



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

**DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

**TOWN AND COUNTRY PLANNING ACT 1999  
TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019**

**Agenda for a meeting of the Planning Committee, 29th January 2024, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

**Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at [www.gov.im/planningcommittee](http://www.gov.im/planningcommittee). If you wish to register to speak please contact DEFA Planning & Building Control on 685950.**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 15<sup>th</sup> January 2024.

**4. Any matters arising**

**5. To consider and determine Planning Applications**

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

**6. Site Visits**

To agree dates for site visits if necessary.

**7. Section 13 Agreements**

To note any applications where Section 13 Agreements have been concluded since the last sitting.

**8. Any other business**

**9. Next meeting of the Planning Committee**

Set for 12<sup>th</sup> February 2024.

**PLANNING COMMITTEE Meeting, 29th January 2024**  
**Schedule of planning applications**

<p><b>Item 5.1</b> East Of 15 Terence Avenue Douglas Isle Of Man IM2 5BN</p> <p><b>PA23/01097/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a two bedroom bungalow with associated landscaping and car parking facilities</p>
<p><b>Item 5.2</b> Grenaby House Grenaby Ballasalla Isle Of Man IM9 3BD</p> <p><b>PA23/01040/B</b> <b>Recommendation : Permitted</b></p>	<p>Refurbish existing house and add extensions to each side and area of lawn adjacent to extended house, create additional off-road parking area with triple garage to utilise two existing accesses, and manage remainder of residential curtilage, retaining its natural state</p>
<p><b>Item 5.3</b> Riverside Barn King Edward Road Onchan Isle Of Man IM4 6AB</p> <p><b>PA23/00640/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a building for the storage of items associated with the maintenance of the site</p>
<p><b>Item 5.4</b> Cornaa House Ballaglass Glen Road Cornaa Ramsey Isle Of Man IM7 1EJ</p> <p><b>PA20/01472/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of garden terracing and river storm defences and extension to residential curtilage (retrospective)</p>
<p><b>Item 5.5</b> Ballaclucas Farm Top Road Crosby Isle Of Man IM4 4HN</p> <p><b>PA22/01205/B</b> <b>Recommendation : Permitted</b></p>	<p>Retention of construction compound area for use as a parking area for large equestrian horse boxes and trailers associated with the Equestrian arena (retrospective)</p>
<p><b>Item 5.6</b> Greenlands Barnell Lane Patrick Village Isle Of Man IM5 3AN</p> <p><b>PA23/00721/B</b> <b>Recommendation : Permitted</b></p>	<p>Conversion of garage/store area into living space with glazed lantern over, replacing of roof and spar dash with new finishes, alterations and additions to windows/doors, removal of chimney stacks, demolition of single garage and installation of ASHP and solar panels and extension of residential curtilage (retrospective) into part of field 335204</p>
<p><b>Item 5.7</b> Cosy Nook Shore Road Port Erin Isle Of Man</p>	<p>Courtyard and beach area to be used as temporary event and bar space;</p>

<p>IM9 6HH</p> <p><b>PA23/01446/B</b></p> <p><b>Recommendation : Permitted</b></p>	<p>installation of additional seating and stretch tent; alterations to WC block.</p>
<p><b>Item 5.8</b></p> <p>Cosy Nook Shore Road Port Erin Isle Of Man IM9 6HH</p> <p><b>PA23/01447/CON</b></p> <p><b>Recommendation : Permitted</b></p>	<p>Registered Building Consent for internal alterations at ground floor level - RB295</p>

**Item 5.1**

**Proposal :**                    **Erection of a two bedroom bungalow with associated landscaping and car parking facilities**

**Site Address :**                **East Of 15  
Terence Avenue  
Douglas  
Isle Of Man  
IM2 5BN**

**Applicant :**                    **Mr Scott Wilson**  
**Application No. :**            **23/01097/B- [click to view](#)**  
**Planning Officer :**         **Mr Toby Cowell**

**RECOMMENDATION: To APPROVE the application**

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. The development shall be undertaken in full accordance with the materials specified on the covering letter received and dated 18th January 2024.

Reason: To ensure a high quality development and in the interests of the visual amenities of the locality.

C 3. All hard and soft landscaping works within the site shall be undertaken in full accordance with the approved landscaping plan (drwg. No. 111) within the next available planting season following construction of the property. This shall include the installation of the bee box and Hedgehog 'thoroughfares' which must be retained in perpetuity. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure the provision of an appropriate landscape setting to the development and sufficient ecological enhancement and mitigation.

C 4. Prior to the occupation of the dwelling, the swift and bat boxes down on drwg. No. 108 shall be installed in accordance with the approved details and thereafter retained as such in perpetuity.

Reason: To secure sufficient ecological enhancement within the site.

C 5. No works to the roof shall take place unless a specification for the UK Native Perennially Meadow Seed Mix to be used on the green roof, has been submitted to the Department and

approved in writing. The works must then be undertaken in accordance with the agreed seed mix specification.

Reason: To secure sufficient ecological enhancement within the site.

C 6. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 7. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 8. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

Reason for approval:

The proposed development is acceptable in terms of its form, mass and design by providing a well-designed new dwelling that is appropriate in terms of scale and footprint. The proposals would not result in a detrimental impact upon the character and visual amenity of the immediate locality, whilst ensuring that the amenities of surrounding residential properties would be suitably safeguarded. The proposals would further ensure that future occupants of the dwelling would benefit from a good standard of amenity.

The proposals are further deemed to be acceptable from a biodiversity and arboricultural standpoint, with no material concerns raised with respect to parking and highway safety. On this basis, the proposals are considered to be in compliance with Strategic Policy 5, Spatial Policy 1, General Policy 2 and Environment Policies 3, 4, 5 and 42, and Transport Policies 4 and 7 of the Isle of Man Strategic Plan (2016).

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### **Interested Person Status – Additional Persons**

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Department of Infrastructure Highway Services

It is recommended that the following should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings:

9 Ballanard Road

as they have explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

It is further recommended that the following should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

7 Ballanard Road  
13 Terence Avenue  
4 Terence Avenue  
20 Terence Avenue  
21 Terence Avenue  
110 Port-E-Chee Avenue

as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE NUMBER OF OBJECTIONS RECEIVED FROM LOCAL RESIDENTS

#### 1.0 THE SITE

1.1 The application site comprises the rear portion of the residential curtilage of 11 Ballanard Road (Creggen Ashen), Douglas, which is a two-storey four bedroom detached house with an integral garage located on the western side of Ballanard Road.

1.2 To the southwest end of the garden is a flat roofed detached garage which is accessed via Terence Avenue located to the south of the rear garden. A public footpath which connects Terence Avenue to Highcroft Avenue and Bray Hill is situated to the south of the application site which runs along rear boundary site and the dwellings situated to the south-east.

1.3 The site benefits from mature landscaping comprising trees and high hedges running along the large sections of the boundaries of the rear garden.

1.4 The wider streetscene within Ballanard Road and Terence Avenue is characterised by two storey detached and semi-detached dwellings situated within medium to large sized curtilages. The architectural styles on both street scenes is predominantly typical of the 1920s. The large rear gardens of the properties situated west of Ballanard Road (which includes the application site) have significant mature landscaping which forms a green corridor stretching from the boundary with Port E Chee Road to the rear of the properties along Bray Hill.

#### 2.0 THE PROPOSAL

2.1 Planning permission is sought for the demolition of the existing garage structure in the western portion of the site and erection of a single detached bungalow with associated parking, hardstanding and landscaping. The proposed bungalow is of a modern and innovative design which would be asymmetrical in appearance, with an elongated principal mono-pitched roof and small mono-pitched addition angled in the opposite direction at a reduced scale. The proposals would include a combination of fenestration types, including angled windows to complement the roofslopes and high levels windows above the ridge of the 'reduced' element of the dwelling. The dwelling would display a combination of material finishes, including painted render, timber cladding and Manx stonework, complete with a

green sedum roof. The details specification of materials and finishes has been listed in an accompanying cover letter by the agent as follows:

- Render - White self coloured render, manufacturer TBC (Likely Permarock K Rend)
- Stone Cladding - 225mm Manx Stone walling tied into the masonry blockwork.
- Timber Panel - Natural Western Red Cedar Cladding
- Doors & Windows - Anthracite Grey or Black Aluminium Doors and windows
- Fascia & Soffits - Black Aluminium Fascia, with Natural Western Red Cedar Soffits
- Roof - Green Sedum Roof to be installed and seeded with a UK native Perennial meadow seed mix

2.2 The proposals include the planting of new hedgerows and additional trees to compensate for the loss of existing vegetation, with the additional of bird and bat boxes to be included within the site together with a 'bee hotel' along the new fence line.

2.3 The submitted planning statement notes that the dwelling would be fitted with underfloor heating throughout to be powered by an electric boiler system, with additional forms of heating to also include the use of a ground source heat pump.

2.4 Access to the site would be provided off the far end of Terence Avenue, with the proposed hardstanding within the site being described as sufficient to accommodate parking for 2 vehicles and also ensure access and egress of vehicles in forward gear.

### 3.0 PLANNING HISTORY

3.1 Planning permission was previously sought for an Approval in Principle for the erection of a detached bungalow on the site in 2023 (PA 22/01428/A). The Approval in Principle sought to address siting, landscaping, Design, Means of Access, Internal Layout, External Appearance and Design. The application was refused for the following reasons:

R 1. Due to the overall density of development, layout of the site, design and landscaping of the building and the spaces around them, coupled with the quantum of development on the broader site area, it is considered that the proposal would result in a visual overdevelopment of the site. The scheme would also result in significant loss of an established green corridor which has public amenity value and contributes to the character of the site and locality. It is, therefore, considered that the development would result in a particularly noticeable intrusive backland development within the site when viewed from the surrounding area, and would have a deleterious impact on the application site and the character and appearance of the area and the context of this part of Douglas, which is defined by detached buildings laid out within large curtilages with mature landscaping, thus failing to comply with Environment Policy 42, General Policy 2 (b, c, f & g), and Strategic Policy 3(b) of the Strategic Plan.

R 2. Due to the separating distance between the new dwelling and existing dwelling at Creggan Ashen, 11 Ballanard Road, the position of new fenestrations to habitable rooms on the proposed dwelling, and the nature of boundary treatment between both properties, it is considered that there would be unacceptable levels of overlooking from the first floor rear bedroom windows of the existing dwelling at Creggan Ashen, 11 Ballanard Road, resulting in significant adverse impacts upon the residential amenities of the occupants of the new dwelling, contrary to General Policy 2 (g) of the IOM Strategic Plan 2016 and the principles set out in the Residential Design Guide.

R 3. It has not been demonstrated that the development could be undertaken without creating significant adverse impacts on the ecology of the site or biodiversity as it has not been established that the recommended ecological mitigation could be secured as conditions of approval. The development would also result in the loss of a significant section of the existing green corridor on this part of the locality which has ecological and environmental benefits for the microclimate and biodiversity. It is therefore, considered that the intensity of

the development coupled with the inability to implement all recommended mitigation measures for the development within the current scheme to address biodiversity concerns would be contrary to the requirements of General Policy 2 (d), Strategic Policy 4 (b) of the Strategic Plan, as well as Strategic Objective 3.3 Environment (b), and habitat loss action 21 of the IoM Government Biodiversity Strategy.

R 4. Whilst the site is within an area designated for Residential use on the Area Plan for the East, the development will result in the loss of a mature tree on site, with potential to impact on tree root areas for neighbouring trees, without adequate provision made for their protection and replacement planting within the site, whilst encouraging further removal of trees, resulting in significant adverse impacts on the character and appearance of the site and area. The proposal is, therefore, contrary to General Policy 2 (f) and Environment Policy 3.

#### 4.0 PLANNING POLICY

4.1 The application site is identified in the Area Plan for the East as land zoned for 'predominantly residential' purposes within Douglas. The site is not located within a Conservation Area.

4.2 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application;

##### Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 5 Design and visual impact

##### Spatial Policy

- 1 Development in Douglas

##### General Policy

- 2 General Development Considerations

##### Environment Policy

- 3 Development to safeguard woodland of high amenity value
- 4 Protection of species and habitats
- 5 Mitigation against damage to or loss of habitats
- 42 Designed to respect the character and identity of the locality

##### Housing Policy

- 1 Housing needs
- 4 New Housing to defined existing towns

##### Transport Policy

- 4 Highway Safety
- 7 Parking Provisions

#### 4.5 Residential Design Guide (2021)

This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

#### 5.0 REPRESENTATIONS

- 5.1 Douglas Borough Council - No objections (22.09.23)



5.2 Highways Services - Development would have no significant negative impact upon highway safety, network functionality and /or parking, subject to parking and vehicle turning, and access works as per approved plans to be implemented before occupation of the site. A Section 109(a) highway agreement will be needed for the alterations to the public highway to facilitate the access. (22.09.23)

5.3 DEFA Biodiversity - The Ecosystem Policy Team would not object to this application, provided that a number of conditions are secured on approval which ensure that all that of the proposed ecological mitigation measures are implemented on site:

- All landscaping to be undertaken in accordance with the Proposed Site Planting Plan (Drawing No. 111), in the next available planting season following construction of the property. The standard condition for the replacement of any damaged, diseased or removed tree or shrub within 5 years of planting should also be applied.
- All trees shown on the site as being retained must be protected from damage during construction by the erection of protective fencing, with no building, storage, or excavation to be undertaken within this protected area.
- No works to take place unless a specification for the UK Native Perennially Meadow Seed Mix to be used on the green roof, has been submitted to Planning and approved in writing. The works must then be undertaken in accordance with the agreed seed mix specification.
- The bee box and Hedgehog 'thoroughfares' to be installed in accordance with the details on the Proposed Site Planting Plan (Drawing No. 111).
- The swift and bat boxes to be installed in accordance with the drawing titled 'Planning for the erection of a detached dwelling (Drawing No. 108 Rev. A) in the first year following construction of the dwelling.

We would object to this application should any of these measures not be secured, because all of the combined measures are required to ensure that the application does not result in a net loss for biodiversity, which would be contrary to Planning Policy. (12.10.23)

5.4 Forestry Officer - No response received at the time of writing.

5.5 8 letters of representation have been received providing comments on the application. The following provides a summary of their content, whilst full details of each representation can be found on the online planning file.

- Development would be cramped within the plot and represent overdevelopment;
- Could set a precedent for future backland development;
- No fundamental changes compared to previously refused application;
- Biodiversity impact and no guarantee of mitigation measures to be implemented and retained;
- New dwelling even closer to No.11 Ballanard Road than previous scheme;
- Negative impact on green corridor and mature Elm tree in the adjacent garden;
- Development will cause local residents inconvenience with parking currently an issue;
- Potential highways impact, particularly during construction and impact of pollution on wildlife.

## 6.0 ASSESSMENT

6.1 The main issues to consider in the assessment of this planning application are as follows:

- Principle of development (SP1)
- Design and visual impact (SP5, GP2, EP42)
- Residential amenity (GP2)
- Biodiversity and arboriculture (EP3-5)
- Highways and parking (TP4,7)

- Other matters

## 6.2 PRINCIPLE

6.2.1 The site falls within the settlement boundary of Douglas and an area zoned for residential development, where there is a general presumption in favour of the creation of new dwellings. This however is subject to the assessment of additional material planning considerations which, in the context of this application, relate to design, visual impact, impact on residential amenity, the quality of amenity for future occupants, highways and parking considerations, together with potential impacts upon biodiversity and arboriculture. All such matters are considered in the latter sections of this report.

## 6.3 DESIGN AND VISUAL IMPACT

6.3.1 The proposed dwelling is of a modern and innovative appearance that is in complete contrast to any of the dwellings present within its immediate vicinity, which is characterised by more conventional detached and semi-detached properties dating from the 1920s. The case officer for the previous application noted that, whilst the previous design utilised hipped roofs in keeping with surrounding property, the introduction of a bungalow in this location would be at odds with the prevailing dwelling type with the design failing to correspond with the established character of dwellings within the locality.

6.3.2 Whilst it is recognised that the introduction of a bungalow in this location would be at odds with the prevailing dwelling type, consideration has to be given to the design aesthetic of the current proposals based on their own merits, particularly in contrast to the fairly uninspiring and non-descript design of the previous scheme. Moreover, the proposed bungalow would not be visible within the context of Ballanard Road, with only glances views of the dwelling likely to be possible from at the very far end of Terence Avenue. The proposed dwelling has been notably shifted further eastward within the plot relative to the streetscene, and therefore the visual impact of the development has been naturally reduced.

6.3.3 In any case, the design and form the proposed dwelling is considered to be of architectural merit through its asymmetrical vernacular and fenestration. Paragraph 4.3.11 of the Strategic Plan notes that new styles of housing, particularly those which draw their design principles in an effort to promote sustainability and energy efficiency, will generally be welcomed provided they take into account the landscape context and impact upon the amenities of their locality. Likewise, Strategic Policy 5 states that new development should be designed so as to make a positive contribution to the Island's environment.

6.3.4 Notwithstanding this however, it is recognised that both the design and dwelling types of the proposals is not reflective of its immediate surrounding and therefore represents a potential degree of conflict with Environment Policy 42 which states that development should be designed to take account of the particular character and identity of existing settlement, whilst inappropriate backland development will not be permitted. However, the preceding commentary within paragraph 7.34.1 of the Strategic Plan which is interlinked with this policy notes that development is required to protect the character and amenity of the locality, be of a high standard of design and respect local styles.

6.3.5 That being said, this needs to be balanced against the commentary within Strategic Policy 5 and a review of any residual harm associated with the development upon the character and visual amenities of the locality. In this instance, the proposals are not considered to represent substantial harm in this sense and, whilst not wholly visible from the public realm, would in any case provide an interesting addition to the immediate locality which would not appear overdominant or unduly incongruous in a visual sense. On balance therefore, the proposals are considered to be acceptable from a design and visual impact perspective, displaying general conformity with the principles and aspirations of Environment Policy 42 and its preceding text, together with Spatial Policy 5 and General Policy 2 (b) and (c) of the Strategic Plan.

## 6.4 RESIDENTIAL AMENITY

6.4.1 Due to the proposed building's height and single storey layout, the intervening vegetation and existing boundary treatments, together with the retained distance between the proposed dwelling and neighbouring properties; it is not considered that the development would pose a detrimental impact to the amenities of neighbouring dwellings in terms of overlooking, loss of light and overbearing impacts.

6.4.2 In contrast to the previously refused scheme, the dwelling has been reoriented within the plot, with the primary garden/amenity space to serve the new bungalow to be within the western portion of the site and thus shielded from view of primary first-floor windows serving No. 11 Ballanard Road. Likewise, the eastern elevation of the new dwelling would only include 2 small narrow windows serving a utility room and walk in wardrobe. Therefore, primary windows serving the property would equally not be overlooked by corresponding windows at No. 11. On this basis, the proposals are considered to provide a satisfactory level of amenity for future occupants of the proposed dwelling, with a sufficient degree of separation (circa. 10m) to be retained between the rear elevation of No. 11 and the side elevation of the new property.

6.4.3 On this basis, the proposals are considered to suitably safeguard the amenities of surrounding residential property, whilst providing a satisfactory level of amenity for future occupants of the proposed bungalow, in compliance with General Policy 2 (g) and (h) of the Strategic Plan.

## 6.5 BIODIVERSITY AND ARBORICULTURE

6.5.1 No objections have been raised by the Ecosystems Policy Officer over the proposals, subject to the scheme being undertaken in full accordance with the submitted landscaping scheme and the implementation of various ecological mitigation measures within the site. Concerns raised by the case officer in relation to the previous scheme largely centred on the fact that much of the ecological enhancement were proposed outside of the site itself, which is no longer the case. Likewise, the addition of a green sedum roof to the dwelling further aids in boosting the site's biodiversity credentials, subject to details of the final seed mix being provided to the Department for approval by way of condition.

6.5.2 Details of tree protective fencing and a no dig zone along part of the site's northern boundary have been detailed in the accompanying plans. Concerns raised by local residents in relation to a mature Elm tree in the adjacent site of No. 9 to the south are noted, however it is considered that the tree is sited a sufficient distance from the site and proposed areas of construction that it's healthy and vitality would not be materially affected as a result of the development. Details of tree protection and mitigation contained within the accompanying plan can be suitably conditioned should planning permission be forthcoming.

## 6.6 HIGHWAYS AND PARKING

6.6.1 The proposals would include a sufficient level of on-site parking for 2 vehicles, with no concerns raised by Highway Services with respect to the site's connection with Terence Avenue. The proposals would allow vehicles to access and egress from the site in forward gear with sufficient space for the manoeuvring of vehicles within the site. Consequently, the proposals are considered to be acceptable from a highway safety standpoint, in compliance with Transport Policies 4 and 7 of the Strategic Plan.

## 6.7 OTHER MATTERS

6.7.1 A percolation test was undertaken at the site in April 2023 in support of the previous application, the results of which has been resubmitted for this application. Whilst Manx Utilities Authority have not commented on this application, it is noted from their previous response in April 2023 that, on the basis of the results of the percolation test, they has no objection to the proposals. This however was subject to a condition being attached to any

forthcoming decision notice ensuring that there would be no discharge of surface water into the foul drainage system, and that the proposed dwelling must be connected to the public sewer in a manner acceptable to MUA.

## 7.0 CONCLUSION

7.1 The proposed development is acceptable in terms of its form, mass and design by providing a well-designed new dwelling that is appropriate in terms of scale and footprint. The proposals would not result in a detrimental impact upon the character and visual amenity of the immediate locality, whilst ensuring that the amenities of surrounding residential properties would be suitably safeguarded. The proposals would further ensure that future occupants of the dwelling would benefit from a good standard of amenity.

7.2 The proposals are further deemed to be acceptable from a biodiversity and arboricultural standpoint, with no material concerns raised with respect to parking and highway safety. On this basis, the proposals are considered to be in compliance with Strategic Policy 5, Spatial Policy 1, General Policy 2 and Environment Policies 3, 4, 5 and 42, and Transport Policies 4 and 7 of the Isle of Man Strategic Plan (2016). The application is therefore recommended for approval.

## 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

**Item 5.2**

**Proposal :** Refurbish existing house and add extensions to each side and area of lawn adjacent to extended house, create additional off-road parking area with triple garage to utilise two existing accesses, and manage remainder of residential curtilage, retaining its natural state

**Site Address :** Grenaby House  
Grenaby  
Ballasalla  
Isle Of Man  
IM9 3BD

**Applicant :** Bravo Homes Limited  
**Application No. :** 23/01040/B- [click to view](#)  
**Planning Officer :** Mr Toby Cowell

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Prior to the commencement of above ground works, full details of all materials to be used in the external finishes of the dwelling shall be submitted to the Department for approval. The development shall thereafter be undertaken in accordance with the approved.

Reason: To ensure the development is of the highest quality and appropriate from a visual standpoint.

C 3. Details of the windows and doors at a scale of 1:20 are to be submitted to and approved in writing by the Department. Thereafter, the windows and doors are to be installed in accordance with the approved details.

Reason: To preserve the character and fabric of the existing dwelling.

C 4. All hard and soft landscaping works within the site shall be undertaken in full accordance with the approved landscaping plan (drwg. No. 298/024) and the accompanying technical specification document. This shall include all ecological enhancements noted on the approved plan. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure the provision of an appropriate landscape setting to the development.

C 5. No permanent external lighting shall be installed unless a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23 - Bats and Artificial Lighting (2023), has been submitted to the Department and approved in writing. The lighting scheme shall therefore be undertaken in accordance with the approved details.

Reason: To ensure that an appropriate ecologically sensitive lighting scheme is installed on site.

C 6. The development shall be undertaken in full accordance with the mitigation and flood risk prevention measures outlined in the approved Flood Risk Assessment received 19.01.2024.

Reason: To ensure that the development would be appropriate from a flood risk perspective.

C 7. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

C 8. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use. The garage shall not be used for any other purpose without prior consent of the Department in writing.

Reason: To provide adequate off-street parking and ensure that the building would not be used for any purpose which may not be ancillary to the host dwellinghouse.

C 9. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

#### N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

The proposed development is considered to amount to appropriate extension to a traditional styled property in the countryside, without detriment to the character and appearance of the

immediate streetscene or wider landscape. The proposals would help facilitate the restoration, conservation and retention of the existing dwelling which is considered to be of historic and architectural significance, whilst providing well-designed additions that respect the form and built vernacular of the property. The proposals are therefore deemed compliant with Spatial Policy 5, Strategy Policy 5, General Policies 2 and 3, Housing Policy 15, and Environment Policies 1, 3, 4 and 5 of the Strategic Plan (2016).

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### **Interested Person Status – Additional Persons**

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Department of Infrastructure Flood Risk Management Division  
Manx Utilities Authority  
Manx National Heritage

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### **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO NON-COMPLIANCE WITH THE DEVELOPMENT PLAN

#### 1.0 THE SITE

1.1 The site represents the residential curtilage (1 acre) of an existing dwelling situated at the lower end of Grenaby Road (641) to the east of the junction with the B40 Grenaby Road which leads to Bailabeg. The Grenaby Road runs along the western boundary of the site with the Silverburn River running along the eastern boundary with a public footpath running on the opposite of the riverbank. A public footpath also runs along the southern boundary of the site.

1.2 The dwelling is in form a traditional two storey Manx farmhouse, albeit with more higher status features which includes larger sliding sash timber panelled windows, a central projecting front gable ended bay and more decorative features. The property is faced in stone (although the front and gable elevations have been painted in a whitewash) with two gable ended chimneys and a slate roof. To the south-west of the dwelling is a large detached stone barn in a dilapidated state which is heavily overgrown.

1.3 The site has largely been cleared of vegetation with quantities of aggregate having been imported onto the site. Likewise, the trenches have been dug either side of the dwelling in connection with the foundations for the previously approved side extensions. Following clearing and levelling works, the site is now more flat than it previously was when considered as part of the previous application, however mature hedgerows and trees are still present along the site boundaries, particularly along the north/north-eastern boundaries which largely shield the site from view along the main road when approaching from the north. Views of the dwelling are therefore more pronounced on approach from the south up to and past the site access adjacent to the barn in the south-western corner of the site.

#### 2.0 THE PROPOSAL

2.1 Planning permission is sought for various works to the property which includes the following:

- A two-storey side extension off the western elevation recessed from the principle elevation by 1.65m and incorporating a glazed rear sandstone bay window. This element would incorporate a new lounge at ground floor and en-suite bedroom at first floor;

- Erection of a two-storey extension off the eastern elevation, also recessed by 1.65m from the principle elevation but extending 11.78m past the rear building line of the property to effectively creation a 'wing'. This element of the proposals would incorporate a new utility area and boot room, together with a large open plan kitchen, dining and sitting area at ground floor. Two further en-suite bedrooms with dressing areas would be accommodated at first floor;
- Insertion of a led box dormer on the rear roof slope with corresponding 2 n. rooflights on the front elevation to accommodate a further en-suite bedroom in the roofspace;
- Alterations to the rear fenestration of the property to create a more uniform 3 x 3 approach to correspond with the remainder of the extended dwelling;
- Extension interior remodelling to create an open entrance hall at ground level and first-floor reconfiguration to create a single en-suite bedroom;
- The resultant dwelling would be finished in white painted render with an unspecified black frame for the two-storey glazed bay window on the western elevation of the larger two-storey side/rear extension, slate rooftiles, unspecified dark grey window and door frames, and unspecified black fascia, barge and rainwater goods;
- The erection of a 3-bay stone garage incorporating a slate dual pitched roof with timber doors. The garage would be located in the western portion of the site facing inwards towards the new parking area and gravel driveway between the garage and the dwelling;
- The erection of an open timber implement store with a dual pitched slate roof adjacent to the existing barn building;
- The site would continue to be served by a dual access, with the northern access area to be finished in bonded gravel with the existing walls and pillars either side to be made good with reclaimed stone from the site.

2.2 The proposals are further complimented by a comprehensive landscaping plan, which includes a small formal lawn area to the immediate rear of the property, with the remainder of the site to include significant areas that would be 're-wilded' and seeded with wildflower and the creation of new habitats, low planted borders either side of snaking pathways, the planting of a small orchard including a collection of fruit trees in the eastern/south-eastern portion of the site, together with various ecological enhancements including a series of bat roosts throughout the site and bee hives.

2.2 The proposed additions to the property area noted to amount to a total floor area of circa. 294sqm, representing an increase of 176% over and above the floor area of the existing dwelling (circa. 167sqm).

### 3.0 PLANNING HISTORY

3.1 Planning permission was previously granted for substantial single and two storey extensions to the property in 2014 (PA 14/00453/B). The proposals included fairly traditional single storey extensions to either side of the dwelling which were reflective of the built vernacular of the property, together with a sizeable modern two-storey extension at the rear connected by a glazed link. The development also included a detached 3-bay garage of a modern, curved vernacular in a similar location to the garage now proposed. This permission has confirmed as having been implemented and therefore remains extant.

3.2 The previous scheme comprised circa. 342sqm over and above the existing dwelling therefore amount to approximately a 200% increase. Whilst such an increase was noted to significantly exceed the 50% threshold typically deemed appropriate to traditional styled dwellings in the countryside as per the requirements of Housing Policy 15, with additions exceeding this figure to only be permitted in exceptional circumstances. The case officer noted that the site was well contained and therefore the visual impact of the development upon the wider landscape would be fairly limited.

3.3 Likewise, the design, form and massing of the extensions were considered to be of a high quality and innovative, which would help facilitate the restoration of the existing dwelling



which is considered to be of significant historic and architectural merit. On this basis, the proposals were considered to be acceptable as comprising an exception to Housing Policy 15.

#### 4.0 PLANNING POLICY

4.1 The application site falls within an area of countryside that is not designated for development in the Area Plan for the South. The site is not within a Conservation Area or an area at risk of flooding.

4.2 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application;

##### Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 5 Design and visual impact

##### Spatial Policy

- 5 Development in the countryside will only be permitted in accordance with General Policy 3

##### General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

##### Environment Policy

- 1 Protection of the countryside
- 3 Development to safeguard woodland of high amenity value
- 4 Protection of species and habitats
- 5 Mitigation against damage to or loss of habitats
- 10 Development and flood risk

##### Housing Policy

- 15 Extension or alteration to traditional styled properties in the countryside

#### 4.3 Residential Design Guide (2021)

This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

#### 5.0 REPRESENTATIONS

5.1 Malew Parish Commissioners - No objection. (04.10.23)

5.2 Highways Services - It has been brought to HDC attention that the site was permitted in 2014 with similar development, and positions and design of accesses, to the current application 23/01040/B, while the 2023 application has a through route between the accesses compared to the 2014 with both accesses not being joined. The 2023 design would allow the occupier to use the most suitable means of vehicular access/egress. Therefore, based on this information, the proposals are acceptable and HDC consider the 23/01040/B application has no significant negative impact upon highway safety, network functionality and /or parking and HDC do not oppose (DNO) the application. A s109(a) highway agreement will be required for the connections from the site accesses to the carriageway on the adopted highway. (26.09.23)

5.3 DEFA Biodiversity - The Ecosystem Policy Team can confirm that we are content with the details contained in the Proposed Landscaping Plan and the Landscaping Planting and Maintenance plan, both dated November 2023. The plan does include a number of non-native

species, but none of which are considered invasive, and so appropriate for a garden setting. We therefore request that a condition is secured for the landscaping to be undertaken in accordance with these plans.

To note: It would be preferable if the re-wilded areas were not planted with bulbs (daffodil, bluebells, snakeshead fritillary and snowdrops) as is stipulated in the re-wilding section of the Landscaping Plan. However, this is not absolutely critical so though we advise this doesn't take place, we will leave this to the discretion of the applicant. There is also no management specification for the re-wilded areas in the Landscaping Planting and Maintenance plan. We recommend that a hay meadow management regime is followed - no cutting of the re-wilded areas between April - mid July. The areas should then be cut between mid-July - September and the cuttings removed. Another cut can be then taken in early spring (before April).

The proposed landscaping plan includes the proposals for installation of 4 bat boxes across the site, and we can confirm that we are content with the type and location of these and so a condition should be secured for the works to be undertaken in line with the bat mitigation measures detailed in the Manx Bat Group's bat survey dated 20th August 2023 and with the Proposed Landscaping Plan.

But we would just reiterate that as Grenaby House was found to have active bat roosts within it, the applicant must therefore still get statutory written advice from the DEFA Ecosystem Policy Team prior to any works commencing, in line with sections 9 and 10 of the Wildlife Act 1990. This written statement will contain a methodology which must be followed during the works to avoid the killing/injuring bats; to avoid the damage/destruction of bat roosts, or allow for the responsible and lawful destruction of bat roosts; and for the provision of replacement roost spaces. We ask that the applicant gets in contact with us well in advance of any works on the building so plenty of time is given for the writing of this statement.

As per our previous response, we see no reference within the plans for the requirement for external artificial lighting but the MBG have included requirements in the mitigation section of their report. A condition is therefore requested for no permanent external lighting to be installed unless a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23 - Bats and Artificial Lighting (2023), has been submitted to Planning and approved in writing. Lighting should be low level, directional and avoided on any trees vegetation or watercourses. Any lighting on site must then be undertaken as per this approved plan. (08.11.23)

5.4 Manx Utilities Authority - Please be advised that Manx Utilities object to this planning application as there is a low voltage overhead line located in the area of the new garage. For full assistance please contact our Cable and Overhead Line Engineers, Network Operations Department, Manx Utilities Authority, (t: 687687) to discuss working practices around overhead lines which may be required to be diverted before any work can be carried out on site. Please contact the Manx Utilities for Electrical Site Safety 5 documents, (t: 687766), before any work is carried out on site. All work to be carried out with reference to Health and Safety Executive Guidance Notes HS(G)47 & GS6. Manx Utilities will not accept liability for any costs incurred for this work. (21.09.23)

Following discussion with the applicant and subject to agreed working practices around our equipment Manx Utilities would like to remove our objection to this application. (28.09.23)

5.5 DEFA Fisheries - I can confirm that DEFA, fisheries have no objections to this development from a fisheries perspective, provided that there is no adverse effect on the adjacent watercourse. As the proposed works are in close proximity to the watercourse, precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the river. The area of river in question is also a valuable migratory fish

spawning ground, as such we would request that no direct exterior lighting be directed onto the river. (17.10.23)

5.6 Manx National Heritage - There does not appear to be any information regarding the potential for roosting bats or nesting birds including swallows, a bird that frequently nests in old buildings. Derelict buildings, such as this one, are known to provide ideal habitat for roosting and nesting bats and birds.

We therefore request that in order to comply with Environment Policy 4 of the Isle of Man Strategic Plan and the Wildlife Act 1990, prior to determination of the application a preliminary assessment for roosting bats be undertaken. Bat surveys should be carried out in accordance with the Bat Conservation Trusts Bat Surveys for Professional Ecologists - Good Practice Guidelines (3rd Edition 2016).

Where hedgerows, trees and scrub are present a check must be carried out prior to any works for nesting birds. The breeding season runs from the 31st March to the 31st August and it is advised that works be undertaken outside the nesting season.

All birds, their nests, eggs and young are protected and it is an offence to:

- o intentionally or recklessly kill, injure or take any wild bird
  - o intentionally or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built
  - o intentionally or recklessly take or destroy the egg of any wild bird
  - o intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird
- The maximum penalty that can be imposed - in respect of a single bird, nest or egg is a fine up to £10,000.

The presence of bats and or birds would not in its self-prevent the property from being refurbished but provision must be shown for their ongoing protection. (22.09.23)

I previously requested a bat survey to be undertaken before this planning application is determined. The owner has contacted me to point out that the bat survey has been carried out and that there are no bats present. I have seen the survey and am therefore happy that bats are no longer a concern with this planning application. (28.09.23)

5.7 Flood Risk Management - The property is in a flood risk zone and FRM would request that a flood risk assessment is undertaken to evaluate how the choke point of the road bridge will be mitigated. (09.11.23)

FRM are happy with the FRA provided. Conditions requested in relation to the FRA discoveries. (11.01.23)

[officer note - the FRA was provided to FRM by the applicant direct. The FRA has since been received by the Department and uploaded to the online planning file, with subsequent confirmation received by FRM that the FRA they reviewed was the same as one received by the Department from the applicant]

5.8 Registered Buildings Officer - In the mid-19th century, Grenaby Bridge was a much more significant place than it appears today. The bridge was the point at which the 'main' road from Castletown to Dalby crossed the Silverburn, and had a corn mill, smithy and inn together with a larger collection of dwellings than is currently the case. Although the mill and many of the other buildings have since been lost (the ruins of the mill can be seen across the road from the application site), Grenaby House has survived.

I consider this to be a finely balanced case. I judge that the current proposals will negatively impact the form of the principal elevation. However, given the condition of the building, it is my view that there is a very real possibility that the building will be lost entirely unless action is taken soon. Given the deteriorating condition of the building, and the details of the 2014 approval, I have no objection to the application, as in my view the survival of the historic building outweighs the harm.

The applicant is urged to retain as much of the existing historic fabric as possible. With this in mind, in the event that the application is approved, the following conditions are suggested in order to preserve, respect and appreciate as much of the existing building as possible. (03.10.23)

5.9 Forestry Officer - No response received at the time of writing.

## 6.0 ASSESSMENT

6.1 The site falls outside of a defined settlement boundary within the open countryside, is not designated for residential development with the proposals not according within one of the defined exception criteria outlined in General Policy 3. Housing Policy 15 and its supporting text do however include provision for extensions to traditional styled dwellings within the countryside, provided such additions respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floorspace.

6.2 In this instance, the proposals relate to a circa. 176% uplift of floorspace relative to the existing dwelling, which is clearly significant and far in excess of what would typically be permitted for a traditional styled dwelling in the countryside. That being said, the existing dwelling, whilst in a fairly poor state of repair, is considered to be of significant historic and architectural interest, and therefore its restoration and retention is very much supported.

6.3 It is further noteworthy that an extant permission remains in place to considerably extend the existing dwelling by a greater quantum of floorspace and massing than the current proposals, with the principle of sizeable additions to the property having therefore been established on the merits of the site. Indeed, the case officer noted the following in their report which is considered to be of continued relevance:

"6.10 On visiting the site, it became clear the site had special and unique qualities, in that it's relatively remote location and within a gentle dip in the landscape and surrounded by mature woodlands, all of which provide a natural screen of the site from wider and distant countryside views and give the impression when in the site it is a very isolated and private setting. Accordingly, when visiting the site and the immediate surroundings it is clear that the large site is capable of accommodating a dwelling of some stature, potentially without adversely affecting the visual amenities of the area. Arguably, the existing dwelling when first constructed was built to impress, given the architectural features and designs that were used. The proposal now submitted is no exception, but a modern day design, using high quality material and finishes, which follow similar design principles as the original building when it was first built."

6.4 By contrast of course, the current submission is arguably more traditional than the extant permission, with two-storey side extensions of a similar form and vernacular to the existing dwelling, whilst including an extended side/rear extension of the eastern extension; thus resulting in an L-shaped building with an eastern wing.

6.5 That being said, the larger of the extensions does include a significant proportion of tasteful and respectful glazing set within a two-storey angular bay window, which compliments the single-storey stone bay window proposed on the southern elevation of the western extension. The rear elevations of the resultant property display a more modern feel

in terms of fenestration and treatment, yet still respect the vernacular and proportions of the historic core of the dwelling.

6.6 From the front, the core section of the resultant dwelling at its centre would remain effectively unchanged but conserved and painted with render to give a fresh feel, whilst further complimented by two-storey extensions either side to display a sense of complete symmetry and grandeur which befits the style and vernacular of the dwelling as it was originally constructed. Likewise, the clear reduction in ridge of the side extensions and recession from the front building line makes it clear that such additions are ancillary, and ensure that the historic centre of the dwelling remains the focal point when viewed from the immediate streetscene.

6.7 Due to the presence of substantial mature vegetation along the north/north-eastern boundaries of the site, the extended dwelling would not be notably visible when travelling from the north. More pronounced views of the resultant dwelling would however be likely upon travelling from the south, and in particular the southern 'wing' of the property. However, the proposed additions are considered to be of a very high quality of design which successfully integrate with the historic core of the property, with the site being well contained and therefore unlikely to materially impact more long distance views within the wider landscape.

6.8 That being said, the final specification of materials will be very important in ensuring that the development is of the highest quality, respectful to the existing dwelling and aesthetically positive within the site's immediate setting. Full details would therefore need to be secured by way of condition, should planning permission be forthcoming.

6.9 It is further noteworthy that the Registered Buildings Officer has commented on the scheme and, whilst considering the proposals to be finely balanced and considering that the proposals would pose a negative impact on the building's character, has nevertheless not objected to the proposals. In particular, they note that given the poor and deteriorating condition of the building, there is a very real possibility that the dwelling will be lost entirely unless action is taken soon. Likewise, the presence of the extant approved is noted, with both schemes considered to substantially increase the overall massing and scale of the principle elevation of the property. On this basis, the officer has chosen not to object to the scheme, with the survival of the historic building deemed to outweigh any harm associated with the proposed additions.

6.10 In the context of the above assessment, and with having particular regard to the comments of the registered Buildings Officer, the proposals are considered to be acceptable in principle in the context of comprising an 'exceptional circumstance' under Housing Policy 15, whilst comprising a high quality design which would ensure the restoration, preservation and survival of an historic rural property. The proposals are therefore considered further compliance with Spatial Policy 5, Strategy Policy 5, and General Policies 2 and 3 of the Strategic Plan.

6.11 No concerns are raised over the design, form and siting of the proposed garage building and implement store. The garage building in particular would be of a similar footprint to the garage which forms part of the extant approved, but would take on a far more traditional built form which corresponds more appropriately with the host dwelling.

6.12 The proposals have further been accompanied by a comprehensive landscaping scheme with details of ecological enhancement, the content of which has been found acceptable by the Ecosystems Policy Officer, subject to conditions attached to any forthcoming decision notice. Likewise, a bat survey report undertaken by the Manx Bat Group which accompanies the submission notes that no evidence of a maternity roost was found

within the existing building, with the only roosting spaces having been identified appearing to be of a transitory nature.

6.13 On this basis, various forms of mitigation have been recommended, including the erection of bat boxes to provide replacement or alternative roost and best working practices such as undertaking works to the roof in the colder months of the year. Likewise, various measures have been recommended in the event that external lighting would be installed within the site, however the ecosystems policy officer has correctly noted that no such details are present within the proposed site and landscaping plans. Therefore, the attachment of a condition requiring details of lighting to be submitted prior to their installation would be required in the event that the applicant wishes to install any artificial external lighting.

6.14 No objections have been raised from Highway Services following further review of the scheme and noting the content of the extant approval which also included two access into the site. Likewise, Manx Utilities Authority have subsequently withdrawn their initial objection due to the presence of a low voltage overhead line in the vicinity of the location of the proposed garage following further review and discussion with the applicant.

6.15 Finally, it is noted that the site falls within an area of high flood risk in close proximity to a watercourse. Flood Risk Management have however, upon sequent submission of a Flood Risk Assessment, now considered the development to be acceptable subject to compliance with the recommendations and measures contained within the FRA which can be suitably secured via condition.

## 7.0 CONCLUSION

7.1 The proposed development is considered to amount to appropriate extensions to a traditional styled property in the countryside, without detriment to the character and appearance of the immediate streetscene or wider landscape. The proposals would help facilitate the restoration, conservation and retention of the existing dwelling which is considered to be of historic and architectural significance, whilst providing well-designed additions that respect the form and built vernacular of the property. The proposals are therefore deemed compliant with Spatial Policy 5, Strategy Policy 5, General Policies 2 and 3, Housing Policy 15, and Environment Policies 1, 3, 4 and 5 of the Strategic Plan (2016). The application is therefore recommended for approval.

## 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status



**Item 5.3**

**Proposal :**                    **Erection of a building for the storage of items associated with the maintenance of the site**

**Site Address :**                **Riverside Barn  
King Edward Road  
Onchan  
Isle Of Man  
IM4 6AB**

**Applicant :**                    **Mr & Mrs Donal and Madgalena Carroll**

**Application No. :**            **23/00640/B- [click to view](#)**

**Planning Officer :**         **Mr Paul Visigah**

**RECOMMENDATION: To APPROVE the application**

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. The building hereby approved shall be used solely for the storage of machinery and equipment used for the maintenance of the woodland, as edged red on the approved plan (Drawing No. 23 1752/1 Rev C), and for no commercial purposes and only in accordance with the internal layout as shown on the submitted Drawing (DC/001 Rev C).

Reason: To take account of the particular planning circumstances of the development hereby approved and to safeguard the character of the countryside of the Island from unwarranted built development.

C 3. Within three months of the development commencing, plans shall be submitted to Planning for written approval containing details of bat and bird boxes on the new development.

A bat box shall be installed high up on the south east, while the second bat box shall be installed on the south west elevation. The bird box shall be installed high up on a north elevation of the proposed building.

The development shall not be carried out unless in accordance with the approved details, and shall thereafter be permanently retained as such.

Reason: To provide adequate safeguards for the ecological species existing in the locality.

C 4. Prior to the commencement of the development hereby approved, the protection measures detailed on Drawing No. 23 1752/02 Rev A, submitted in support of the application shall be fully installed and implemented and retained for the duration of the construction process, unless stated otherwise. Within the Construction Exclusion Zones identified on this drawing, nothing shall be stored, placed or disposed of above or below ground, the ground



level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without prior written consent of the Department.

Reason: to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period to protect and enhance the appearance and character of the site and locality.

C 5. The building hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for storage of equipment as set out in condition 2.

Reason: The building has been exceptionally approved solely to meet woodland management need and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 6. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 39 - Fences, walls and gates

Reason: To control future development on the site.

C 7. Prior to the commencement of the development hereby approved, details of all external facing materials shall be submitted to and approved in writing by the Department. The development shall be undertaken in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the character and appearance of the site and surrounding area.

Reason for approval:

The proposal is not considered to have an adverse impact on the character and appearance of the countryside, and the works would enhance the nature conservation value of the site, thus according with General Policy 3 (f), Environment Policies 1, 3, 4, 5 and 27. No material considerations have been identified which would justify refusal.

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### **Interested Person Status – Additional Persons**

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Manx National Heritage

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

Highfield, Bibaloe Beg Road, Onchan, as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy. They are also not within 20m of the application site and the development is not automatically

required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy

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## **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL.

### 1.0 THE SITE

1.1 The application site comprises a parcel of land that is located at the junction of Bibaloe Beg Road and King Edward Road in Onchan. The application site (Field 534451) is linked to the residential curtilage of Riverside Barn, King Edward Road, which sits just southeast of the application site and is defined by the blue line boundary being in the same ownership as the application site. The site defined by the red line boundary measures about 8,630.6sqm (2.13 Acres/0.86 Hectares).

1.2 The site is a large woodland area that runs along a significant stretch of the Manx Electric Railway line and King Edward Road is covered completely in mature trees of varying quality, sizes and height, and has its entrance situated just west of the access to the dwelling at Riverside Barn, which has pedestrian access via elevated paths to the site. A watercourse runs along the eastern boundary of the site in a north-south direction.

### 2.0 THE PROPOSAL

2.1 Planning approval is sought for Erection of a building for the storage of items associated with the maintenance of the site. This building which would be situated about 2.8m north of the Bibaloe Beg Road, and 8m west of the dwelling at Riverside Barn (5m from the boundary of the residential curtilage) would be 7.5m wide, 10m long and 5.4m tall (2.4m to the eaves), and have roof pitch angle measuring 35 degrees.

2.2 This building which would be built over a brickwork foundation with its external walls finished in horizontally laid timber boards. Its roof shall be finished in natural slate. The building will have a double garage door 3m wide and about 2.4m high installed on its north elevation, directly overlooking a new hard standing area to be created in north of the building. No other fenestrations (doors windows or roof lights) would be installed on the building.

2.3 Other works would involve:

- i. Creating a 6m x 4m stone hardstanding area would be created north of the building. This area would be directly connected to the entrance to the building and the existing stone site access track.
- ii. Measures would also be put in place to create a Construction Exclusion Zone to protect trees within the site. This area would be defined by Heras fencing.

2.3.1 The proposal has been amended to exclude dormers, external staircase and inner upper floor. The building's height has also been reduced by 500mm.

2.4 The applicants note that the new detached building will be used for the storage of equipment and items associated with and required for the maintenance of the whole site which extends significantly beyond the residential curtilage. They further note that there is increasing invasion of laurel within the woodland which needs to be managed and access pathways need to be created within the woodland to manage brambles and ivy.

2.5 The materials that would be kept in the building include:

- a. Tractor / Mower with trailer behind for cutting grass and wild overgrown areas of brambles this includes a trailer and bowser for distributing water and fertilisers overall size 3.7 metres
- b. Mini digger/dumper - 1.8 tone for landscaping some of the failing land as well as rebuilding river banks , pulling failing trees and pulling out Cherry laurel roots - the only way to maintain this aggressive species - as cutting or using chemical approach is not effective 3.2 M Long (circa Height 1.8m)
- c. Professional wood chipper - They note that they like to recycle the Cherry laurel and failing trees and using the offcuts for creating paths throughout the woodland; size 3.2 M Long
- d. Log splitter and log storage area within barn.
- e. Air compressor tank
- f. Rotavator
- g. 2 grass mowers for cutting residential area and long path 2 acres next to woodland
- h. Smaller items are: strimmer, 3 chains saws, garden tools; hedge cutters, leaf blower, tool boxes; collection of axes.
- i. Fuel for machines.

2.6 The application is accompanied by a Planning Statement prepared by Sarah Corlett Town Planning Consultancy Ltd. The applicants have also provided further correspondence to address concerns raised by neighbours.

### 3.0 PLANNING POLICY

#### 3.1 Site Specific

3.1.1 The site lies within an area on the Area Plan for the East classified as land not designated for a particular purpose, and the site is not within a Conservation Area. The site is not within a Registered tree Area and there are no registered trees on site. The site is largely not prone to flood risks although the eastern section of the site area which borders the watercourse is identified as being at risk of flooding. The proposed site area is not at risk from flooding.

#### 3.2 Area: TAPE (2020)

3.2.1 The Character Appraisal within the Area Plan for the East states thus concerning the area - Conrhenny & Groudle (D3):

##### 3.2.2 Landscape Strategy:

"Conserve and enhance:

- a) the character, quality and distinctiveness of this area of relatively sparse settlement;
- b) its valley bottom woodland;
- c) its National Glens;
- d) the various archaeological features within the area."

#### 3.2 National: STRATEGIC PLAN (2016)

- a. Strategic Policy 4 - development proposals must protect or enhance the nature conservation and landscape quality of urban as well as rural areas.
- b. General Policy 2 - 'Development Control' considerations.
- c. General Policy 3 - presumption against development outside allocated sites, other than specific exceptions which include, (f) "building and engineering operations which are essential for the conduct of agriculture or forestry".
- d. Environment Policy 1 - protection of countryside and its ecology.
- e. Environment Policy 2 - protection of landscape.
- f. Environment Policy 3 - Seeks to prevent unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value.
- g. Environment Policy 4 - protection of ecology and designated sites/protected species.

- h. Environment Policy 5 - In exceptional circumstances where development is allowed which could adversely affect a site recognised under Environmental Policy 4, conditions will be imposed.
- i. Environment Policy 13 - flood risk.
- j. Environment Policy 22 - pollution.
- k. Environment Policy 27 - environmental enhancement.
- l. Transport Policy 4 - Highway capacity and safety considerations.
- m. Paragraph 7.21.1 states, "7.21.1 In addition to the need for protection there is also a need to carry out enhancements to the natural environment if a sustainable vision for the Isle of Man is to be achieved. Opportunities for environmental enhancement, such as tree planting, the removal of eyesores and the management of habitats will need to be identified in Area Plans with the full involvement and support of local communities."
- n. Paragraph 7.8.5 states, "In considering any development proposals on sites recognised for their ecological and scientific value, the Department will give full consideration to the legislation, policies and conservation objectives, which may be relevant including the Wildlife Act 1990 and species listed in Schedules 1-8 to the Wildlife 1990 Act and other habitats and species which are widely regarded as locally important."

#### 4.0 OTHER MATERIAL CONSIDERATIONS

4.1 The site designation as part of the Groudle Glen Designated Wildlife Site (4178/001) is noted.

4.2 The Department's Biodiversity Strategy is capable of being a material consideration. It seeks to manage biodiversity changes to minimise loss of species and habitats, whilst seeking to maintain, restore and enhance native biodiversity, where necessary.

#### 5.0 PLANNING HISTORY

5.1 The application site has been the subject of a number of previous planning applications, two of which are considered specifically material to the assessment of this current planning application.

5.2 PA 11/00030/B for Conversion of existing workshop/barn to a dwelling (amendment to PA 10/00337/B) was approved on 11 February 2011.

5.3 An application for Erection of a garden room extension with link under PA 12/00296/B was refused for the site in April 2012. The application was refused on the grounds that it would be "detrimental to the rural character and amenity of the county side". This application was also the subject of an appeal where it was refused.

5.3.1 The scheme, which was designed as an extension to the existing dwelling on site was to include tree removal of a nature similar to that proposed within the current scheme. It also proposed to extend the house into the adjoining field, with proposed footprint broadly overlapping the footprint of the current application.

5.4 Whilst not directly related to the site, the following planning applications are considered relevant for consideration:

5.4.1 To the north of this site is "Highfield" and under 14/00028/B, they had permission for a machinery shed but this was in their residential curtilage and much smaller in size. Highfield (14/00028/B) has a larger holding which is mainly agricultural, and the site is largely open fields. Conversely, the application site is basically a mature woodland which needs management as noted in the consultation comments from DEFA Ecosystem Policy Team, and there is no current use for agriculture given the extant dense tree cover. There are also restricted views due to the dense tree cover.

5.4.2 Further north again is another dwelling called Sunnymead. Under PA 13/91261/B they were refused for a storage shed and implement store, as there was no agricultural justification and size and scale was not supported. When compared with the current scheme, it is noted that Sunnymead (13/91261/B) is largely open and a smaller holding than the application site. Also, there are no challenges with forest management for that site, with the scheme refused being mainly agricultural.

5.4.3 Outside the immediate vicinity, PA 20/01047/B for Erection of an agricultural shed at Field 224318, Glen Road, Ballaugh has also been considered for comparison.

This application was for a storage building, although it is mainly for agricultural storage and at a site that is largely open to public views. The use of the land for agriculture is questionable given the extant use of that site (similar to an urban garden). Also, there is not much on that site to justify agriculture or forestry. This differs from the current application site which is mainly a woodland where views are highly restricted.

5.4.4 PA 22/00968/B for Erection of a barn type building for use as a private garage, at Ballabunt Croft, Cooil Road, Douglas also relates to a building required for the storage of equipment. However, it is of a size and scale that hardly justifies the proposed scheme. The use was for domestic use, which is not same as the application site, and the site is at a location that is mainly open when viewed from the surrounding area. With regard to the application site, only very minimal items of domestic nature would be placed in the current proposed building and its use is to support forest management which considerably differs from PA 22/00968/B.

## 6.0 REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

6.1 DOI Highways raise no opposition subject to confirmation of the main doorway position and a planning condition restricting the formation of a separate dwelling (7 June 2023).

6.2 DEFA (Ecosystems Policy) team appreciate that the applicant's intention for the building includes the housing of tools to assist in the management of laurel (cherry laurel an invasive specie which is present in Groudle Glen). They advise against over-management and additional tree removal; advise that fruit and vegetable growing should avoid areas of semi-natural habitat, including the scrub and trees to the west and north of the new building; and recommend the erection of a bat box high up on the south east - south west elevation, and a bird box high up on a north elevation (7 June 2023).

6.3 DEFA Forestry have no concerns with the application (22 August 2023).

6.4 Manx National Heritage have requested that methods of protection for the surrounding trees and their root systems and the timing of works be specified in the conditions of any approved planning approval (2 June 2023).

6.5 Onchan District Commissioners recommend that the planning application be approved subject to the conditions recommended by Manx National Heritage and DEFA Ecosystem Policy Team (13 June 2023).

6.6 The owners/occupiers of Highfield, Bibaloe Beg Road, Onchan, object to the application on the grounds of potential use of the site for operations of a plant hire and groundworks firm, visual impact, and the fact that the development is in the countryside not zoned for development (13 June 2023/28 November 2023).

6.6.1 In response to the comment made by the occupiers of Highfield, Bibaloe Beg Road, Onchan, the applicants agent have noted that the applicants do not intend to run a business from the building, whilst stating the building is design to respect the character of the site and area (28 June 2023).

## 7.0 ASSESSMENT

7.1 The main issues to consider in the assessment of the planning application are:

- i. The Principle (GP 3f, EP3, EP 27, & Paragraph 7.21.1);
- ii. Character and Appearance (EP1, STP4, & GP2);
- iii. Impact on trees and ecology (EP3, EP4, STP 4);
- iv. Impact on neighbouring properties (GP2); and
- v. Highway Impacts (TP4).

### 7.2 The Principle

7.2.1 In assessing the principle of the proposed development, it is first vital to consider the zoning of the land. The field in question which is wooded is not designated for development and lies in the countryside where development is restricted, in order to protect the countryside for its own sake. However, General Policy 3 allows for some exceptions within the countryside, and it is considered that the key intention of the proposal which is to enable the management of the woodland would pass for exception (f) which relates to building and engineering operations which are essential for the conduct of agriculture or forestry.

7.2.2 It is also vital to note that the scheme does not seek to change the use of the land from its existing use as a woodland, being part of the Groudle Glen Designated Wildlife Site, but to rather facilitate its management and preserve/enhance its nature conservation value. As has been noted in the DEFA Ecosystem Policy Team comments, there are concerns with the spread of invasive plants on site which the scheme seeks to manage through the erection of the building for the storage of equipment which would facilitate the said management. Hence, the intentions of the proposal aligns with the goals of Paragraph 7.21.1 of the Strategic Plan, which reinforces the positions of Environment Policy 27.

7.2.3 Additionally, the applicants have provided clear justifications for the erection of the building of this size by highlighting the forestry management challenges for the woodland which is within their ownership, providing a list of machinery to be stored within the building for such management, as well as a scaled layout showing how the machinery and implements would be stored therein, whilst noting the some of the machinery are currently stored on site, with the most expensive equipment currently stored offsite. During the site visit on 23 August 2023, it was confirmed that a good number of these machinery where stored within a tent on site, which would not be in the interest of protecting the equipment from the elements. Site observation of the residential curtilage also showed that the site constraints such as the nature of the topography for the north-western section (rising narrow stretch of land), and the high flood concern for most of the flat areas currently available (east of the residential curtilage), would make erecting the store unsustainable.

7.2.4 Generally applications have been approved and refused for workshops of a range of sizes within fields adjacent to residential properties. The key reasoning enabling the approval of some of these schemes is that the maintenance of areas of land do require equipment and a place to store the equipment, although the size of the structures are vital for consideration as they should be relative to the size of the land. It is also required that the buildings are situated adjacent to already existing structures. In this case, the building is situated within close proximity to existing building and at a part of the site where there would be minimal disturbance to the trees and biodiversity within the broader site area; being situated within an area that is relatively flat and would require the least amount of groundworks.

7.2.5 Moreover, it would be vital that the equipment are kept within the site given the nature the works, the size of some of the equipment which would require careful logistics to

move them to and from the site (given their bulk). It is also vital to note that these equipment would be required for the maintenance of the woodland which has been acknowledged to have growing issues with invasive species such as Cherry laurel. Equally, the applicants have provided a layout plan which shows how the equipment would be stored in the proposed building, which indicates that the proposed size would be appropriate for the site storage needs.

7.2.6 Overall, the principle of the proposed building would be acceptable, due to the need to provide appropriate storage the equipment essential for the management of the woodland, its size in relation to the overall site and storage requirements, location and design, and sufficient justification for need has been provided by the applicant. It is, therefore, considered that the proposal complies with General Policy 3 (f), and would accord with the environmental aspirations of the plan, the Biodiversity Strategy and are specifically allowed for in Environment Policy 27/paragraph 7.21.1. Moreover, the proposals within the scheme would not be unsuitable for the site or the wider rural area.

### 7.3 Character and Appearance

7.3.1 In assessing the impacts of the proposal on the character and appearance of the site and immediate locality, it is considered that the site itself is situated to a sheltered part of the broadly forested site, where views to the proposed building would be constrained by the surrounding trees, with views only achievable when directly in front of the site (and this view would be largely confined to the 7.5m section which fronts the highway) as most of the surrounding trees would be retained.

7.3.2 It is also vital to note that the building would not stand isolated on the landscape as it would be close to the existing dwellings within the immediate vicinity. Moreover, the building is not especially large for a storage building intended for the storage of large maintenance equipment, and the appearance of the structure's sympathetic and low impact timber construction, would serve to limit its prominence within the site.

7.3.3 Additionally, many young trees within the development area which serve to enclose the site would be removed, a good number of the trees which sit south of the site and line the highway would still be retained on site, serving to ensure an appropriate setting to enable the blending in of the timber clad building.

7.3.4 Whilst it is considered that a previous proposal on large section of the footprint for the current application was refused under PA 12/00296/B was refused on grounds of being detrimental to the rural character and amenity of the countryside, that scheme was for a residential development which is subject to other policy guidelines such as Housing Policy 11 and 16, which is not applied in a similar context as the current scheme which is detached horticulture building which is subject to other policies such as Environment Policy 1 and Strategic Policy 4. A thorough review of the scheme under PA 12/00296/B would reveal that it sought to increase the scale of the existing dwelling within the residential curtilage which is particularly noticeable from the street scene, which is not exactly the case with the current scheme.

7.3.5 Notwithstanding the above, a prime consideration in the determination of development proposals in the countryside is the conservation and enhancement of the landscape, and this development is not considered to result in significant adverse impacts on the character or appearance of the site or surrounding area, due to the position, design, material finish and surrounding trees. As such, the proposal complies with the requirements of Environment Policy 1 and Strategic policy 4 in terms of potential impacts on the surrounding countryside and landscape.

### 7.4 Impact on Trees and Ecology

7.4.1 In terms of impacts on trees, it is noted that the site is bounded by a number of trees on all sides, with the scheme seeking to remove a number of young trees to enable the development. However, DEFA Forestry has noted that they have no objection to the proposal, whilst noting that the trees in the proposed work area lack Arboricultural quality and have little amenity value. They also note that most of the trees are unlikely to be adversely affected by the proposal due to their young age and relatively small root spreads in the direction of the development. As such, it is considered that the development complies with Environment Policy 3 and GP 2 (f) with regard to impact on trees.

7.4.2 With regard to ecological impacts, Paragraph 7.8.5 of the Strategic Plan is clear that in considering any development proposals on sites recognised for their ecological and scientific value (such as the application site), "the Department will give full consideration to the legislation, policies and conservation objectives, which may be relevant including the Wildlife Act 1990 and species listed in Schedules 1-8 to the Wildlife 1990 Act and other habitats and species which are widely regarded as locally important". In this case, it is not considered that the scheme would result in significant adverse impacts on the site ecology due to the scale of the affected area, and the fact that the proposed site area comprises mainly scrub and cleared lawn which possesses minimal ecological value as the broader site area.

7.4.3 In addition to the issues raised in 7.4.2 above, the Ecosystem Policy Team raise no concerns with the proposed development, although they believe that ecological mitigation is required for birds and bats to serve as mitigation for the loss of a small area of scrub habitat in the area the building would be erected. A condition would however be attached to ensure that the bird and bat box installations are integral to the scheme.

7.4.4 Therefore, it is considered that in the case of the current scheme, the scale and nature of the proposed works would not result in significant adverse impacts on the site ecology and biodiversity, and the scheme would accord with EP4 (a), EP 5, and GP2 (d) of the Isle of Man Development Plan (2016).

## 7.5 Impact on Neighbours

7.5.1 The detached position of the structure, as well as the existing vegetation around the site boundary would ensure that there are no adverse impacts on neighbouring amenity, even though it is acknowledged that the proposal would introduce a new structure to this part of the locality.

7.5.2 Whilst it is noted that the proposal would be erected about 13.7m away from the neighbour at Eskdale, the building would be sufficiently screened by the existing trees from this neighbour and would not be on ground level set higher than the neighbouring property. Moreover, there would be no fenestrations on the sides that could create privacy concerns for neighbours. The other neighbouring dwelling is set about 142m to the northwest; a distance that would ensure there are no adverse impacts on this neighbouring property. This element of the proposal would accord with the requirements of General Policy 2 (g) of the Isle of Man Strategic Plan (2016).

## 7.6 Highway Impact

7.6.1 With regard to Highway impact, the comments from DOI Highways which raise no objection to the proposal are noted, and these clearly indicate that there are no concerns in relation to highway safety. It is also worth noting that the existing access and parking areas which would serve the development would be retained such that there would be no undue impact resulting from the use of the proposed building. Thus, it is considered that the proposal accords with the provisions of Transport Policy 4 and General Policy 2 (h) and (i) of the Strategic Plan.

## 7.7 Other Matters

### 7.7.1 Occupancy



7.7.1.1 The application is for the proposed erection of a storage building to enable the management of the woodland area within the applicant's ownership, and the applicants have advised throughout their submission that the building would serve the purpose of forest management and storage of equipment. Whilst the comments made by the occupants of Highfield, Bibaloe Beg Road, Onchan, that the building would be used to run a business is noted, there is no indication within the submission that this is the case, as clear justifications for the proposed building has been provided. However, a condition would be attached to ensure that the building serves its intended use.

7.7.1.2 The Comments by the occupants of Highfield, Bibaloe Beg Road, which presupposes that allowing this usage of the proposed development would give a precedent to changing the use of the area towards commercial/industrial use is also noted. However, the application is for a storage building for forestry management and as such any approval conditions (should approval be granted) would reinforce such use. Therefore, it is not considered that commercial/industrial use is a concern for the current development, as that would be speculative, since none of the submitted plans/documents point to such use.

7.7.2 There are also no concerns with flooding as the work area is without the areas prone to flooding on site.

7.7.3 The concerns regarding the field access has been addressed via Planning Enforcement, which had concluded that there had been no breach of planning control and that no action was required in their correspondence to the applicant. As such, there are no concerns with the access to the site in terms of its position and size.

## 8.0 CONCLUSION

8.1 Overall, it is considered the proposal would comply with the relevant policies of the Isle of Man Strategic Plan. Therefore it is recommended that the application be approved.

## 9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

9.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

**Item 5.4**

**Proposal :** Installation of garden terracing and river storm defences and extension to residential curtilage (retrospective)

**Site Address :** Cornaa House  
Ballaglass Glen Road  
Cornaa  
Ramsey  
Isle Of Man  
IM7 1EJ

**Applicant :** Mr Peter Adamson

**Application No. :** 20/01472/B- [click to view](#)

**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

N . The applicant is to be reminded of their obligations under Section 58 of The Highways Act 1986 to not have any surface water enter a public highway.

Reason for approval:

The specific siting, proximity and relationship of the terracing to the existing dwelling which already bridges the river would not be so at odds or out of character as to warrant a concern or refusal in this case and the works would read in connection with the main dwelling. The palette and selection of materials along with incorporated landscaped banking also helps to soften the overall appearance of the works within the landscape. The proposal is considered to have an acceptable visual, amenity, flood risk and habitat impact in accordance with Environment Policies 1, 2, 4, 7 and 13 of the Isle of Man Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

- DOI Highways Drainage - made reference to surface water impact

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that although they have made written submissions these do not relate to planning considerations:

- DOI Flood Risk Management - no flood risk interest stated.
-

## **Planning Officer's Report**

THE APPLICATION IS BEFORE THE COMMITTEE AS THE RECOMMENDATION TO APPROVE MAY BE CONSIDERED CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN AND THE LOCAL COMMISSIONERS HAVE OBJECTED - 2(1)(b) and 2(1)(c) OF PLANNING COMMITTEE STANDING ORDERS.

### THE SITE

1.1 The site represents the curtilage of Cornaa House, Ballaglass Glen Road, Cornaa a traditional detached property and a detached converted outbuilding situated on the western side of the road alongside Ballaglass Glen and nearest the dip in the road where it crosses the Cornaa River. Grounds associated with the main dwelling are split into sections around the house with land in their ownership sitting on the opposite side of the main road (field 624195) and on the adjacent side of the river. There is a public footpath which runs from Dhoon Quarry Road into Ballaglass, this footpath runs south of field 624195 and separates the house from the southern section of land.

1.2 The main dwelling itself is a typical Manx cottage with a three bay arrangement with two prominent stacks and an east gable end that joins directly with the road while the western gable faces towards the river.

### PROPOSAL

2.1 Proposed is the extension of the residential curtilage to the western side to incorporate the installation of garden terracing and storm defences (retrospective).

2.2 An updated red and blue line drawing was provided to reflect the site of works, land ownership and extent of area for extension to curtilage.

### PLANNING HISTORY

3.1 The site has been subject to a number of previous planning applications, most recently a garden store approved under PA 23/00936/B. The current application was one of four submitted in 2020 for Cornaa House 2 of these have already been approved this and another remain outstanding:

- o 20/01476/B - front boundary wall works - APPROVED
- o 20/01474/B - for the alteration of fenestration to north elevation of dwelling - APPROVED
- o 20/01475/B - extension of residential curtilage to land adjacent to dwelling and the erection of a summerhouse, goat hut, chicken coop and polytunnel - PENDING

### PLANNING POLICY

4.1 The relevant plan document for the application site area is the 1982 Development Plan Order. The area of the existing dwelling and its surrounding grounds falls within a number of zones; an 'area of private woodland or parkland', an 'area of high landscape or coastal value and scenic significance' and an 'area of nature conservation and ecological importance'. Land owned on the western and southern side of the dwelling also falls on the cusp of the 'public glen' of Ballaglass, but given the scale at which the 1982 map was prepared it is somewhat difficult to precisely define its zoning, but regard shall be given in all respects. The site is also recognised as being at 'High Risk for Surface Water' on recent flood maps.

4.2 In terms of Strategic Plan policy there are a number of policies relevant to the dwelling and surrounding land in seeking to best protect the visual qualities and interest of the existing dwelling and surrounding rural landscape, ensuring no unacceptable loss of trees or woodland areas, safeguarding local habitats and ensuring the suitable protection of watercourses and no flood risk increased (General Policy 3, Environment Policies 1,2,3,4, 7 and 13 and Housing Policy 15).

## REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

5.1 Garff Commissioners - object (12/02/2021 and 03/11/2023) - the works are adjacent to a National Glen and the development was highly intrusive and had changed the character of this sensitive location directly adjoining one of the Island's prime visitor and leisure destinations.

5.2 Department of Infrastructure (DOI) - Highway Services - No Highways Interest (02/02/2021).

5.3 DOI Flood Risk Management - No flood risk interest (18/03/2021)

5.4 DOI Highway Drainage - comments (03/11/2023) - there should be no surface water onto a highway which would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads.

5.5 Department of Environment, Food and Agriculture - Fisheries Directorate - no objection (28/11/2023).

5.6 No comments received from neighbouring properties.

## ASSESSMENT

6.1 The main considerations are; whether the proposal results in any adverse or unacceptable visual or amenity impact on the character and appearance of the landscape and whether there would be any adverse flood risk or impact on the water course including any local habitats.

### Flood Risk

6.2 Supporting information provided by the agent indicates that the works have been undertaken in order to reduce flood risk impact on the existing dwelling which currently bridges the river by removing walls which flanked the river and trapped surge water behind it. DOI FRM have commented on the application and have raised no interest from their perspective and it would be difficult to reach a conclusion differing from this, noting the design details of the terracing and incorporation of drainage pipes in lower level walls and minded that the applicant is not likely to undertake works increasing impact on their property. The proposal is not considered to result in any worse situation on the existing house or surrounding area.

### Watercourse and Habitats

6.3 The works have already been undertaken and as submitted are not expected to result in any increased or adverse impact on the watercourse or habitat moving forward minded of the already established nature of the dwelling and its immediate surroundings and noting 'no objection' from inland fisheries. The proposal is not expected to result in any changes to surface water onto a public highway but a note will be added for the avoidance of doubt to remind the applicant of their obligations under Section 58 of The Highways Act.

### Amenity Impact

6.4 The siting, distance and relationship of the site to its nearest neighbours ensure no new or adverse amenity impacts as to warrant any concerns in this respect.

### Visual Impact

6.5 This is a matter on which the local commissioners have objected stating the highly intrusive nature of the works changing the character of this sensitive location which directly adjoins a national glen which is one of the Island's prime visitor and leisure destinations. It is clear that the works have resulted in change to the appearance to this part of the site, but the relationship and proximity of the terraced area to the established dwelling and given part of the dwelling already stretches over this part of the river where there is already some degree of a domesticated feel to the site and immediate surrounds that the terracing would not appear so out of keeping or at odds, and would not be read as an isolated development

given its proximity to the dwelling. Noting also that the incorporation of traditional stone materials, the palette of materials for the paving and the incorporation of banked landscaped earth between the levels of the terracing all helps to soften the overall appearance of the works.

6.6 Often there is concern that development will further spread into the surrounds, but the extent of the landownership in this specific case would prevent any further spread westwards and no spread into the adjacent Glen.

## CONCLUSION

7.1 Although concerns have been raised by Garff Commissioners it is considered that the specific siting, proximity and relationship of the terracing to the existing dwelling which already bridges the river would not be so at odds or out of character as to warrant a concern or refusal in this case and read in connection with the main dwelling, and the palette and selection of materials along with incorporated landscaped banking helps to soften the overall appearance of the works within the landscape. The proposal is considered to have an acceptable visual, amenity, flood risk and habitat impact in accordance with Environment Policies 1, 2, 4, 7 and 13 of the Isle of Man Strategic Plan 2016.

## INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

**Item 5.5**

**Proposal :** Retention of construction compound area for use as a parking area for large equestrian horse boxes and trailers associated with the Equestrian arena (retrospective)

**Site Address :** Ballaclucas Farm  
Top Road  
Crosby  
Isle Of Man  
IM4 4HN

**Applicant :** Mr Matthew & Mrs Lynda Ingham

**Application No. :** 22/01205/B- [click to view](#)

**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. The car park hereby approved shall be used only in association with the equestrian facility at 'Ballaclucas Farm' as outlined in blue on dwg P10-01 only.

Reason: a car park in this location is only considered acceptable and warranted given its connection and use by the established equestrian facility only and to which it relates in the interest of protecting the countryside from unwarranted development.

C 3. In the event that the car park is no longer required in association with the equestrian facility or the use of the equestrian facility ceases for a period longer than 24 months, the car park must be removed and the ground restored to its original agricultural field condition and retained as such thereafter.

Reason: the car park is only considered acceptable in relation to the operation of the equestrian facility and any retention without that facility would be unwarranted development in the countryside.

Reason for approval:

On the basis that suitable justification of need has been provided to outweigh the loss of high quality agricultural land, and minded of the acceptable visual, amenity and highway safety impacts, the proposal is considered to be acceptable and not at odds with General Policy 3, Environment Policies 1 and 2, and Environment Policies 15, 19, 20 and 21 of the Strategic Plan 2016. Conditions ensuring the car park remains for use by the equestrian facility only and the car parks removal and return to agricultural land should the equestrian facility no longer be operational.

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## **Interested Person Status – Additional Persons**

None

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### **Planning Officer's Report**

THE APPLICATION IS BEFORE THE COMMITTEE AS THE RECOMMENDATION TO APPROVE IS CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN - 2(1)(c) PLANNING COMMITTEE STANDING ORDERS.

#### 1.0 THE SITE

1.1 The application site relates to Ballaclucas Farm, Top Road, Crosby a site that has over time become an equestrian centre including an outdoor manege, a large indoor arena, stable buildings, tack and feed store, storage areas and drying room. The site sits on the northern side of the Top Road part way between the backroad connecting Strang to Crosby. There are no private or personal restrictions on the use of the site.

1.2 The equestrian facilities sit around 100m back from the road and behind Ballaclucas Farmhouse. The facilities are accessed via a separate entrance east of the house.

1.3 Immediately to the rear of the indoor arena building is a large loose aggregate hardstanding area measuring approx. 38m x 42m. This area is explained in the applicants supporting statement to have been used for the compound storage of building materials and steels as well as the parking and manoeuvring of a crane in the construction of the indoor arena.

#### 2.0 THE PROPOSAL

2.1 Full planning approval is sought for the retention of the compound hardstanding area and the change of use of the land from agriculture to a car park associated with the equestrian facilities.

2.2 It is recognised that there are also a number of works to the access route and hardstanding areas nearest the stables and tack room also seek retrospective approval for changes made beyond those details approved as part of 15/00166/B including extension of the access route, removal of parking area, reduction to hardstanding and changes to landscaping beyond C3 of 15/00166/B.

2.3 Additional information justifying the car park area was submitted dated 20/11/2023.

#### 3.0 PLANNING HISTORY

3.1 The site has been subject to a number previous planning applications in the evolution of the stables and the creation of the indoor arena and manege. There have also been two Certificates of Lawfulness in the use of the stables and yard as a livery business and the building of part of the stable building not in accordance with the approved plans. The most relevant applications being:

- o 95/01611/B Erection of horse stables, tack room and hay store - Approved
- o 96/01336/B Erection of additional horse stables to the rear of existing stables - Approved
- o 08/01437/R - Erection of extension to stables / implement store and creation of manège - Approved
- o 13/00701/LAW - Certificate of Lawful Use for the running of a Livery Stable Yard business - Approved (stables and yard only, does not include manege)
- o 13/90994/C - Removal of condition 2 of PA 08/01437/R regarding the usage of the manège - Approved
- o 13/91540/B - Construction of a new vehicular access to serve equestrian stables complex - Approved

- o 14/00005/B - Alterations and extensions to stables and conversion of feed store and open bay to create two additional stables (partial retrospective) - Approved
- o 15/00166/B - Erection of an equestrian building to provide an indoor riding school, stables and feed, tack and equipment store with associated car parking - Approved
- o 18/00546/B - Extensions and alterations to equestrian facilities to provide storage - Approved
- o 19/01012/B - Alterations to existing equestrian store structure to form drying room - Approved
- o 21/00438/B - Creation of living accommodation - WITHDRAWN
- o 22/01208/LAW - Certificate of lawful development for erection of a tack room and feed store- Approved

3.2 15/00166/B for the indoor arena was approved at appeal subject to a number of conditions relating to the external cladding colours, no external lighting and the need for landscaping to be submitted and carried out in accordance with the plans as it was considered to be an integral part of the scheme. Throughout this application car parking was to be provided just east of the existing stables. DOI initially raised concerns that the space sized shown would be too small and unsuitable for types of vehicles to be expected. Reading through planning history, including the officer report, planning committee minutes, appeal statements from the applicant and appeal documents and reports that DOI changed their comments to do not oppose on the basis that the applicant indicated the spaces to be indicative only and wouldn't be marked out so that the area could accommodate the larger vehicles. A drawing submitted as part of the landscape condition demonstrates turning circles for larger vehicles into and out of the approved parking area and stable yard.

#### 4.0 PLANNING POLICY

4.1 The site is not designated for development on the Area Plan for the East 2020. The site is not within a conservation area and is not recognised as being at any flood risk. The soil classification map indicates the site as being Class 3/2.

4.2 Established policies within the IOM Strategic Plan 2016 make clear that there is a general presumption against any kind of development across the countryside and new development should be directed to existing settlements (Strategic Policy 2, Spatial Policies 1-5, Environment Policies 1 and General Policy 3). However in the same strategic plan there are a number of paragraphs and policies that specifically relate to and offer support to the development of new equestrian-related development (Paragraph 7.15.1 and Environment Policies 19, 20 and 21) so long as they do not result in the loss of any high quality agricultural land, harm highway safety, or, by reason of their design detriment the character, appearance and quality of the countryside. These policies also state that there will be a presumption against large scale equestrian development including new buildings and external arena's in AHLV unless there are exceptional circumstances. While there is no strict definition of high quality agricultural land, it is categorised into Classes and Environment Policy 14 seeks to avoid the permanent loss of important and versatile agricultural land and specifies what land this is applied to. Paragraph 11.5 of the Strategic Plan also covers car parking and Transport Policy 7 requires development to be provided with suitable parking provision.

#### 5.0 REPRESENTATION

Copies of representations received can be viewed on the government's website. This report contains summaries only.

5.1 Marown Parish Commissioners - no objections (21/10/2022).

5.2 Department of Infrastructure Highway Services - Do Not Oppose (12/10/2022).

#### 6.0 ASSESSMENT

6.1 Established planning policies seek to protect the countryside for its own sake, and only in exceptional circumstances is development to be considered. In this case there are no specific policies relating to the creation of car parks in the countryside, although this proposal



is to be linked to an existing equestrian facility at the site, and so it would be most relevant to have regard to those wider policies that seek to protect the countryside for its own sake and direct development to existing settlements EP1, SpP5 as well as EP's 19, 20 and 21 which relate to equestrian development, EP 14 in protecting high quality agricultural land and TP7 in respect of highway safety.

#### Principle

6.2 The site is not designated for development and is outside of any settlement, and so in the first instance there's a general presumption against any kind of development. Planning history for this site sets out how these equestrian facilities have evolved over time and it is evident from the original approval of the indoor arena (15/00166/B) that there was some need for car parking to facilitate the development and this remains the case now in order to keep the associated vehicles and users of the facility off the main road. Therefore it is accepted that there still remains a principle of needing some form of car parking for the equestrian facility.

#### Planning Background - 15/00166/B

6.3 Planning Committee minutes and applicant's appeal statement for 15/00166/B said that it wasn't intended to have horse competitions at the site but rather to provide all weather facilities for single and group riding, practise sessions and riding, show jumping and dressage activities so it is likely that the original parking area proposed for the site was sized on this basis. The 2015 application was approved but there were no conditions to prevent any competitions or event use.

6.4 The current supporting statement indicates that the top compound area was formed to help with the construction of the equestrian facilities and allow storage of materials and crane parking and operating for lifting materials. It also indicates that the originally approved car park was also simultaneously constructed (although there are questions about whether the car park was built in accordance with the approval which is addressed later in this report). The statement indicates that on completion of the arena and its coming into use that it became clear that the types of vehicles visiting were larger pantechnicon type rather than horsebox trailers and that the approved 2015 car park would not provide sufficient space for manoeuvring and parking. Consequently they used the 2015 car park as drop off and pick up and the compound for parking.

6.5 As referenced in 3.0 of this report, the DOI had initially objected to the 2015 application due to the small parking spaces shown and the insufficient parking for larger vehicles which would be expected at the site. Evidence in documents of 2015 application indicate that this objection was overcome by the applicant liaising with DOI stating that the car park would not be formally marked out and so could accommodate the larger vehicles. A subsequent drawing submitted as part of a landscape condition shows the turning circles and parking outlines for both pantechnicon's and horse trailers measuring between 8m-9m long in the 2015 approved car parking area.

6.6 Detail in the 2015 application makes clear that landscaping was a vital part of the approval and Condition 3 addressed this. Aerial images indicate that parts of the approved landscaping do not appear to have been implemented including sod banks which were required to enclose the approved car park on three sides, the construction of which as per the approval would have naturally prevented through access up to the compound, and so it is questioned whether there was ever an intention to build the car park in accordance with the approval.

#### 15/00166/B vs Current Application

6.7 The supporting statement indicates that overtime the top compound became the 'de facto' car park, and as such the width of the original car park was reduced and tree planting

instated. On review of drawings and aerial images there appears to have been a 3m reduction to car park width.

6.8 There appears to be conflicting information between the 2015 and current application, with 2015 claiming that the original car park was large enough to facilitate the equestrian development, whereas the current application argues the same area to be insufficient (although understood not to have been built as originally approved).

#### Proposal and Need

6.9 There needs to be a careful planning balance between the justified need for the size of the parking area against the wider policies that seek to protect the countryside from harm and unwarranted development, and to ensure no loss of high quality agricultural land.

6.10 Proposed is the retrospective approval for the installation and creation of the compound hardstanding and for its use as a car park in association with the equestrian facilities. The area proposed measures approx. 38m x 42m. Also within the red line is part of the access route to the compound area parts of the original 2015 car park which was not built in accordance with the 2015 approval.

6.11 Whilst the applicant's reasons for the works is understood what wasn't clear as part of the original submission was whether there was a true need for the full extent of the large compound area to be retained or whether the area could in fact be made smaller resulting in less high quality agricultural land being lost whilst still meeting the needs of the equestrian facility. Information has now been submitted to demonstrate the average number of vehicles coming to and from the site, how many events take place on average per week/month/year as well as details of turning circles and movement of vehicles within the compound all which seeks to support why the full extent of the area is required for the facility and to accommodate the size of vehicles along with their anticipated frequency. Whilst it is agreed that formal marking out of parking spaces would be difficult on the surfacing, a more pragmatic or formalised zoning approach could make more efficient use of the area rather than having ad hoc parking potentially impacting efficiency but this would be for the applicant to manage.

6.12 On principle of need, there is now considered to be sufficient justification to warrant retaining the compound of this size for use as a car park associated with the equestrian facility in this specific location. Whilst resulting in the permanent loss of some high quality agricultural land the need in this specific case weighs in favour of the proposal.

#### Visual, Amenity and Highway Safety Impact

6.13 Environment Policies 1 and 2 make it clear that the countryside should be protected for its own sake and that in AHLVs the protection of the landscape's character should be the most important consideration. Environment Policy 20 indicates a presumption against large-scale equestrian developments in AHLVs unless there are exceptional circumstances to override such a policy. "large-scale" is not defined and the site is not an AHLV, also noting that the existing arena and stables have already been approved and the car park is to further facilitate these buildings and equestrian use. In terms of public view the location of the car park is behind the existing arena building and behind vegetation along the road and surrounding the car park and so there are limited public views from the main road and surrounding area due to the distance and topography.

6.14 From an amenity point of view, the distance between the existing site and surrounding neighbours is as such as to limit any noise impacts on their living conditions, and so there are no issues in this respect.

6.15 The access into the site from the main road is to remain unchanged and the proposed parking off the road will ensure no new or increased adverse impacts on highway safety or on the surrounding highway network to cause any concerns.

## CONCLUSION

7.1 There is a presumption against development here set out in General Policy 3 and Environment Policies 1 and 2, however Environment Policies 19, 20 and 21 make it clear that equestrian related development can be considered acceptable subject to certain conditions and ensuring that its style, design and finish is appropriate for its use and does not harm any AHLV.

7.2 The main equestrian buildings and facility already exist and from a visual, amenity and highway safety perspective the proposed car park would not result in any unacceptable issues, and by reason of the late provision of justification and evidence to support the need for a car park of such a significant size and scale in this location, that this specific need is considered to outweigh the loss of area recognised as high quality agricultural land (zoned as Class 3/2) and overall considered on an exceptional basis to be acceptable. Conditions ensuring the car park remains for use by the equestrian facility only and the car parks removal and return to agricultural land should the equestrian facility no longer be operational.

## 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

**Item 5.6**

**Proposal :** Conversion of garage/store area into living space with glazed lantern over, replacing of roof and spar dash with new finishes, alterations and additions to windows/doors, removal of chimney stacks, demolition of single garage and installation of ASHP and solar panels and extension of residential curtilage (retrospective) into part of field 335204

**Site Address :** Greenlands  
Barnell Lane  
Patrick Village  
Isle Of Man  
IM5 3AN

**Applicant :** Mr & Mrs Sid & Ruth Caine

**Application No. :** 23/00721/B- [click to view](#)

**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

Reason for approval:

The works to the main dwelling are considered to have an acceptable visual and amenity impact on the existing dwelling, neighbours and surrounding area, and the extension to the curtilage in this specific case is not considered to result in any unacceptable loss of agricultural land or to result in any adverse harm to the countryside. The proposal is considered to accord with Environment Policies 1 and 2, General Policy 2 and Housing Policy 16 of the Isle of Man Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THE APPLICATION IS BEFORE THE COMMITTEE AS THE RECOMMENDATION TO APPROVE MAY BE CONSIDERED CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN - 2(1)(c) PLANNING COMMITTEE STANDING ORDERS.

1.0 THE SITE

1.1 The site relates existing dwelling, Greenlands, which lies on the western side of Barnell Lane, running south of Patrick Road and nearest the western end closest to Patrick Village. The house is a bungalow with part hipped and part gable ended roof finished in

concrete tiles. Attached to the gable end is a flat roofed double garage and attached to that another single garage.

## 2.0 THE PROPOSAL

2.1 Proposed are a number of works to the existing dwelling only including the demolition of the single garage, the conversion of the double garage into living space to be used by the main house including the replacement of the flat roof with new and the installation of a roof lantern above, a number of window and door changes across the front, side and rear elevations, the removal of the two chimney stacks and the installation of an air source heat pump.

2.2 Also proposed is the extension of the residential curtilage to include the small paddock on the northern end.

## 3.0 PLANNING HISTORY

3.1 The dwelling has been subject to two previous approvals for conversion and extension works under 22/00903/B and 16/00298/B and both schemes bigger than the works sought now. 18/01271/B was also approved for a replacement dwelling. As part of all of these applications the red line for the site surrounded the dwelling and its garden only and the paddock was not outlined at all. As part of a much earlier 2016 application the house and garden were again outlined in red but the paddock (part of field 330215) was also shown outlined in blue.

## 4.0 PLANNING POLICY

4.1 The site lies within an area designated on the Isle of Man Planning Scheme (Development Order) 1982 as not for a particular purpose and of high landscape value and scenic significance. The site is not within a Conservation Area or at any flood risk from surface water flooding.

4.2 The following policies from the 2016 Strategic Plan are considered relevant in the assessment of this application;

- o Strategic Policies 3 and 5 - promotes good development
- o Spatial Policy 5 - Building in defined settlements or in line with GP3
- o General Policy 2 - General development considerations and standards
- o General Policy 3 - Exceptions to development in the countryside
- o Housing Policy 16 - Extensions to non-traditional styled properties in the countryside
- o Environment Policy 1 - Protection of the countryside
- o Environment Policy 2 - Protection of the character of AHLV
- o Environment Policy 14 - High quality agricultural land protected from loss

4.3 Also relevant in the assessment is the Residential Design Guide (2021) which provides detailed advice including sustainable development and climate change resilience, design of new houses and extensions to existing residential properties as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

## 5.0 REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

5.1 Patrick Commissioners - no objections (12/12/2023).

5.2 Department of Infrastructure Highway Services - Do not oppose (07/07/2023 and 29/11/2023) - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised to consider installing cycle parking at one space per bedroom in an

enclosed and secure storage facility to aid Active Travel and an electric vehicle charging point to aid net zero objectives.

5.3 No comments received from neighbouring properties.

## 6.0 ASSESSMENT

6.1 There are two key considerations in the assessment of the application, i) the physical works to the existing dwelling in terms of visual and amenity impact, and ii) whether the extension to the curtilage is acceptable having regard to those policies seeking to protect the countryside from harm.

### i) Works to Dwelling

6.2 The dwelling was recently subject to PA 22/00903/B which was approved for extension and alterations works greater than those sought now, this application remains valid and within its 4 year approval period. The principle for development still remains acceptable now and although a modified scheme it is a reduced scheme in comparison to 2022 and does not result in any increased adverse visual impacts on the property from a public perspective, the dwelling is already non-traditional and the works would remain as non-traditional, the level of development proposed would not be overbearing to the existing dwelling and given the distance and relationship with the neighbours the proposals would not adversely impact on their amenities. Overall being a reduced scheme from 2022 the proposals are also considered to have an acceptable impact on the general streetscene too. The proposal is considered to be acceptable and in line with HP16 and the general standards of GP2 in this respect and not to adversely impact the countryside or the rural landscape in line with EP1 and EP2.

### Extension to Curtilage

6.3 It is clear from planning history in 2016 that the paddock had been under ownership of the main dwelling and recognised as not forming part of the established curtilage (outlined in blue in 2016 application). At some stage between 2016 and 2018 the boundary that separated the garden from the paddock was removed and aerial images reinforce these changes and more recent images showing the paddock being cut and mown along with the garden as one area.

6.4 Policies of the Strategic Plan 2016 indicate that the countryside should to be protected for its own sake from unwarranted and harmful development. The engulfing of the paddock which was once part of field 330215 may be considered to undermine those overarching aims of Environment Policy 1 and Environment Policy 14 in preventing high quality agricultural land being lost, however it's clear that this parcel of paddock land has been separated from the larger agricultural field for a considerable time, and this paddock associated with the occupation of Greenlands. The size and scale of the parcel/paddock perhaps does not lend itself to high volume or significant agricultural use by Greenlands themselves, and while it could be sold back to the owners of field 330215, the chances of sale are perhaps slim given the ownership history since early 2006's and its association with Greenlands.

6.5 There is always risk that in accepting these types of extensions to curtilages in the countryside that they will start a proliferation of similar proposals, however in this case, the relationship, size and scale of the small parcel paddock marrying that of the depth of the existing curtilage, minded that there is no further land ownership by the applicants here and so the extent terminates at the end of the paddock, coupled with the information provided by the applicant and crossed with aerial images showing how the site has evolved in this case and in recognising that the scale of the curtilage as proposed shown red on plan would not result in a level of development or size of curtilage which would be out of keeping or unreasonable given the size of the dwelling and taking into account the adjoining linear development along this side of Barnell Lane. On this exceptional basis the proposal to extend the curtilage to include the paddock is not considered to be unacceptable or to adversely

harm the countryside in line with EP1 and is not expected to set a precedent for other proposals which would need to be assessed on their own merits.

## 7.0 CONCLUSION

7.1 For the above reasons, it is considered that the application accords with General Policy 2, Environmental Policies 1 and 2 and Housing Policy 16 of the Isle of Man Strategic Plan 2016, and is recommended for approval.

## 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

**Item 5.7**

**Proposal :** Courtyard and beach area to be used as temporary event and bar space; installation of additional seating and stretch tent; alterations to WC block.

**Site Address :** Cosy Nook  
Shore Road  
Port Erin  
Isle Of Man  
IM9 6HH

**Applicant :** Mr Ian Swindells  
**Application No. :** 23/01446/B- [click to view](#)  
**Technical Officer :** Mr Thomas Sinden

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Details of the form, the materials, and the position of the fixings for the proposed stretch tent canopy are to be submitted and approved in writing by the Department prior to installation. Thereafter, the stretch tent canopy is to be installed in accordance with the approved details.

Reason: To ensure that the setting of the registered building is preserved and protected.

Reason for approval:

The proposals meet the tests of Section 16 of the Town and Country Planning Act 1999 as the setting of the Registered Building is being preserved. The proposals also comply with General Policy 2, Environment Policies 11, 13, 32 and 33, Transport Policies 4, 6 and 7 and Strategic Policy 4 along with Planning Policy Statement 1/01. Whilst the beach is not designated for any specific use, its use for public sitting, eating and drinking is already established and it is judged that the specific use designation of this small section will not adversely impact its overall amenity value. The application is therefore judged to be acceptable.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**



THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS PART OF THE DEVELOPMENT COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

#### THE SITE

1.1 The site is a parcel of land which incorporates the Cosy Nook café, its forecourt and a piece of the beach immediately alongside. The Cosy Nook café is a registered building (RB 295). The Cosy Nook and its curtilage are owned by Port Erin Commissioners. The beach is leased from the Government to Port Erin Commissioners. The roadway leading to the site from the promenade is owned by Government (Department of Infrastructure).

1.2 The café building itself is formed of two traditionally styled Manx cottages, with white-washed Manx stone walls, a pitched roof and chimney stacks on the gable and party walls. A non-historic flat roof servery is attached to the property's southern elevation (this element of the building is not included within the registration). There is a small pitched roofed WC building in the south-eastern corner of the site and an open bin storage area beyond, with the property's curtilage generally being bounded by a stone wall.

#### THE PROPOSAL

2.1 The submitted application describes the proposal as the "Courtyard and beach area to be used as temporary event and bar space; installation of additional seating and stretch tent; alterations to WC block."

2.2 The application supporting information and supporting statement documents both state that the current application is very similar to previously approved application 21/00352/B. The temporary permission granted under the above application expired in October 2023, and the submitted documents state that this application therefore seeks approval to extend the previously approved use and to improve upon the proposals as a result of the experienced gained during the previous permission period. The stretch tent, alterations to the WC block, alterations to decking and the proposed works within the Cosy Nook building itself are elements that did not form part of the 2021 application (although they did include a marquee). The internal works to the registered building itself are not matters that require planning approval, and are being considered separately within registered building consent application 23/01447/CON.

#### PLANNING POLICY

3.1 The site lies partly (the curtilage of the café) within an area designated on the Area Plan for the South as Predominantly Residential and partly (the area to the west of the building) as part of the sea/beach (not designated for a particular purpose) and entirely within the village's proposed Conservation Area as set out in the same plan. As stated in section 1.1, the Cosy Nook is a Registered Building. The site also partly lies within an area of High Risk of tidal flooding which includes all of the beach.

3.2 As mentioned in 3.1, the site lies within the proposed Port Erin conservation area. Although the statutory tests within section 18 of the Act and the conservation policies within the Strategic Plan and PPS 1/01 are not in full force, consideration is needed with any application to avoid any development that would compromise any formal adoption of the proposed conservation area in the future.

3.3 TOWN AND COUNTRY PLANNING ACT 1999  
S16 Registered buildings: supplementary provisions

(3) In considering —

(a) whether to grant planning approval for development which affects a registered building or its setting, or

(b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### 3.4 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

Strategic Policies 1, 2, 3, 4, 5 and 10

Spatial Policies 2 and 5

General Policy 2

Environment Policies 10, 11, 13, 30, 31, 32, 33, 36 and 42

Transport Policies 4, 6, 7

### 3.5 Planning Policy Statements: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

Policy RB/4

Policy RB/5

Policy RB/8

3.6 An appraisal of the proposed Conservation Area was undertaken in 2009 and includes the following references to the application site (the café name spelled incorrectly throughout the document):

"Positive buildings in the area should be used as exemplars for future design in the area, and any planning applications for their demolition should be carefully considered whilst being mindful of the current Planning Policy toward the retention of buildings of merit within a conservation area. Positive buildings identified within the Conservation Area Appraisal are...Primrose Cottage, St Marys Road; Cozy [sic] Nook Café, Shore Cottage, Surfside, Condor House and Edmund and Margaret Christian cottage, Shore Road and Sycamore, Strand Road...are all buildings relating to the earlier settlement of Port Erin [Primrose Cottage is also registered]. Although the actual dates of construction for these buildings are unknown, the Edmund and Margaret Christian cottage has a plaque above the front door giving a date of 1781, which may therefore be the date the building was erected. These buildings should be seen as providing a positive contribution to the area as they are the most complete examples of their type in the conservation area."

#### "2.4.5. Local details

A distinctive Manx architectural feature occurring occasionally in the conservation area is relict evidence of the use of thatch. Primrose Cottage is the only building in Port Erin which is still thatched, however, the Cozy [sic] Nook Café on Shore Road, one of the houses on Dandy Hill and one of the cottages at the entrance to Bradda Glen all have indications that they may have been thatched in the past. The Cozy [sic] Nook Café and building on Dandy Hill both have weatherings on their chimney stacks (see photo below), while the cottage near the Bradda Glen has Bwid sugganes (these are small stones projecting from the exterior walls just under the roof line, used to hold ropes to tie down the thatch)."

## PLANNING HISTORY

4.1 The existing rear annex was approved under 10/00774/B. An application for the demolition of the existing café and its replacement with a new building (20/00598/B) was withdrawn prior to determination. As mentioned in section 2.2 of this report, application 21/00352/B approved the "erection of marquee, decking and steps for a temporary period and use of part of beach for Class 1.3 - Selling and consumption of food or drink - All between 15th May and 15th October in any year and until and including 15th October 2023."

## REPRESENTATIONS

5.1 Port Erin Commissioners advise that they have resolved to support the application (10.01.2024 & 20.12.2023).

5.2 Highway Services have stated that they find the application to have no significant negative impact upon highway safety, network functionality and/or parking. (22.12.2023).

## ASSESSMENT

### Statutory Test

6.1 Section 16 of the Act states that the "Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In this instance, the application proposes to make alterations that will impact the setting of the registered building. The alterations to the decking immediately in front of the building, the erection of a stretch tent, and the introduction of a bin store structure are all elements that are considered to improve the building's setting when compared to the existing arrangement. With this in mind, it is judged that the setting is being preserved and that the application passes the statutory test.

### Policy Tests

#### Impact on the Cosy Nook - registered building 295

6.2 This application proposes to bring part of the ground floor of the registered building back in to public use, as internal café accommodation. It is positive to note that the building owners, Port Erin Commissioners, have been in frequent dialogue with the Principal and Assistant Registered Building Officers regarding the condition of the building in the last couple of years, and repair and maintenance work is ongoing to both protect the historic fabric and enable the building to be brought back in to public use. Whilst the internal works within this scheme are being considered within concurrent registered building consent application 23/01447/CON, it is judged to be a very positive proposal to bring even part of the building back in to frequent use. The relevant policies within both the strategic plan and PPS 1/01 make it clear that bringing vacant historic buildings back in to regular use should generally be supported. The proposed reduction in the extent of the timber decking adjacent to the building itself is a proposal that is judged to provide a small improvement to the building's setting, and to therefore preserve and very slightly enhance the building's special interest as a result.

6.3 The proposals include a small alteration to the existing WC block to alter the means of access and to allow for the creation of a seating area along the eastern boundary. Also proposed is a covered bin store that would be finished in timber panelling and a green sedum roof. Both of these proposed alterations are judged to be well considered, and are changes that are judged to preserve and partly enhance the setting of the registered building.

6.4 The stretch tent structure proposed within this application is intended to provide a larger and more robust shelter solution than the marquee that formed part of the previous application in 2021. The aforementioned marquee has been in situ on part of the site for the last few years periodically, and whilst this does partially obstruct the view of the registered building, it has not impacted the view from Upper Promenade or from the beach itself. It has also partially obscured the view of the unsympathetic flat roofed servery extension. The stretch tent as proposed is considered to have a more purpose built appearance than the previous marquee, and is likely to have less adverse impact than the previous marquee. Although the position and size of the proposed tent structure has been included within the application details, exact product details have not been included. In order to ensure that the stretch tent does not have a negative impact on the registered building's setting, it is recommended that a condition be added to any approval that requires the details of the structure's finishes and form to be submitted to and approved by the Department before being erected.

#### Impact on highway safety

6.5 DOI Highway Services have stated that they consider the application to have no significant negative impact upon highway safety, network functionality and/or parking. Although the permission granted under 21/00352/B has now come to an end, the site has been in use as a café since the early 20th century. The use now proposed within this application is akin the 2021 approval, although the proposal is for year-round use rather than the previous dates of 15th May to 15th October in any year. Although the access and parking arrangements at the site are not what be judged to be ideal for the intended use as a temporary event and bar space, these arrangements have not changed substantially for many years without giving rise to any apparent safety issues, and given that neither the Highways Division or any neighbouring properties have objection to the proposals, it is considered that this element of the scheme is acceptable.

#### Impact on and from flooding

6.6 In terms of use, the proposal is not considered to involve a material change in how the site is, has been or could be used in planning terms. At the time of writing, Flood Risk Management has not made any comments in respect of the application. Prior to the submission of this application, a site visit was made to the property to discuss the proposals with the building owners, the applicant and their agents. All parties are aware that the site and indeed the building itself is subject to flooding periodically, and mitigation measures have been put in place where possible. Given the use and the modest nature of the physical works within this application, the site's susceptibility to flood risk is not judged to warrant a reason for refusal in this instance.

#### Impact on the living conditions of those in nearby properties

6.7 The use of the beach for the selling and consumption of food or drink is a change of use but in itself - the sitting down and consumption of food with temporary beach chairs, is clearly one of the many uses to which the beach is already put. Although this application proposes the ability to use the site year round rather than the previous seasonal approval, the likely scale of use in the winter months is likely to be much reduced to that experienced in the summer, and as such any impact would also be much reduced. No comments of any sort have been received from any residents nearby, and it is judged reasonable to assume that if the previously approved use had given rise to issues affecting neighbouring amenity that at least some comments of this nature would have been received. The application proposes to install posts to enable the delineation of the permitted area. Whilst the division of the public beach is not generally supported, in this instance it is judged that the area in question is very modest in comparison to the beach in its entirety, and it is therefore judged that this element of the proposals will not adversely impact the beach's amenity value. As was the case with the 2021 approval, it is also relevant to note that this is the only commercial premises which physically abuts the beach: all others are separated by a highway. As such, if this application is approved it will not establish a precedent for other parts of the beach to be cordoned off and used separately.

#### Impact on the character and appearance of the area

6.7 The proposed alterations to the WC block and the introduction of a covered bin store are judged to be elements that will have no negative impact on the area's character or appearance, and in the case of the bin store this may in fact improve the appearance given that it will put the bins out of public view. As discussed in section 6.4, although the exact details of the proposed stretch tent are not specified, it is judged that a purpose built and more permanent shelter solution than the previously approved marquee will have no adverse impact on the character or appearance of the area.

## CONCLUSION

7.1 It is judged that the proposals meet the tests of Section 16 of the Town and Country Planning Act 1999 as the setting of the Registered Building is being preserved. The proposals

are also considered to comply with General Policy 2, Environment Policies 11, 13, 32 and 33, Transport Policies 4, 6 and 7 and Strategic Policy 4 along with Planning Policy Statement 1/01. Whilst the beach is not designated for any specific use, its use for public sitting, eating and drinking is already established and it is judged that the specific use designation of this small section will not adversely impact its overall amenity value. It is therefore recommended that the application is approved.

#### INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed in Article 4(2) who should be given Interested Person Status.

**Item 5.8**

**Proposal :** Registered Building Consent for internal alterations at ground floor level - RB295

**Site Address :** Cosy Nook  
Shore Road  
Port Erin  
Isle Of Man  
IM9 6HH

**Applicant :** Mr Ian Swindells

**Application No. :** 23/01447/CON- click to view

**Technical Officer :** Mr Thomas Sinden

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

**N : Notes (if any) attached to the conditions**

C 1. The works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

Reason for approval:

The application is in accordance with section 16 of the Town and Country Act 1999 as the building's special interest is being preserved. The application also meets the tests of Planning Policy Statement 1/01 as well as Strategic Policy 4, Environment Policy 32 and Environment Policy 34 of the IOM Strategic Plan 2016 as the building is being protected and preserved, and traditional materials are being used. The application is therefore judged to be acceptable.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THIS APPLICATION FOR REGISTERED BUILDING CONSENT IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE INTERIM HEAD OF DEVELOPMENT MANAGEMENT AS THE CONCURRENT PLANNING APPLICATION IS BEING PUT BEFORE THE COMMITTEE AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The site is the Cosy Nook, registered building 295. The building itself is formed of two traditionally styled Manx cottages, with white-washed Manx stone walls, a pitched roof and chimney stacks on the gable and party walls. A non-historic flat roof servery is attached to the property's southern elevation (this element of the building is not included within the

registration). The reasons for registration state that the building is a surviving vernacular building of early Port Erin located in unique shoreline location, and a surviving example of the adaptation of a vernacular building to accommodate the growing tourism industry, it is an example of the national story of the island's development from rural life to tourist destination and associated social and cultural history.

## 2.0 THE PROPOSAL

2.1 This application for registered building consent seeks approval for remedial works to the internal walls and floor of the ground floor room of the western cottage. The internal walls would have the cementitious render removed and be painted with breathable paint, whilst the floor would have the cement screed removed and mid grey stone paving slabs installed.

## 3.0 PLANNING POLICY.

### 3.1 TOWN AND COUNTRY PLANNING ACT 1999 S16 Registered buildings: supplementary provisions

(3) In considering —

- (a) whether to grant planning approval for development which affects a registered building or its setting, or
- (b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### 3.2 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

Strategic Policy 4: Proposals for development must:

- (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2), buildings and structures within National Heritage Areas and sites of archaeological interest;

Environment Policy 32: Extensions or alterations to a Registered Building which would affect detrimentally its character as a building of special architectural or historic interest will not be permitted.

Environment Policy 34: In the maintenance, alteration or extension of pre-1920 buildings, the use of traditional materials will be preferred.

### 3.3 Planning Policy Statements: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

#### POLICY RB/3

General criteria applied in considering registered building applications

The issues that are generally relevant to the consideration of all registered building applications are:-

- o The importance of the building, its intrinsic architectural and historic interest and rarity, relative to the Island as a whole and within the local context;
- o The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the register; descriptions annexed to the entry in the register may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance, (e.g. Interiors, murals, hidden fireplaces) may come to light after the building's entry in the register;
- o The building's setting and its contribution to the local scene, which may be very important, e.g. Where it forms an element in a group, park, garden or other townscape or landscape, or

where it shares particular architectural forms or details with other buildings nearby (including other registered buildings).

#### POLICY RB/5 ALTERATIONS AND EXTENSIONS

In considering whether to grant planning approval for development which affects a registered building or its setting and in considering whether to grant registered building consent for any works, the Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Registered building consent is required for the building's alteration in any way which would affect its special architectural or historic character. There will be a general presumption against alteration or extension of registered buildings, except where a convincing case can be made, against the criteria set out in this section, for such proposals.

Applicants for registered building consent for alteration or extension to a registered building must be able to justify their proposals. They will be required to show why the works which would affect the character of the registered building are desirable or necessary and they should provide full information to enable the Department to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting. Where registered buildings are the subject of successive applications for alteration or extension, consideration will also be given to the cumulative effect upon the building's special interest as a result of several minor works which may individually seem of little consequence.

#### 4.0 PLANNING HISTORY

4.1 The existing rear annex was approved under 10/00774/B. An application for the demolition of the existing café and its replacement with a new building (20/00598/B) was withdrawn prior to determination. Application 21/00352/B approved the "erection of marquee, decking and steps for a temporary period and use of part of beach for Class 1.3 - Selling and consumption of food or drink - All between 15th May and 15th October in any year and until and including 15th October 2023." This application is concurrent with planning application 23/01446/B for "Courtyard and beach area to be used as temporary event and bar space; installation of additional seating and stretch tent; alterations to WC block."

4.2 There are no previous registered building consent applications on the property.

#### 5.0 REPRESENTATIONS

5.1 Port Erin Commissioners advise that they have resolved to support the application (10.01.2024 & 20.12.2023).

#### 6.0 ASSESSMENT

##### Statutory Test

6.1 Section 16 of the Act states that the "Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In this instance, the application proposes to make alterations to the fabric of the registered building. The removal of the cement based internal wall treatment and cement based screed, and their replacement with appropriate materials, are elements that are judged to be positive in respect of the long term health of the historic fabric. With this in mind, it is judged that the features of special architectural interest are being preserved and that the application therefore passes the statutory test.

##### Policy Tests

6.2 The ground floor area of the westerly, two bay, cottage has had cement based material applied to the internal walls. This has been in place since the mid to late 20th century. This



application now proposes to remove this non-breathable material and apply Keim silicate paint. It is considered that this proposed alteration will be positive for the long term health of the walls, as it will enable the historic solid walls to breath. With this in mind, this element of the proposals is considered to preserve the building's special interest.

6.3 The floor of the cottage is currently a cement based screed. This application proposes to remove this screed and install grey sandstone paving, with grey pointing to match. It is likely that the cottage's historic floor would have been either stone paving or beach stone cobbles, given the location and available materials in the mid-19th century. The reintroduction of a stone paved floor finish is therefore judged to be appropriate, and to preserve the building's special interest.

6.4 It is noted on proposed drawing 006 that minor repairs are intended to the ceiling. These minor repairs extend to making good blemishes in the existing ceiling fabric, much of which is not historic, and painting the ceiling. Although these works might be considered repair and maintenance and not to require registered building consent, the proposals are in any case considered to be appropriate and to be something that would preserve the building's special interest.

## 7.0 CONCLUSION

7.1 It is judged that the proposals meet the tests of Section 16 of the Town and Country Planning Act 1999 as the special interest of the Registered Building is being preserved, and meet the tests of Strategic Policy 4 and Environment Policy 32 of the Strategic Plan 2016, as the special interest is being preserved and protected. It is therefore recommended that the application be approved.

## 8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Registered Buildings) Regulations 2013, the following are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) Manx National Heritage; and
- (c) The local authority in whose district the land the subject of the application is situated

8.2. In addition to those above, the Regulation 9(3) requires the Department to decide which persons (if any) who have made representations 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.