



**DEPARTMENT OF ENVIRONMENT, FOOD AND
AGRICULTURE**

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

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

Former Farmers Combine Warehouse 33 West Quay Ramsey Isle Of Man IM8 1DD

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

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

Dated this 14th February 2019,

By Order of the Department

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

NOTE :

Under The Town and Country Planning Act 1999;

**Schedule 2
The Protected Buildings Register**

Notifications of entries on register etc.

- 2 (1) As soon as may be (practical) after a building has been entered in the register, or the register has been amended by removal of a building from it, the Department shall serve a notice on the owner and the occupier of the building stating that it has been entered in or removed from the register.
- (2) The owner or the occupier of, and any other person having an interest in, a building which has been entered in the register may apply to the Department to remove the building from the register-
- (a) within the prescribed period after service on him of a notice under sub-paragraph (1);
 - (b) after the expiration of the prescribed period after the decision of the Department on a previous request under subsection in relation to the building.

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

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

- (1) The period specified for the purposes of paragraph 2(2)(a) of Schedule 2 to the Act (period after notice of registration, within which owner or occupier may request de-registration) is 21 days.
- (2) The period specified for the purposes of paragraph 2(2)(b) of Schedule 2 to the Act (period after initial period, during which owner or occupier may not request a de-registration) is 5 years.

Notices sent to:

Property Owner

Local Authority - RAMSEY, Ramsey Town Hall, Parliament Square, Ramsey, IM8 1RT

Director, Manx National Heritage

Secretary, Isle of Man Natural History and Antiquarian Society

The Isle of Man Victorian Society



Former Farmers Combine Warehouse, 33 West Quay, Ramsey The Protected Buildings Register: Entry Summary

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

Name: Former Farmers Combine Warehouse
Register Entry Number:RB293

Location

Former Farmers Combine Warehouse, 33 West Quay, Ramsey,
IM8 1DD

Parish: Ramsey

Date first registered: 14/02/2019

Register entry description

Summary of Principal Building(s)

A warehouse, constructed circa mid C19th.

Reasons for Registration

The Former Farmers' Combine Warehouse, 33 West Quay, Ramsey, is recommended for entry into the Protected Buildings Register for the following reasons:

- ARCHITECTURAL INTEREST:

- *Industrial warehouse of the mid 19thcentury

*Surviving features including substantial timber joists and hoist mechanism

●HISTORIC INTEREST:

*The building is an example of a warehouse building dating to the expansion of Ramsey and development and expansion of the quay during the mid-19th Century

●Age and rarity:

* One of a few remaining warehouses in the quayside dating to the quays development.

History

Constructed circa 1850's during the expansion and development of the quay during the mid-19th that saw the increase in commerce and prosperity of Ramsey.

Details

A warehouse, constructed circa mid C19th

Materials:

Coursed Manx stone under a slate roof, with rendered front gable end

Plan:

A long plain warehouse set with a wide gable to the street over three stories

Exterior:

North elevation contains the gable end facing the street, elevation is rendered with centrally placed deep loading doors at each level with projecting hoist beam above the top loading doors. The loading doors are flanked by windows on either side diminishing in proportions between first and third floor. The ground floor has been altered with the loading door widened on the left side. All other elevations in coursed Manx stone with east elevation containing windows with brick arches at centre and south of centre at all floors. Southern gable elevation has central windows with brick arches at third and second floor and off centred fireplace opening at first floor chimney breast once part

of adjacent building now no longer extant.

Interior:

Ground floor has concrete slab with joists and planks on all floors above, lime plaster remaining on some internal walls Staircase placed in left front corner of the building, A fireplace remains in office to the front of the building. The roof structure is comprised of timber rafters on purlins with collard timber trusses. A timber fly wheel, roof harness and fixings also remain at third floor.

Subsidiary Features: None

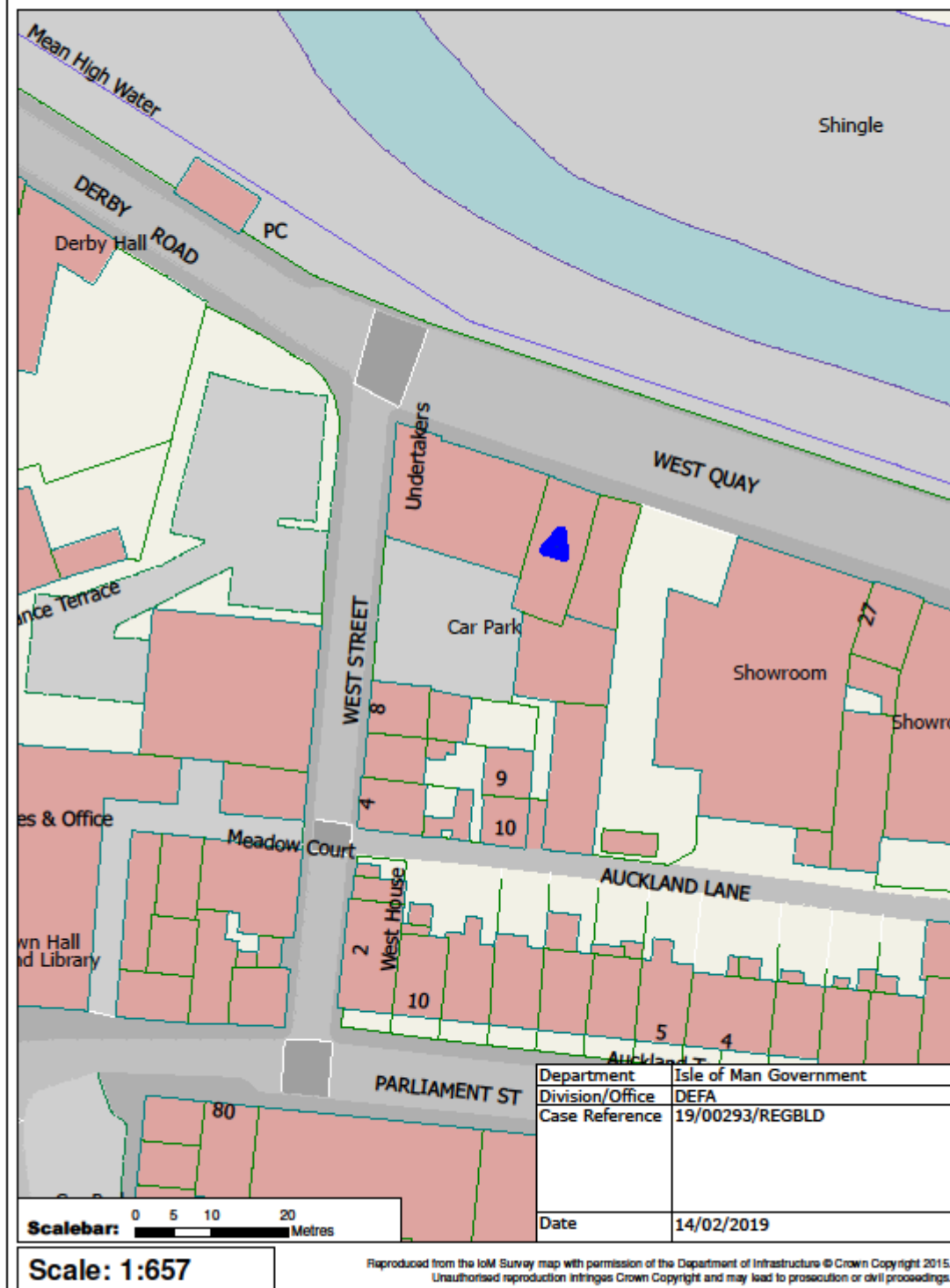
Please note: Descriptions annexed to the entry in the register may draw attention to features of particular interest or value, but they are not exhaustive.

Selected Sources

Maps and plans

1864, Wood's Atlas, DLGE.

1869 Series Ordnance Survey Map, Manx National Heritage



End of Official Register Entry

Department of Environment, Food and Agriculture

RECORDING OF MINISTERIAL DECISION IN RESPECT OF A REGISTERED BUILDING

Date: 21 August 2019

File Number: 19/00235/CON

Subject: Assessment of the application to remove the Former Farmers' Combine Warehouse, West Quay, Ramsey from the Protected Buildings Register

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

DECISION(S) REQUIRED:-

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

Refuse the application to remove the Former Farmers' Combine Warehouse from the Protected Buildings Register.

**Application to De-Register the Former Farmers' Combine Warehouse
33 West Quay, Ramsey.
Application reference 19/00235/CON**

1. Introduction and Purpose

- 1.1 The purpose of this paper is to consider the application to remove the former Farmers' Combine Warehouse from the Protected Buildings Register.
- 1.2 The paper has been updated since its first consideration on 10 June 2019 when the matter was deferred to seek legal advice and have a meeting with the applicants to seek clarity on their reasons for seeking de-registration.
- 1.3 A meeting was held with a representative from the Attorney General's office who confirmed that the decision needs to be made on the basis of the criteria within the Town and Country Planning Act 1999 (the Act) and the Operational Policy on the Principles of Selection and that it would not be inappropriate to meet with the applicant to explain that they would need to provide reasons for their application. A meeting subsequently took place and following that a supplementary statement has been submitted. This is attached in full for consideration, but is also summarised in the report at paragraph 3.3. Additionally, since the previous report was considered, Ramsey Town Commissioners have formally reconfirmed that they do not wish the building to be registered. The number of signatories to the petition now numbers 773, although the weight to be apportioned to the petition in determining the application remains limited as most of the submissions give no reasons why the proposal to remove the building from the register is supported and the information on the web-site is misleading. The Assessment paragraphs have been updated in the light of the additional information.

2. Background

- 2.1 On 7 November 2018 the Minister agreed to issue a Proposal to Register Notice with respect to the former Farmers' Combine Warehouse situated at 33 West Quay Ramsey. The Notice was served on 9 November 2018.
- 2.2 A response to that a letter was received on behalf of the landowner objecting to the proposal. That letter was accompanied by a report undertaken by BWB Consulting that provided a description of the building fabric, its historic development and an assessment of the architectural and historic interest of the building in the national context. That report concluded that overall the aesthetic condition is now poor - noting that:
- the building holds a degree of architectural and historic interest evidencing the mid-19th Century expansion of settlement and illustrating the industrial character of historic development along West Quay, much of which has been lost through redevelopment and clearance;
 - the retained fabric broadly illustrates the historic form and function and the vernacular character of the original construction including the use of traditional material and construction methods; and
 - the building has undergone significant alteration and adaption most notably the application of render and reworking of openings (a number of window openings have

been altered or blocked off), a number of headers and sills are absent or unsympathetically replaced and a number of interventions are apparent internally.

- 2.3 Ramsey Commissioners wrote supporting the registration on 6 December 2018 following their meeting of 21 November 2018.
- 2.4 Letters of support were also received from the Isle of Man Natural History and Antiquarian Society, the Victorian Society and a private individual. These letters set out reasons why they feel the building is worthy of inclusion in the Register. In summary these indicated that:
- the building was erected around the 1850s or earlier;
 - it is typical of warehouses once common in Douglas and Peel but now lost;
 - it is built of local stone;
 - the building tells of its historic use;
 - the original cathead still exists;
 - it is the last untouched warehouse in Ramsey that portrays not only its own architectural history but the development of Ramsey;
 - the involvement of Rechabites – who owned the building – adds to its unique status; and
 - it is a dominant and important part of the street scene.
- 2.5 At the Policy and Strategy meeting on 9 January 2019 a paper was considered which sought endorsement of the addition of the building to the Protected Buildings Register. An advice report had been prepared assessing the building's interest and outlining the comments received as part of the consultation and this was also considered and noted. The Registered Buildings officer acknowledged the assessment made on behalf of the owners. He accepted that the condition of the building is poor and that there has been some alteration to the building. He felt however that there still remains a level of intactness and survival of features, including the substantial timber joists, historic windows and plan form that are of architectural interest. He felt that the building is one of few surviving structures dating back to the development of this part of the quay and is an example of the industrial and trade development of Ramsey.
- 2.6 The intention was noted to preserve what is historically important about the building rather than setting it "in aspic". The issue of a Notice of Registration to formally endorse the addition of the property to the Protected Buildings Register was agreed.
- 2.7 On 17 January a letter was received from Ramsey Town Commissioners setting out that they further considered the proposal at their meeting dated 16 January 2019. They indicated that they considered the contents of the report by BWB which had not been available to them when they first considered the proposal. They subsequently considered that the reports advised that the building had no historic merit and as such they had determined to withdraw their support for the Registration. As the Notice of Registration had not been issued, the Minister considered the contents of the letter but determined it raised no new information that had not been considered by the Policy and Strategy Committee. The decision was ratified by the Minister on 6 February 2019 and the Notice

dated 14 February 2019 was served on 15 February 2019.

2.8 The formal Registration is attached to this report.

3. The Application to De-Register the Building

3.1 The application to de-register the building was submitted on 6 March 2019. The reasons given are summarised below.

- The previous report by BWB Consulting concluded that *'having regard to the extent of alteration to building, in combination with deterioration and loss of original fabric, it fails to meet the level of special architectural or historic interest in the national context to merit addition to the Register. This is of necessity, a high test, and requires robust consideration and selectivity.'*
- A structural appraisal undertaken by Graham Schofield Associates commissioned by the owner dated July 2018 concluded that *'old buildings such as this one experience structural deterioration as a result of two factors:-1. Abuse and neglect of the building during its functional lifetime and 2. Ingress of water and gaps opening up to the building's fabric to allow natural weathering to occur.'* A Structural Assessment Report prepared by The Morton Partnership, Consulting Civil and Structural Engineers, dated September 2018 was commissioned by the Department and concluded inter alia that *'the building could be brought back into full use but at a high cost'*. Since the removal of the portal frame building adjacent further details of the dangerous condition of the building is more evident.
- Following consideration of the reports Ramsey Commissioners are now of the view that *'the building has no integrity, no future viable purpose and no historic merit.'*
- The Directors of the management company of the neighbouring building has emailed the owner of 33 West Quay expressing concern about the very poor condition of the building and vermin infestation and suggested that there were multiple far better preserved properties along West Quay.
- The applicants comment that as the Department was not required to give detailed reasons for its decision it is not known to what extent the Department had regard to the representations made by the owner and in particular to the reports from BWB and Graham Schofield Associates, nor is it apparent how the Department arrived at its conclusion that the building is of special architectural or historic interest.
- It is the owners' submission that the building does not have any special architectural or historic interest; that the property is structurally in a poor condition and is beyond economic refurbishment; that the building does not contribute to its current setting on West Quay; and the continued registration of the building acts as a potential impediment to the beneficial development of the building and the adjoining site. The owners suggest that they would undertake to maintain a record of the building and preserve any item of interest such as the hoist gear and housing.

3.2 The reports by BWB, Graham Schofield Associates and the Morton Partnership were submitted in support of the application. The application was also accompanied by a letter from Ramsey Town Commissioners to the applicants dated 5 March 2019 as referred to above.

- 3.3 A supplementary statement has been provided by BWB on behalf of Shearwater Properties Limited (17 July 2019). In that submission they set out the statutory criteria in the Act and the Principles of Selection that further defines special interest. They indicate that construction in the 1850s means that a degree of selectivity needs to be applied. They note that the building has a degree of historic interest being part of the mid-19th century expansion of Ramsey, it did not form part of the historic core of the earlier settlement of illustrate association with any nationally important person. They feel that whilst it is of interest in the local context of Ramsey, given the building type and use, in combination with the dating, that it is not of special interest in the national context. From an architectural point of view, it is a typical functional design with no significant architectural elaboration or decoration. It exhibits no significant technological innovation in terms of architectural treatment or layout. With respect to the machinery they state that is of 20th Century dating and are 'fragmentary'. They highlight the extent of later alteration and adaptation during the 20th Century including the coarse sand and cement render masking original fabric and detailing and being of poor aesthetic quality, widening of the door, alteration of openings and substantially diminished architectural interest and authenticity. They highlight that the Principles of Selection indicate that the appearance of a building 'is a key consideration in judging registration proposals'. Finally they indicate that the statutory requirements of the 1999 Act set a high test in the determination of special interest in the National context and they believe that the Farmers Combine buildings fails to satisfy this.
- 3.4 The application has not been subject to further consultation following the receipt of the supplementary statement as it provided no substantive new information.

4. Representations

- 4.1 Highway Services: No highway interest (22.3.19)
- 4.2 Ramsey Town Commissioners: In an email received on 27 June 2019, RTC reconfirmed their views submitted on 17 January 2019 which are referred to in paragraph 2.7 above.
- 4.3 Manx National Heritage provided initial comments (29.3.19): Registration does not preclude change or development, it gives certainty to owners that they have an asset rather than a liability. Registration should challenge owners and the community to find innovative ways of re-use and experience shows that the increased scrutiny of the development usually produces better quality outcomes in time. Registration makes a strong presumption against demolition. MNH would expect the owner to commission a Conservation Statement to inform their understanding of the significance of the structure which would inform development.
- 4.4 Manx National Heritage provided additional detailed comments as set out below (5.6.19).
- MNH fully support decision to register this building.
 - The research undertaken by the RB officer, the Victorian Society and the Isle of Man Natural History and Antiquarian Society show that the building is of considerable

significance and rarity and is worthy of protection. Concur that it is of both historical and architectural value.

- Historical value arises from its construction as a warehouse at the time of expansion and development of Ramsey as a port and settlement from being a port little changed since the late medieval period.
- Today no.33 is sole warehouse surviving in anything akin to its original form out of more than a dozen. As a surviving example it greatly enhances its significance.
- The building has distinctive visual massing and orientation, it preserves several more specific features that enhance its value further, including recessed doors and the cathead.
- Our understanding of the relevant legislation is that the building's present structural condition is not a material consideration in the process of deciding whether or not to place it on the protected building's register, in this respect those aspects of the report submitted by the applicant's structural engineer considering its condition are not material to the question of whether or not the building merits protection, however the Morton Partnership report is more pragmatic and sensitive in its approach in demonstrating the structure viability of the building.

4.5 Isle of Man Natural History and Antiquarian Society provided detailed comments as set out below (12.4.19).

- Object to the application to de-register the Building. Request interested Party Status.
- Confirm that they would repeat their submission to the Notice of Proposal to Register. Fine example of early to mid 19th Century stone built, slate roofed with its frontage, albeit rendered, intact. The frontage is unique in Ramsey, others have not retained their original features. Internally it retains its massive baulks of timber holding the upper floors which maybe unique feature structurally as well as a flywheel, sack hoist and chute. The building provides important visual character and historic context. The building represents a time when the quay was expanding and led to the growth of Ramsey. Warehouse likely to be instigated by Thomas Kneale.
- The Society accepts that as with all building not maintained there are clearly problems internally which would necessitate removal of much of the internal fixtures of the upper floors but not to the extent of demolishing the whole...the fact that the ground floor (is) still used to some extent is not taken into account. The inclusion of the asbestos report is a red herring since the report's findings refer largely to the Barry Curran buildings which are already being demolished and a small patch within the former office.
- The assertion that it is beyond economic repair is unsubstantiated by any figures and does not take into account the cost of refurbishing the wall of the apartment block next door and other such matters.
- Registration is about the history and architecture of a property, not its condition or the economics of repairing it. The Society argue that there is opportunity for the developer to design a high quality development that takes into account the architecture of the building.

4.6 Petition submitted by resident of Ballakesh Farm (21.3.19 and 8.4.19) initially with 610 signatories and then a further 16 making 626 in total. The writer states that '*the building*

is an eyesore and beyond repair, the decision to register had hindered progress and developers should be encouraged to regenerate brownfield sites.'

4.7 The main petition does not, in itself, set out reasons why the warehouse building should be removed from the register however the change.org website, through which the petition was organised states:

'The old Farmers Combine Warehouse building has stood neglected for many years. It's is an eyesore and of no use as it is. Development of brownfield sites should encourage [sic]. I'm sure the people of Ramsey would rather see the area regenerated and improved. The proposed development will provide employment to the town.'

It was also noted that at the time of writing this report (5.6.19) 655 people had signed the petition.

4.8 Comments were also provided on a separate sheet. The comments made can be summarised as:

- Building is an eyesore
- Blot on the landscape
- Passed the point of repair
- Should have been protected a long time ago
- Vermin are present
- New development should be allowed
- A 200 job creating development has been thwarted
- Has no use
- Incompetence/blindness/stupid idea/ridiculous

4.9 Owner/occupied Ballachurry Farm (31.3.19): The building should be preserved for posterity and the future. If it is demolished it will be gone for good, it should be renovated and preserved for future generations. Architects and owner should have incorporated it into their plans. Ramsey lost too many of its old and historic buildings thanks to the mistakes of the 1950s-70s. Although in current state it may be dangerous it was fine for veg shop to be in there for last 6-8 years so shell should be reasonably sound.

4.8 Glen View, Laxey (13.4.19): The building is important architecturally and aesthetically because it is largely unaltered surviving example of a Manx stone warehouse including original windows, doors and cathead hoist. Internally it includes the fixtures of the flywheel associated with the hoist, the chute and the sack hoist. The timber baulks mirror those in the dry dock frame on the opposite side of the quay and is likely to be associated with it. Historically it appears to have been built in 1845 possibly by Thomas Kneale who was landowner of the area where the quay was extended. The building is a landmark because of its relative isolation. Not part of a recognized grouping, but 26 West Quay is registered there is potential for the two buildings to 'bookend' any infill development.

5. Legal Issues

- 5.1 The means to designate Registered Buildings is set out within Section 14 of The Town and Country Planning Act 1999 (The Act).
- 5.2 In registering a building the Department shall consider its special architectural or historic interest.
- 5.3 An application may be made to de-register a building within 21 days of its registration. If the decision is made not to de-register it, a further application may not be made for 5 years.
- 5.4 If a person wishes to apply to be treated as an interested person the person must indicate in his or her written submission the relationship between the person's land and the building that is the subject of the application. When it determines the application the Department must decide which persons (if any) who have made written submissions with respect to the application should be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application. The applicant, the agent if there is one, the owner and occupier of the building, Manx National Heritage and the local authority are interested parties by virtue of Section 9(4) of the Town and Country Planning (Registered Buildings) Regulations 2013.
- 5.5 Reasons must be given for the decision whether or not it is to retain the building on the register or to de-register it.
- 5.6 The decision can be appealed by the applicant or the applicant's agent and any interested person in writing to the Department within 21 days of the date of the notice.

6. Policy

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

6.4 In applying the statutory criteria and considerations, as set out above, the Department will also consider the following principles:

Age and rarity. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The dates are indications of likely periods of interest and are not absolute. The relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that: (i) before 1800, all buildings that contain a significant proportion of their original fabric are likely to be registered; (ii) from 1800 to 1860, many buildings may be worthy of consideration for Registration; (iii) after 1860, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively selection is necessary; (iv) particularly careful selection is required for buildings from the period after 1945; (v) buildings of less than 30 years old are normally registered only if they are of outstanding quality and under threat.

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

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

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

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

7. Assessment

7.1 The reasons for the application to de-register set out are:

- (i) the building fails to meet the level of special architectural or historic interest due to the extent of alteration in combination with deterioration and loss of original fabric;
- (ii) the building has suffered structural deterioration and it could only be brought back

into use at high cost;

(iii) Ramsey Commissioners are of the view that the building has no integrity, no future viable purpose and no historic merit;

(iv) that the building does not contribute to its current setting; and

(v) that its retention is a potential impediment to redevelopment.

7.2 Points (ii) and (v) are not material considerations as acknowledged in the Principles of Selection under State of Repair.

7.3 In terms of whether the building has special architectural or historic interest, and secondly whether the building contributes to its setting, these are a matter of judgement. The applicants argue that its special character has been lost by alteration and deterioration. These were matters considered at the time of the original decision to register the building when it was acknowledged that the condition of the building was poor and that some alteration had taken place, but that the remaining building retained a level of intactness and survival of features. Its historic value is also not considered to have diminished as a result of its state of repair. In terms of whether the building contributes to its setting, it is noted that even new buildings are designed to reflect the vernacular of the former warehouses and as a quayside building it is clearly at home within its setting.

7.4 In terms of the representations made in support of de-registration, it is understandable that people are concerned with the appearance of unused buildings and what place they hold for the future. It is not clear how many people signed the petition in the belief that the registration is preventing a particular development that would bring forth many jobs to the area. No such proposal is evident and in any case is not a material consideration in the determination of whether a building should be registered or not.

7.5 It is also understandable that people believe the building is an eyesore and that could be seen as a material consideration given that the Principles of Selection include aesthetic quality. The building is vernacular/functional (rather than being 'polite' architecturally) but this is not reason to dismiss it automatically, many buildings, including those on the island are vernacular, such as those at Cregneash. Arguably it is the state of repair that the building is in which causes it to be an eyesore, and if repaired could be a valuable addition to the street scene.

7.6 Those representations made that object to its de-registration provide further confirmation of its architectural features and historic context.

8. Conclusion

8.1 The supplementary statement provided looks methodically at the statutory criteria as well as DEFA's Operational Policy. The statement does not provide new information as such, rather the consideration of the building against the criteria has been reassessed and is re-confirmed. The bullet point summary of the historic and architectural quality of the building is not disputed. All parties agree on the date, history and physical state of the building, however the applicants argument is that the building is simply not special enough, particularly in the national context, and that a high bar should be set for the registration of the building. The objectors' views are that it does meet that bar, particularly given how few of these buildings remain and that it is important in its context.

8.2 Given the balance of the competing views, in making the recommendation below, significant weight has been given to the views of Manx National Heritage given their statutory role on the Island.

9. Consideration of Interested Person Status

9.1 As stated above the Registered Building Regulations sets out that when it determines the application the Department must decide which persons should be treated as Interested Parties. DEFA's Operational Policy on Interested Persons does not apply to applications to de-register a building. Nevertheless it does state that persons who wish to apply must indicate the relationship between the person's land and the building that is the subject of the application. This is presumably so that a decision can be made as to the impact of the decision on that person's land. None of the parties have done this. Accordingly it is recommended that no parties are to receive Interested Person Status, other than those who automatically receive it under paragraph 9(4).

10. Resource Issues

10.1 None

11. Options

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

12. Recommendations

12.1 To refuse the application to remove the Former Farmers' Combine Warehouse from the Protected Buildings Register for the following reason.

The building is considered to be of special historic and architectural interest and is one of a few surviving warehouses in the quayside.

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

AUTHORISATION

Supported by relevant Director:

Signature:

Date: 11/09/19

Chief Executive: APPROVED / NOT APPROVED / REFERRED BACK

This was discussed at the Policy & Strategy meeting and the decision to accept the application was taken there by the Minister.

Signature:



Date: 11/09/19

Minister: ~~APPROVED~~ / NOT APPROVED / ~~REFERRED BACK~~

In considering the application to de-register the building, taking into account the Statutory Criteria set out in the Town and Country Planning Act 1999 and the Operational Policy on Principles of Selection for the Registration of Buildings 2018, and the representations made, it was determined that the entirety of the building did not reach a sufficiently high bar to be of special architectural or historic interest in the national context.

Signature:



Date: 11/09/19

COMMENTS

(Continue overleaf if necessary)



Shearwater Properties Limited
Masonic Buildings
Water Street
Ramsey
IM1 1RD

Town and Country Planning Act 1999

Town and Country Planning (Registered Buildings) Regulations 2013

In pursuance of powers granted under the above Act and Regulations the Department of Environment, Food and Agriculture determined to **APPROVE** an application by Shearwater Properties Limited, (Ref **19/00235/CON**) to remove **Former Farmers Combine Warehouse 33 West Quay Ramsey Isle Of Man** from the Protected Buildings Register for the following **reason(s)**:

1. In considering the application to de-register the building, taking into account the Statutory Criteria set out in the Town and Country Planning Act 1999 and the Operational Policy on Principles of Selection for the Registration of Buildings 2018, and the representations made, it was determined that the entirety of the building did not reach a sufficiently high bar to be of architectural or historic interest in the national context.

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

The effect of this decision is that the property has now been removed from the Protected Buildings Register, and therefore is no longer accorded Registered Building status.

Date of Issue:
15th October 2019

**Director of Planning and
Building Control**

Guidance Note

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

- (1) An appeal from a decision of the Department may be made by the applicant or the applicant's agent and any interested person in writing to the Department within 21 days of the date of the notice under regulation 10(1), signed by that person and must include –**
 - (a) the reasons for making the appeal;**
 - (b) Payment of a planning appeal fee as prescribed in an order made by the Department under section 1(1) of the Fees and Duties Act 1989; and**

- (c) An election to have the appeal conducted by means of an inquiry or by means of written representation.
- (2) The Department must refer the documentation received under paragraph (1) as soon as practicable to the Chief Secretary.

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

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

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

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