historic significance alone.

Architecture

60. The NHAS appreciates that there have been alterations to Cosy Nook. As described above, however, it is the continued existence of a pair of externally profiled Manx cottages, in a settlement in which such buildings are not common, that is more important than the detailed changes to the individual parts of the building, notably located in the earliest part of the settlement. The later flat-roofed addition at the front is unfortunate but it did replace an earlier structure.
61. It is relatively unusual and significant in terms of selectivity that the gable end of the building faces towards the sea.
62. The apparent use of railway line lintels over window openings is also significant.
63. Otherwise, the RBO has reported in detail on the buildings and the NHAS sees no need to comment further on this aspect.

Conclusion

64. The NHAS understands that Registration is a means of recognising the core criteria of importance of, or attached to a building which

should be conserved. It does not prohibit change. The Cosy Nook should be Registered to recognise its place in the development of Port Erin, its link to a nationally recognised figure and to ensure its core footprint, layout and proportions are retained including its chimney stacks, as an iconic feature at the end of the shore in Port Erin.

The Case for Manx National Heritage (MNH)

The material points are:

65. MNH supports the original decision of the Department to place Cosy Nook on the PBR and notes that the Department maintained its opinion when initially challenged by the Commissioners as Appellants.
66. MNH believes the architectural merits of the structure to be quite ordinary, as is arguably common in cases where the building is of traditional vernacular form and construction; but MNH also notes the substantial public interest in the communal value generated by the longstanding use of the building for tourism-related purposes and hospitality. There is also interest inherent in its origins as part of the shoreline fishing community which grew up in the bay before the growth of tourism, and of which it is now a rare, possibly sole, survivor.
67. In summary, MNH considers the earlier decision to Register Cosy Nook to have been quite finely balanced but supports the Department's determination to refuse the application for De-Registration and requests that the appeal be dismissed.

Other Representations Received

68. ***Culture Vanin (Manx Heritage Foundation)*** supports the Department's refusal of the application to De-Register the building for the same reasons and considers the building to be important in social history terms due to its contribution to the seaside experience, its location and contribution to the proposed conservation area and as a vernacular building.
69. ***Rushen Heritage Trust*** supports the Department's refusal of the application to De-Register the building for the same reasons and considers the building to be of architectural interest. The first dwelling was built in 1840 by the Watt fishing family, and the second was added in 1877. The building is of historic interest as an intrinsic part of St Catherine's Terrace, the most important heritage site in Port Erin, where the village began. The frontage of the Cosy Nook is

visible to people walking up St Catherine's Terrace and is a significant heritage element in the Terrace. It has been important to both local people and tourists as a beachside and holiday venue. The building is certainly a rarity, not only in the Isle of Man but also in the British Isles, where it may be unique in its combination of heritage cottage building, outdoor beachside cafe, and location almost on the sandy beach.

70. Some ten ***other interested persons*** submitted letters objecting to the De-Registration, questioning the validity and detail of the Commissioners' application and citing local value, historic location and character, loss of buildings of historic value across the Island and adverse precedent. There were no other submissions of support of the appeal.

Assessment by the Inspector

Planning Issues

71. I consider that the main issues in this appeal are whether Cosy Nook justifies continued Registration in the PBR based on the statutory criteria of special Architectural Interest and special Historic Interest, as informed by the guidance provided by the OPPS for the Registration of Buildings and PPS 1/01.
72. I bear in mind that many local representations in support of the original Registration and against the De-Registration may have been due to a subjective disapproval of the proposal for a replacement café, since withdrawn, as well as a fondness for the beachside café location rather than the building itself. I focus my consideration of this appeal strictly on that evidence before me which relates to the narrower question of Registration.

Architectural Interest

73. Whilst the RBO concedes that Cosy Nook is of no significant architectural interest, I give some weight to the evidence of the NHAS that the building is unusual in that its gable faces towards the sea and that techniques such as the use of rail line lintels may have been used in its construction or adaption over the years.
74. Although the chimney breasts are largely concealed I was able to observe substantial areas of apparently original stone walling on both floor levels.
75. Although standing close to the Range Front Lighthouse, that is largely a matter of coincidence, and Cosy Nook is not directly

associated with any other structure of significance and accordingly possess no group value. Nor does it possess notable objects or structures to add architectural interest.

76. In terms of its age and rarity, although probably dating from the 1840s when the OPPS advises that many buildings of the period may be worthy of Registration, the Cosy Nook has no particular features above any other vernacular cottage from that time and, moreover, has been radically converted and extended from its original form as two cottages to serve as a single modern café. In particular it now has a modern roof and windows as well as the 20th Century flat-roofed front extension.
77. Regarding aesthetic merit and selectivity, there are likely to be other examples of similar quality on the Island and overall the aesthetic merit of the building appears limited.
78. On balance however, I find that Cosy Nook retains a degree of importance in its architectural craftsmanship and fabric connecting to its past and is of some significance nationally within the Isle of Man.

Historic Interest

79. The RBO sets out how the shoreline position of Cosy Nook led to its conversion into a tourist café in the early 20th Century, following the increase in Island tourism from the late 19th Century with the coming of the railway to Port Erin. In that sense Cosy Nook has contributed to the cultural and social history of the Port Erin beachside. The building is well-known, much photographed and painted and identifiable as vernacular cottages representing the early village below the broogs and separated from the modern settlement above. It is plain that the building is of high value locally, as surviving from the pre-tourist shoreline village and contributing to the social and cultural history of Port Erin and the wider Island community.
80. MNHAS provides a fund of historic detail confirming the likely historic associations of Cosy Nook from its origins, including links to William Milner, a figure of national importance. These associations are of significance to the history of Port Erin, as well as to the status of the Cosy Nook as a surviving remnant of the original shoreline settlement.
81. Again on balance, I find that Cosy Nook exhibits a degree of historic interest illustrated by its past contribution to the social and economic development of Port Erin and nationally together with its association with important local people.

Conclusion

82. The RBO admitted in the first place that the Registration of Cosy Nook was a borderline case. I agree with this summation. Plainly the building is not of the greatest value or importance architecturally or historically.
83. However, I consider overall that the evidence provided overrides the present dilapidated state of the building and its increasing susceptibility to flood risk and justifies the continued inclusion of Cosy Nook in the PBR.

Recommendation

84. **It is therefore my recommendation that the appeal be dismissed.**
85. If accepted, this recommendation will have the effect of upholding the decision of the Planning Authority to refuse the application to De-Register Cosy Nook and no further action need be taken.
86. If, however, the Minister takes the opposite view of the balance of considerations, the appeal should be allowed and Cosy Nook removed from the PBR.

B J Sims

Brian J Sims BSc (Hons) CEng MICE MRTPI
Independent Inspector

22 February 2022