Isle of Man
Government
Reiltys Ellan Vannin

Port Erin Commissioners
12 Bridson Street
Port Erin
IM9 6AN

Town and Country Planning Act 1999

Town and Country Planning (Registered Buildings) Regulations 2013

In pursuance of powers granted under the above Act and Regulations the Department of Environment, Food and Agriculture determined to **REFUSE** an application by Port Erin Commissioners, to remove **Cosy Nook, Shore Road, Port Erin** from the Protected Buildings Register (Registered Building No.295) for the following **reason(s)**:

1. No new information has been submitted in respect of the reasons for registration (as included within the registry entry summary) that would justify the removal of the building from the Protected Buildings Register.

Date of Issue: 5th October 2021
Redacted

Director of Planning and Building Control

Guidance Note

Regulation 9(6) – Determination of application

(6) The determination of the application does not have effect —
(a) if an appeal is made under regulation 11, until the appeal is determined or withdrawn;
(b) if no such appeal is made, until the time within which an appeal may be made has expired.

Regulation 11 - Appeal from decisions of the Department;

(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.

Department of Environment, Food and Agriculture

RECORDING OF MINISTERIAL DECISION

Date: September 2021

File Number: 2021/09/07

Subject: Assessment of the application to remove the Cosy Nook, Shore Road, Port Erin 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 this report, and is recommended to:

Refuse the application to de-register the building and retain it on the Department's Protected Buildings Register and endorse the recommendation in relation to Interested Party Status.

1. Introduction and Purpose

1.1 The purpose of this paper is to seek endorsement of the report and recommendation in relation to the application to remove the Cosy Nook from the Protected Buildings Register (de-register).

2. Background

2.1 The Department was asked to endorse the issuing of the Notice of Registration on 7th April 2021, which it did via the Department's Policy and Strategy Meeting.

3. Legal Issues

3.1 The means to designate Registered Buildings is set out within Section 14 of The Town and Country Planning Act 1999 which states:

14 The Protected Buildings Register

(1) The Protected Buildings Register, a register of buildings of special architectural or historic interest, previously maintained by the Department of Infrastructure, is to be maintained, after the coming into operation of the Transfer of Planning and Building Control Functions Order 2015, by the Department.

(2) In considering whether to enter a building in the register the Department may take into account not only the building itself but also —

(a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and

(b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a manmade object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.

(3) Schedule 2 shall have effect with respect to the compilation and amendment of the register.

3.2 The Procedure by which a Notice of Proposals to Register a Building is issued is set out within section 6 of the Town and Country Planning (Registered Buildings) Regulations 2013

6 Notice of proposal to register or de-register building

(1) The Department must give public notice of any proposal to register or to de-register a building in at least one newspaper published and circulating in the Island or by such other means as the Department considers appropriate —

(a) identifying the building in question, and
(b) stating that any person may make written submissions to the Department with respect to the proposal before such date as is specified in the notice (not being less than 21 days after the date on which the notice is first published).

(2) The Department must give a copy of the notice and state that written submissions with respect to the proposal may be made to the Department as directed under paragraph (1)(b) to —
(a) every owner or occupier of the building;
(b) the local authority for the district in which the building is situated; and
(c) Manx National Heritage.

(3) The Department must not register or de-register the building, as the case may be, until —
(a) it has considered any representation duly made in pursuance of a notice under paragraph (1) or (2); and
(b) the period referred to in paragraph (1)(b) has elapsed.

7 Applications relating to registered building consent and de-registration of buildings

(1) An application for —
(a) de-registration of a building (subject to the periods specified in regulation 5(1) and (2));

(5) In the case of an application under paragraph 1(a), the applicant must state the reasons for making the application.

8 Notice of application

(1) As soon as practicable after receipt of an application the Department must prepare a notice of the application and decide on the date by which the notice must be published in accordance with this regulation ("the publication date").
(2) The notice of application must —
(a) specify the location of the building to which the application relates; and
(b) in the case of an application under regulation 7(1)(a), state that an application to de-register a building has been made to the Department; or
(c) in the case of an application under regulation 7(1)(b) or (c), describe the nature of the work or of the variation or discharge, to which the application relates;
(d) state that any person may make written submissions to the Department with respect to the application before such date as is specified in the notice (not being less than 21 days after the publication date); and
(e) state that 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.

(3) No later than the publication date the Department must —

(a) send a copy of the notice to the applicant requiring the applicant to — (i) send a copy of the notice to every owner or occupier (who is known to the applicant) of the building that is the subject of the application or any part of it; and (ii) display a copy of the notice by fixing it firmly to the building or other structure or object on or near the building that is the subject of the application so that it is easily visible by members of the public from a public highway and is unlikely to become obscured or concealed, and to ensure that it remains so displayed for a period of not less than 21 days;

(b) send a copy of the notice and application to — (i) the local authority for the district in which the building the subject of the application is situated, which authority must post it in one or more conspicuous places within its district; and (ii) to Manx National Heritage; and (c) cause the notice to be published in at least one newspaper published and circulating in the Island or by such other means as the Department considers appropriate.

9 Determination of application

(1) As soon as practicable after the relevant date the Department must consider the application, including any written submissions with respect to it, and determine it.

(2) In paragraph (1) "the relevant date", in relation to an application, means—

(a) the date specified in the notice under regulation 8(2); or

(b) if the Department has directed under regulation 7(3) that further particulars be furnished, the date on which such particulars are received by the Department, whichever is the later.

(3) When it determines the application the Department must decide which persons (if any) who have made written submissions with respect to the application (whether pursuant to a notice under regulation 8 or otherwise), other than those referred to in paragraph (4), 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.

(4) The persons are — (a) the applicant or, if there is one, the applicant's agent; (b) the owner and the occupier of any building the subject of the application; (c) Manx National Heritage; and (d) the local authority in whose district the building is situated.

(5) In the case of an application under regulation 7(1)(b) or (c), except where a previous application relating to the same building the subject of the application has not been finally disposed of or the Department declines to consider the application under regulation 7(4), the Department must wherever possible determine the application within 8 weeks of receipt of the application or the last further particulars directed to be furnished under regulation 7(3), whichever is the later. (6) The determination of the application does not have effect — (a) if an appeal is made under regulation 11, until the appeal is determined or withdrawn; (b) if no such appeal is made, until the time within which an appeal may be made has expired. (7) In the case of an application under regulation 7(1)(b) or (c), except in so far as the approval otherwise provides, an approval applies to the building in respect of which it is granted irrespective of any change in ownership or interest in the building.

10 Notice of decision

(1) As soon as practicable after the determination of the application under regulation 9(1) the Department must give notice in writing of the decision to —(a) every interested person; and (b) any other person who has made representations with respect to the application.
(2) A notice under paragraph (1) must set out — (a) in the case of an approval in respect of an application under regulation 7(1)(a), the reasons for granting the de-registration of the building; or (b) in the case of an approval in respect of an application under regulation 7(1)(b) or (c), the conditions (if any) subject to which the approval is granted and the reasons for them; (c) in the case of a refusal of any application, the reasons for it; and (d) the effect of regulation 9(6), and, in the case of a notice given to any persons mentioned in paragraph (1)(a), must state that such person may appeal in accordance with regulation 11.

11 Appeal from decisions of the Department

(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 of 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 on 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.

4. Policy

4.1 The Policy context for Registration is outlined in the Department's operational policy *Principles of Selection for the Registration of Buildings in to the Protected Buildings Register.*

5. Assessment

5.1 An Advice Report including recommendations in relation to Interested Persons has been prepared assessing the application and outlining the comments received as part of the consultation. This report is attached as appendix 1; the comments received are attached as appendix 2.

6. Justification for Proposed Registration

6.1 Officers are of the view that the Cosy Nook is of special architectural and historic interest and should be retained on the Protected Buildings Register

7. Resource Issues

7.1 There is no resource issue, the necessary administration has been undertaken by the Department as part of its planning function.

8. Options

8.1 Having considered the content of this report to refuse the application to de-register the building

or;

8.2 To approve the application and remove the building from the register.

9. Conclusion

9.1 Having considered the content of the advice report (as set out in appendix 1) it is considered that the building is of Special Interest and should be retained on the Protected Buildings Register by reason of: S14 of the Town and Country Planning Act 1999.

10. Recommendation

10.1 The Department is recommended to refuse the application to de-register the building and agree the recommendation in relation to Interested Persons.

AUTHORISATION

Supported by relevant Director:

Signature: Redacted Date: 29/9/21

Chief Executive: APPROVED / ~~NOT APPROVED / REFERRED BACK~~

Signature: Redacted Date: 29/9/21

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

Signature: Redacted Date: 29/9/21

COMMENTS

Redacted

(Continue overleaf if necessary)

Case Name:	Cosy Nook
Case Number:	Registered Building 295

Background

The Department for Planning & Building Control has received an application to De-Register Cosy Nook.

Asset (s) under Assessment

Facts about the asset (s) can be found in the Annex (es) to this report

Annex	Name	Category
1	Notice of Registration and Entry Summary	Registration Documentation
2	Application Form	De-registration application

Context

Assessment

Consultation

The Notice of an application to De-register Cosy Nook was published on 30th July 2021. A consultation period ran for 21 days, closing on 20th August 2021. All submitted comments received within the consultation period are included within an appendix to this report, and are summarised below.

Statutory Consultees:

Owner: Port Erin Commissioners, as applicants, submitted a statement in support of de-registration. Their full submission is included within an appendix to this report. The submission assesses the decision to register Cosy Nook against the Department's Operation Policy, and concludes as follows:-

In conclusion, its registration precludes or at least severely restricts any alteration or improvements and therefore leaves it to become vulnerable to damage from rising sea levels. Removing it from the register does not necessarily mean that it will automatically be demolished but that there will be more latitude in approaching its future.

As the appraisal of the Cosy Nook shows that only four out of ten of the Department's own criteria are met we feel that this in itself should be reason for the building to be de- registered and would ask that the Minister reconsider his decision and de-register the Cosy Nook.

Occupiers: The occupiers, running the café/bar on the building forecourt, have not submitted any comments.

Local Authority: Port Erin Commissioners are the owners and applicants for the application. Their submission is summarised above.

Manx National Heritage: No comments have been received.

Other organisations, groups:

Isle of Man Antiquarian and Natural History Society (IMANHS):

The Society submitted comments relating to the reasons for deregistration as included on the applicant's application form. The society objects to the application to de-register as they believe the reasons for requesting the de-registration do not relate to the architecture and history of the building, and that approving the application to de-register would set a bad precedent.

Culture Vannin (Manx Heritage Foundation):
Culture Vannin submitted comment objecting to the proposed de-registration, stating that they agreed with the reasons for registration and that they believe nothing has changed since the decision was taken that change these reasons.

Rushen Heritage Trust:
The trust submitted comments stating an objection to the de-registration, believing that there is no new evidence or insights to justify deregistration. They agree with the letter submitted by D Wertheim, who they describe as one of their long serving supporters. Mr Wertheim's submission is summarised below.

Other Submissions:
Redacted : Submitted a detailed letter addressing the reasons for requesting deregistration as included on the applicant's application form. The submission lists the reasons why the building was registered, and states that it does not believe any grounds submitted by the applicant hold up on inspection.

Redacted : Submitted a detailed letter addressing the reasons for requesting deregistration as included on the applicant's application form. The submission states that they are not aware of any reasons that would warrant deregistration.

Individual submissions were also submitted by the following persons, all stating an objection to the proposed deregistration:
Redacted
Redacted
Redac
Redacted
Redacte
Redacted
Redacte
Redact
Redacted

Discussion

It is my view that the main issues made for de-registration by the applicant are that firstly the applicant has stated that they consider the building to be neither of special architectural nor particular historic interest.

Architectural Interest
The applicant states that as the property stands alone it does not contribute to the architectural or historical interest of a group of buildings. This is only an issue where a building has been registered for its group value, which was not the case in relation to this building.

They also state that the building does not have the attributes of a typical cottage and modern alterations and extensions effectively screen for the most part the original cottages. The issue of

the later additions and extent of alterations were dealt with as part of the registration advice report and these comments do not bring any new matters into light that have not been considered as part of the assessment process.

Historic Interest
The applicant considers the building, as a small commercial enterprise not to be illustrative of important aspects of the nation's social, economic, cultural, or military history and that the physical interest is in the open space in front of the building which affords visitors views over the bay, that the building itself is merely a backdrop.

This matter was addressed in the advice report where the building was considered of high value locally both as a surviving building of the pre-tourist shoreline village and its social and cultural history as a venue associated with the village's tourism and it was considered that this was sufficient enough to contribute nationally. The applicant does not provide any new information or evidence to state why this is not the case.

The following matter were also raised by the applicant but are not relevant or material in considering the special interest of the building and have no bearing on registration;

- The building will not be protected from flooding
- Poor structural condition
- Contains asbestos
- Cannot be upgraded to meet energy efficiency requirements. This statement is also incorrect.
- Was registered without full internal inspection. There is no requirement to do so and the building was visited by the Principle Registered Buildings Officer previously.

Conclusion

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

Ross Brazier, Registered Buildings Officer.

Persons to be treated as Interested Persons

In addition to the parties listed in Regulation 9(4), the following parties are judged to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application:

None, as no comments were received that demonstrated a sufficient interest in the subject matter to warrant Interested person status.

Countersigning comments:

Agreed, Jennifer Chance, Director Planning and Building Control

Form RB2

Registered Building No. 295

Isle of Man Government
Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE

TOWN AND COUNTRY PLANNING ACT 1999

TOWN AND COUNTRY PLANNING (REGISTERED BUILDINGS) REGULATIONS 2013

IN ACCORDANCE with Part 3 14(2) of the Act, The Department of Environment, Food and Agriculture on the 7th April 2021 determined for entry,

Cosy Nook Shore Road Port Erin Isle Of Man IM9 6HH

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 9th April 2021,

By Order of the Department

Redacted

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/Occupier

Isle of Man Government

Department of Environment, Food and Agriculture

Rheynn Chymmyltaght, Bee as Eirinys

Cosy Nook Shore Road Port Erin Isle Of Man IM9 6HH

PROTECTED BUILDINGS REGISTER : ENTRY SUMMARY

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

Property CONFIRMED for entry onto the Register

Name: Cosy Nook

Address: Shore Road Port Erin Isle Of Man IM9 6HH

Register Entry Number: 295

LOCAL AUTHORITY: PORT ERIN

Registration Decision Date : 7th April 2021

Notices issued: 9th April 2021

Reporting Officer : Mr R Brazier

Register entry description

History

The building was originally two dwelling houses built by the Watt family in the mid-19th century in a Manx Vernacular style.

The building has been a café since at least the very early 20th century, a use change associated with the expansion of Port Erin as a holiday resort and tourist destination. A single storey extension has been constructed on the principal, south facing, elevation during the 20th century.

The building has been altered internally as a result of being converted to a single unit.

Details

MATERIALS: Painted stone walls, artificial slate roof, timber windows, timber door.

PLAN: Two attached former cottages, two storeys in height; seaward cottage two bays, landward cottage three bays.

EXTERIOR: White painted stone external walls. Single storey flat roof modern extension to landward cottage, additionally with modern toilet block in former front garden.

INTERIOR: Altered with the loss of historic plan form, roof entirely replaced.

Subsidiary Features: Historic boundary wall still present though altered.

Reason for Registration Decision

The Cosy Nook, Port Erin, is recommended for entry into the Protected Buildings Register for the following reasons:

●HISTORIC INTEREST:

- Age and rarity: surviving vernacular building of early Port Erin located in unique shoreline location.
- The building is 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.

Map

Site Location Plan
Isle of Man Government
ISLE OF MAN SURVEY
Sand
Princess Towers
Car Park
Cooil Bane
Whitestones
Coastguard Store
Snaefell House
Garages
Bridge House
Gleneagles
Regent House
The Stanley
Aalin
Bay View Hotel
Monit House
Davith
Windermere
Shieling
Arnside
Beacon Fixed Red
Leading Light Lighthouse
Cosy Nook Cafe
York House
Grosvenor Hotel
Workshop
Erin Arts Centre
Caledonia
Chatsworth
Sunningdale
Works
Mean High Water
Sand
VICTORIA SQUARE
Windsor House
College
Marina House
Works
MARINA LANE
St Catherine's Terrace
St Catherine's Chapel (site of)
Eagle Towers
Bay View Cottage
Shore Cottage
Shore House
SHORE ROAD
St Catherines Church
Scalebar: 0 10 20 40 Metres
Department Isle of Man Government
Division/Office DEFA
Case Reference
Date 18/01/2021
Scale: 1:1,000
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Isle of Man Government

The Town and Country Planning Act 1999
Town and Country Planning (Registered Buildings) Regulations 2013

Application for De-Registration of a Building

A Registered Building is a building of special architectural or historic interest which has been included in the Department's Protected Buildings Register.

It is an offence to carry out **any** works (internally or externally) affecting the character of a Registered Building without the written consent of the Department.

An up to date list of the Register is available from the Department or its website.

An application for the de-registration of a building may be made under Regulation 7(1)(a) and "must state the reasons for making the application."

FOUR copies of this form and any supporting information must be submitted.

Please note that applications to request de-registration of a building may only be made under (5(1) of the Regulations by the owner or occupier (a) within 21 days of the original registration; OR (b) NOT within 5 years of entry on the register.

Please complete in BLOCK CAPITALS and in black ink. **All relevant questions on this form must be answered.**

1. Address of the building which is the subject of the application.

Cosy Nook,
Shore Road, Port Erin IM9 6HH

2. Registered Building Number

295

3. Reasons for making the application to de-register the building

The building :-
1) Has been significantly altered both internaliy and externally from its original form
2) Will not be protected from the increasing flood risk threat
3) Is in very poor condition structurally as identified in the Structural engineers report prepared in 2019
4) Contains asbestos
5) If retained as registered can not be upgraded suitably to meet current building control and environmental targets which form part of the governments strategic targets for carbon reduction.
6) Was registered without a full inspection internally - despite that being listed as requirement of the registration process

Further information to follow in due course.

(Continue on a separate sheet if necessary)

Have you consulted the Department prior to making this submission? **Yes** ☑ **No** ☐

4. Name of owner

Port Erin Commissioners

Address if different from question 1

12, Bridson Street, Port Erin IM9 6AN

Telephone number Home

Work 832298

Applicants email

info@porterin.gov.im

5. Full Name of Agent | Ellis Brown Architects

Address | 12, Strathallan Crescent, Douglas, IM2 4NR

Telephone number | Home | Work 621375

Agents email | Redacted

6. If using an Agent, please indicate if the Agent is to be issued with the acknowledgement letter, site notice, and undertake the responsibility for affixing the notice at the development site.

Agent ☑

Applicant ☐

Please Note: If this box is not completed **all** correspondence will be directed to the Agent.

The Department of Environment, Food & Agriculture is a data controller for the purposes of the General Data Protection Legislation and requires the information on this form to comply with its legal obligations under the Town and Country Planning Act 1991 and subordinate Town and Country Planning (Registered Buildings) Regulations 2013.

Your personal information will be held by the DEFA for the purposes of processing this application and may be used to ensure compliance with the provisions of the Town & Country Planning Act and in particular Part 4 Enforcement of Control.

Some of the information you provide, such as your name, address and contact detail will be shared at our public counter, with the Local Authority and as part of the application image via our online service, in order to give notice and publicise receipt of the application. We will only keep these details for as long as we require them, and in accordance with the General Data Protection Legislation.

You may withdraw your details at any time if you no longer wish us to process your application. Full details of how and why DEFA processes your personal information are contained in our P&BC Privacy Notice

The Data Protection Officer can be contacted on 686781 or by email at DPO-DEFA@gov.im.

7. To be signed by the Applicant/Agent

I hereby apply for the de– registration of the Building described by the address in section 1.

Signed (~~*Applicant/~~*Agent) | Redacted | **Date** | 11-05-2021

On behalf of | Ellis Brown Architects

*please delete as appropriate

On receipt and validation of this form you (or your Agent) will be issued with a site notice to display at the site by fixing it firmly to a building, structure or post on the land and placed and displayed in such a way as to be easily visible by members of the public and for a period of **not less than 21 days.**

Where the Department directs under the Registered Building Regulations 2013 7(3) that further particulars or other matters are furnished and the applicant fails to comply with that direction and within such time as is given (not being less than 21 days) this application may be treated as withdrawn.

Planning and Building Control Directorate
Department of Environment, food and Agriculture
Murray House, Mount Havelock, Douglas, Isle of Man, IM1 2SF
Tel: +44 1624 685950 Fax: +44 1624 686443 Email: planning@gov.im

From: Redacted
To: DEFA, Planning
Cc: Redacted
Subject: FAO Registered Buildings Officer - De-registration of Cosy Nook (RB No. 295)
Date: 19 August 2021 15:24:30
Attachments: Statement in support of Deregistration - Final 19-08-21 .pdf

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Dear Ross,

Please find attached statement in support of the application for the de-registration of the Cosy Nook by Port Erin Commissioners.
Should you have any queries, please do not hesitate to contact me.
Look forward to hearing from you in due course.
Best regards,

Reda
cted

Clerk
Port Erin Commissioners
Tel: 01624 832298
Web: www.porterin.gov.im
Facebook: porterincoms
Twitter: porterincoms
Instagram: porterincoms

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Statement to support the deregistration of

The Cosy Nook Café, Port Erin

August 2021

Prepared by:

Ellis Brown, Architects

12 Strathallan Crescent, Queen's Promenade, Douglas IM2 4NR

This statement is made in support of an application to deregister the Cosy Nook Café made by the Port Erin Commissioners and confirmed by official notice dated 30 July 2021

In choosing to register the Cosy Nook the Department should/would have had reference to the document *Operational Policy on the Principles of Selection for the Registration of Buildings into the Protected Building Register.* This is their own document produced by the Planning and Building Control Directorate and dated November 2018.

1.0 PURPOSE OF THIS DOCUMENT

1.1 This Operational Policy document sets out the criteria the Department will follow when assessing buildings for including in to the Protected Buildings Register, a register of buildings of special architectural or historic interest. It is issued by the Department of Environment, Food and Agriculture with the approval of the Minister.

We will argue that the Cosy Nook has neither special architectural nor particular historic interest.

2 LEGAL AND ADMINISTRATIVE CONTEXT FOR REGISTRATION

The 1999 Town and Country Planning Act places a duty on the Department to maintain a register of buildings of special architectural or historic interest, these being important historic buildings, possibly with special character and interest. Once included on the register both exterior and interior have statutory protection. In the case of the Cosy Nook despite claims to the contrary it is believed that the interior of the building has not been inspected.

3 STATUTORY CRITERIA

While para 3.1 refers to Section 14 (1) of the Town and Country Planning Act, the criteria in Section 14 (2) are listed below:

(2) In considering whether to enter a building in the register the Department may take into account not only the building itself but also –

(a) Any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and

(b) The desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.

With regard to (2) (a) above, as the Cosy Nook stands alone it does not contribute to the architectural or historical interest of a group of buildings. With regard to (2) (b) above, modern alterations and extensions effectively screen for the most part the original cottages.

3.2 Architectural Interest

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

3.3 Historic Interest

In para 3.3.1 the building must *illustrate important aspects of the nation's social, economic, cultural, or military history*. As a small commercial enterprise it is considered to have none of these. It also states that there should normally be some quality of interest in the physical fabric. We would argue that the physical interest is in the open space in front of the building which affords visitors views over the bay. The building itself is merely a backdrop.

As the building fails the statutory criteria any other considerations are incidental and do not warrant its registration. Notwithstanding the above, however, we will continue to comment on the remaining sections within the document.

4. WIDER CONSIDERATIONS

4.2 Group Value

As previously described the Cosy Nook sits alone and therefore has no group value.

4.3 Objects and structures

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

5. GENERAL PRINCIPLES

5.1 …..the Department will also consider the following principles

Age and Rarity are factors which may contribute to its special interest. The plan form of the building is not rare inasmuch as it is a common layout for numerous cottages throughout the Island. It dates from c. 1840 so *"may be worthy of consideration"* but given the alterations already noted it is not a good example of traditional building.

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

Selectivity. As stated in the document "*Registration is largely a comparative exercise and needs to be selective"* and *"the Department's policy is to register only the most representative or most significant examples."* The Cosy Nook is considered to be neither significant nor representative.

National Context While it is accepted that "the Island's unique context" is important, the Cosy Nook is not considered to be worth of registration in this context.

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

6. IDENTIFICATION OF BUILDINGS FOR CONSIDERATION FOR REGISTRATION

6.1 states that buildings may also be added to the list following proposals from inter alia special interest groups or other bodies or individuals.

The Cosy Nook has been registered largely in part as a reaction to social media pressure resulting from the Port Erin Commissioners' application to demolish the existing building and build a replacement facility which meets modern requirements

In the first instance it is pertinent to note that many of the comments received were in respect of the replacement building and not the demolition of the Cosy Nook itself. Secondly, it is reasonable to suppose that most if not all the objectors have ever been inside the Cosy Nook. They may well have dined on the patio area in front of the building, at the same time enjoying the atmosphere and views of the beach. These have nothing to do with the Cosy Nook itself.

In conclusion, its registration precludes or at least severely restricts any alteration or improvements and therefore leaves it to become vulnerable to damage from rising sea levels. Removing it from the register does not necessarily mean that it will automatically be demolished but that there will be more latitude in approaching its future. As the Rushen Heritage Trust states, "We hope any new building proposal for the Cosy Nook will as far as possible retain the current building at minimum having a heritage frontage while enlarging and modernising the interior ……"

As the appraisal of the Cosy Nook shows that only four out of ten of the Department's own criteria are met we feel that this in itself should be reason for the building to be de- registered and would ask that the Minister reconsider his decision and de-register the Cosy Nook.

Ellis Brown Architects August 2021

From: Redacted
To: DEFA, Planning
Subject: Cosy nook - no to drive-registration
Date: 01 August 2021 11:09:19

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Hi there,

Myself, family and friends visit the cosy nook every weekend for coffee mornings and catch ups. This is a stunning place and deserves to have its registration upheld. If we de register such a well used and loved place as this, we r setting a dangerous precedent for other registered locations. If this building is removed for apartments or redevelopment like much of the island, there will b a huge uproar from your residents and entire island!! It needs to be saved, as was believed when it first became registered. Do not redevelop and repurpose this location.

Regards
Redacted

Sent from my iPhone

From: Redacted
To: DEFA, Planning
Date: 01 August 2021 11:40:47

Caution: **This email is from an external sender. Please take care before opening any attachments or following any links.**

Dear Sirs

As an Interested Person, being a Port Erin Ratepayer and Resident, I formally wish to object to the proposed Deregistration of the Cosy Nook.

This building is an integral part of the vista of Port Erin and it's historic beach front. The recent redevelopment proposals by Port Erin Commissioners is totally out of character with the area and takes no account of the Island's heritage.

If the Commissioners' wish to redevelop the site, then there is no reason that it should not be done within the remit Registered Buildings.

Yours faithfully
Redacted

From: Reda
To: DEFA, Planning
Subject: Deregistration of Cosy Nook
Date: 01 August 2021 12:06:56

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Sirs

As an Interested Person, being a Port Erin Ratepayer and Resident, I formally wish to object to the proposed Deregistration of the Cosy Nook.

This building is an integral part of the vista of Port Erin and it's historic beach front. The recent redevelopment proposals by Port Erin Commissioners is totally out of character with the area and takes no account of the Island's heritage.

If the Commissioners' wish to redevelop the site, then there is no reason that it should not be done within the remit Registered Buildings.

Yours faithfully

Redacted

From: Redacted
To: DEFA, Planning
Subject: Proposed Cosy Nook Deregistration 295
Date: 01 August 2021 11:19:25

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Sirs

As an Interested Person, being a Port Erin Ratepayer and Resident, I formally wish to object to the proposed Deregistration of the Cosy Nook.

This building is an integral part of the vista of Port Erin and it's historic beach front. The recent redevelopment proposals by Port Erin Commissioners is totally out of character with the area and takes no account of the Island's heritage.

If the Commissioners' wish to redevelop the site, then there is no reason that it should not be done within the remit Registered Buildings.

Yours faithfully

Redacted
Redacted

From: Redacted
To: DEFA, Planning
Subject: Proposal to de-register The Cosy Nook RB no. 295
Date: 01 August 2021 13:05:22

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear sirs,

I would like to register my disgust at the proposal made to de-register The Cosy Nook, Port Erin as a protected building under law. I, a long-time resident of Port Erin with parents and sibling still in the immediate area, oppose the application in the strongest terms and request that the Department look back again to the huge wave of public support that lead to the the registration of the building in the first place, just a few weeks ago.
I made my comments then and I make them again now: too many Manx buildings of historic architectural value have been demolished to make way for the vanity projects of Commissioners with too little government oversight. There are now so few historic Manx cottage buildings left on the island that if those remaining are not protected, they will soon vanish all together from history. Manx children need these precious cottages to remain as testament to their heritage or how will they learn the unique nature of the Isle of Man's ancient fishing and Croft ing culture?
The arguments put forth by the architects on the application cannot hold up against the cultural importance of this icon of Port Erin's historic seafront, nor can they stand when confronted with the fact the building has been in use fruitfully all summer. It requires sensitive professional refurbishment, yes, but attempting to subvert public will and demolish it must not be allowed. Protection once given cannot be immediately revoked or what is the purpose of the register at all? I appeal to the conscience of the department and beg you to uphold you previous excellent decision in adding the site to the Protected Buildings Register.

Yours sincerely,
Redacted

Sent from my iPhone

From: Redacted
To: DEFA, Planning
Subject: Cosy Nook De-registration
Date: 03 August 2021 16:14:32

Caution: **This email is from an external sender. Please take care before opening any attachments or following any links.**

Dear Sir or Madam,
I wish to register my objection to the proposed de-registration of the Cosy Nook Cafe in Port Erin.
The original development proposed by Port Erin Commissioners was totally unsuitable & out of character with the othe
buildings in the area. Whilst I am relieved these plans have been withdrawn & hope that the Commissioners will now consider
a more traditional plan but the building still requires protection by being a registered building.
It must not be forgotten that the area surrounding St Catherine's well is the very origins of the village of Port Erin which is very close
to the Cosy Nook.
I am a business owner & rate payer in Port Erin. My business deals directly with visitors to our lovely island.
I have received numerous comments & complaints regarding the proposed plans.
Visitors & Island residents love the Cosy Nook as it is at present.
I am sure a sympathetic extension could be designed to suit the needs of all concerned.
The Island's heritage is important & we must do all we can to preserve the uniqueness of the Isle of Man.
Yours faithfully,
Redacted
Redacted

From: Redacted
To: DEFA, Planning
Subject: The Cosy Nook.
Date: 02 August 2021 08:49:49

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Sirs

As an Interested Person, being a Port Erin Ratepayer and Resident, I formally wish to object to the proposed Deregistration of the Cosy Nook.

This building is an integral part of the vista of Port Erin and it's historic beach front. The recent redevelopment proposals by Port Erin Commissioners is totally out of character with the area and takes no account of the Island's heritage.

If the Commissioners' wish to redevelop the site, then there is no reason that it should not be done within the remit Registered Buildings.

Yours faithfully

Redacted
Redacted

From: Redacted
To: Sinden, Thomas
Subject: RE: Notice of an application for De-registration of a building
Date: 06 August 2021 14:23:05
Attachments: image001.png

Caution: **This email is from an external sender. Please take care before opening any attachments or following any links.**

Tom Veen / Dear Tom
I am writing on behalf of the board of Culture Vannin, who have looked again at the grounds given in support of Registration, and who believe that nothing has happened to change these, and therefore that Registration should remain in place for the Cosy Nook, Port Erin.
They note the historic interest detailed in the Registration:

- *Age and rarity: surviving vernacular building of early Port Erin located in unique shoreline location.*
- *The building is 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*

Lesh my yeearreeyn share – best wishes
Redact
ed

Stiureyder ~ Director
Culture Vannin is the trading name for the Manx Heritage Foundation, registered charity 333 in the Isle of Man
Culture Vannin | Fairfield House, Main Road, St Johns, Isle of Man IM4 3NA
Direct line: +44 1624 694757 | General enquiries: +44 1624 676169
www.culturevannin.im **www.facebook.com/culturevannin** **https://twitter.com/culturevannin**

Celebrating the legacy of St Columba and our shared Gaelic heritage: https://colmcille.net/colmcille-1500/

RAAUE: S'preevaadjagh yn çhaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu. Gura mie eu.
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From: Sinden, Thomas
Sent: 30 July 2021 12:06
To: Undisclosed recipients:
Subject: Notice of an application for De-registration of a building
Dear all
Please find attached a pdf copy of the Notice of application for De-registration of a building for

Cosy Nook, Port Erin.
Submissions in respect of the application for de-registration can be submitted at any point up to and including 20th August 2021.
Kind regards

Tom Sinden
Assistant Registered Buildings Officer
Department of Environment, Food & Agriculture (DEFA)
Murray House
Mount Havelock
Douglas
Isle of Man
IM1 2SF
Tel: (01624) 686634
e-mail: thomas.sinden@gov.im

Our Island, Our Environment, Our Future

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RAAUE: S'preevaadjagh yn çhaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh t'eh bentyn rish.

From: Reda
To: DEFA, Planning
Subject: Notification of Objection
Date: 19 August 2021 22:07:05

Caution: **This email is from an external sender. Please take care before opening any attachments or following any links.**

Dear Sir/Madam,

I am writing to raise my objection to the proposal to remove building 295 (the cosy nook cafe), from the protected buildings register.

The reason for me raising my objection is that I believe that this building represents a legitimate part of Port Erin history and manx heritage, and as such should be maintained accordingly.

I trust my objection will be noted and due consideration taken in regard to removing this application.

Kind regards,

Redacted
Redacted

Sent from my Galaxy

Sinden, Thomas

From: Redacted
Sent: 19 August 2021 17:22
To: DEFA, Planning
Subject: De registration of building 295

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Planning department
To whom in may concern

I am writing to object to the planning listed on 30.7.2021 to De-register building 295 The Cosy Nook , Shore Rd, Port Erin , on the following grounds:

1. It is a valuable important part of Manx Heritage
2. The building is historic and characterful and one of only a few traditional Manx buildings left in Port Erin
3. The cost to maintain and keep it fit for purpose and safe is likely to be more cost effective than a re build
4. The modern proposals are inappropriate for the quaint Port Erin harbour and out of keeping of the local character of the village

Yours sincerely
Redacted
Redacted

Sent from my iPhone

From: Redacted
To: DEFA, Planning
Subject: Application to De-Register a Building - No 295, Cosy Nook, Shore Road, Port Erin
Date: 19 August 2021 22:31:03
Attachments: IOM Cons - Reg Bldg - Cosy Nook - Letter - Brazier - 2021 Aug 19.pdf
ATT00001.htm

Caution: **This email is from an external sender. Please take care before opening any attachments or following any links.**

Attention Ross Brazier

Dear Sirs:

Please find attached my submission in response to the Application for De-Registration of a Building - No 295, Cosy Nook, Shore Road, Port Erin.

I shall be grateful off you will confirm receipt.

Kind regards,

Redacted

Redacted
Redacted

19 August 2021

Ross Brazier Esq.
Registered Buildings Officer
Planning & Building Control Directorate
Department of Environment, Food & Agriculture
Murray House
Mount Havelock
Douglas
IM1 2SF

Dear Ross:

Ref: Registered Building No. 295 – Cosy Nook, Shore Road, Port Erin
Application for De-Registration by Port Erin Commissioners

I am writing to express my objection to the application by the Port Erin Commissioners to de-register the Cosy Nook in Port Erin.

This building was only registered on 7 April 2021 and notified in writing by the Director of Planning and Building Control on 9 April 2021 in response to a major public consultation. The letter dated 26 April from the Commissioners expressing a wish to appeal the entry was seemingly a "knee-jerk" reaction by the Commissioners in response to their plan to demolish it having gone awry.

The application filed on Form RBAP1 by Ellis Brown acting as agent is dated 11 May 2021.

Section 5 (1) of the Regulations state that for the purposes of Section 2(2)(a) of Schedule 2 of the Act the period in which an owner or occupier may request de-registration is 21 days after notice of registration. Counting 21 days from 9 April comes to Friday 30 April. Although the regulations refer to "request" the Act is specific and refers to "may apply to the Department to remove the building from the register. The letter from the Commissioners is not an application but as stated in the first paragraph is the expression of a "wish" and in the second paragraph a "request for deregistration". It states neither that it should be considered as an application nor that it is the intention of the Commissioners to file such application, which as noted above was filed only after the elapse of 32 days.

Consequently the application was not filed in a timely manner as required by the Act and is therefore faulty and should be summarily rejected.

Furthermore the grounds cited by the Commissioners do not hold up on inspection:

1) Has been significantly altered both internally and externally from its original form

   Although "authenticity and integrity" are important considerations from a conservation and heritage standpoint, they are neither mandatory nor are they to be expected in every case.

Unlike the UK, the Isle of Man does not grade its registered buildings so each one must be considered on its merits. The Cosy Nook was registered based on two criteria:

- Age and rarity: surviving vernacular building of early Port Erin located in unique shoreline location, and
- The building is 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.

It is a conversion from two private homes to form a cafe. Of course it is altered – that's the whole point.

2) Will not be protected from the increasing flood risk threat

…..and neither will the other buildings along the shoreline of Port Erin, including the new builds recently given planning approval. If this is an issue it will be necessary either to limit global warming in Port Erin or build a flood barrier along Shore Road in front of the buildings. Which of these are the Commissioners proposing?

3) Is in very poor condition structurally as identified in the Structural engineers (sic) report prepared in 2019.

If the Commissioners wish to cite this report why have they not included it with the Application for De-Registration?

That said I did read a structural report in association with the now withdrawn PA 20/00598/B and suppose this is the one referred to. Although the report by MacOwan Collett describes a building that is severely neglected (it is owned by the Port Erin Commissioners) and in areas is very damp there is little suggestion that the building is structurally unsound.

In any case the Operational Policy (November 2018) states:

"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."

4) Contains asbestos –

Does it and if so where is the evidence from an asbestos survey?

The MacOwan Collett report states that:

"The linings…..were not exposed as there is a risk they may contain asbestos fibres or other hazardous material." (3.2.1), and

"Some bituminous adhesives are known to contain asbestos." (3.2.2)

Hence the presumption of presence of asbestos is at best speculation, and indeed even if there is some asbestos in the building (quite likely in any building of this age as it was a common building material in the mid 20th Century) it is likely to be wholly manageable by containment or removal. This is simply "scare mongering" without any evidence.

5) If retained as registered cannot be upgraded suitable to meet current building control and environmental targets which form part of the governments (sic) strategic targets for carbon reduction.

   Again, where is the evidence? This is an assertion and no more. A creative and imaginative architectural practice should have little difficulty in addressing these issues. Demolition and rebuild may be the "cheap and cheerful" simplistic approach, but if and when adopted (which in Port Erin it has been far too often already) quickly erodes the heritage and "sense of place" which is so important in a seaside resort.

6) Was registered without a full inspection internally – despite that being listed as requirement of the registration process.

   Where is this stated? It does not appear in the Operational Policy (cited above). In any case as pointed out by the applicant a structural engineer's report including extensive internal photography was prepared on their behalf and submitted in 2020 as part of the now withdrawn planning application. It would seem perfectly reasonable to rely on this.

Yours sincerely,

Redacted

From: Redacted
To: Sinden, Thomas
Subject: Re: Application to De-Register a Building - No 295, Cosy Nook, Shore Road, Port Erin
Date: 23 August 2021 13:36:51

Caution: **This email is from an external sender. Please take care before opening any attachments or following any links.**

Dear Mr Sinden:

Thank you for your confirmation.

May I also draw your attention to Environment Policy 31 in the Isle of Man Strategic Plan 2016 which states:

"There will be a presumption against the removal of any Registered Building from the Register."

I shall be grateful if you will add this e-mail to my previous comments of 19 August.

Kind regards,

Redacted

> On 23 Aug 2021, at 09:05, Sinden, Thomas <Thomas.Sinden@gov.im> wrote:
>
> Redacted
>
> Application to De-Register a Building - No 295, Cosy Nook, Shore Road, Port Erin
>
> I can confirm receipt of your submission in respect of the above.
>
> Yours faithfully
>
> **Tom Sinden**
> Assistant Registered Buildings Officer
> Department of Environment, Food & Agriculture (DEFA)
> Murray House
> Mount Havelock
> Douglas
> Isle of Man
> IM1 2SF
> Redacted
> Redacted

Redacted
Redacted

Registered Buildings Officer
Department of Environment, Food and Agriculture
Planning and Building Control Directorate
Murray House
Mount Havelock
Douglas
Isle of Man
IM1 2SF

E-mail:- planning@gov.im.

17th August 2021

Dear Sirs

Ref:- RB 295 - Cosy Nook – Port Erin

I wish to make the following points with regard to the application to deregister the Cosy Nook.

To be honest I am surprised that the application is even being considered but here are my views on the 6 reasons stated in the application.

1. **Has been significantly altered both internally and externally from its original form.**

   Well if that was a good reason then there wouldn't be very many listed buildings in the world. Having read through the Surveyors reports and seen photographs etc there is nothing here to suggest that this is a valid reason. Part of the alterations that have occurred since it was built are a part of its history and should be embraced from original origins as 2 cottages to its metamorphosis into seaside tourist café. A role it continued to serve very well until the Commissioners forced its closure.

2. Will not be protected from the increasing flood risk threat.

   Nor will many other properties in the area including the newly constructed Beach Huts the Port Erin Commissioners have just allowed to be constructed there.

As a regular visitor to York, I have seen first-hand pubs that are flooded on an annual basis, The Kings Arms being the most widely photographed, so to demolish the Cosy Nook on the basis that a one in 200-year flood event would seem excessively over cautious. Since the flood would also impact the houses of St Catherine's Terrace surely the right thing to do would be to improve flood defences for the area or renovate it with flood risk in mind, i.e., put the electric installations high up on the walls.

3. **Is in very poor condition structurally.**

Nothing that can't be repaired. In fact, many of the issues that are raised will need to be addressed anyway. The cliff face will need to be shored up if the Cosy Nook stays or goes.
It needs a new roof – so does Notre Dame Cathedral after the fire. A lot of registered buildings get new roofs. There is really nothing that cannot be overcome. If Port Erin Commissioners do not want to make the financial commitment, then they should sell the building on.

4. **The building contains asbestos.**

So do many others, it gets removed. Asbestos will need to be removed even for demolition and will cost the same. The asbestos can be easily removed. This is not a reason.

5. **The building, if retained as registered, cannot be upgraded suitably to meet current building control and environmental targets which form part of the Government's strategic targets for carbon reduction.**

This is not a house that is lived in. It is a seasonal seaside café. It is not heated over winter to any significant level. If Port Erin Commissioners truly care about carbon reduction, they would not want to demolish a solid natural stone and lime building and replace it with a concrete or other man-made monstrosity. The most carbon reducing thing they can do is renovate the existing structure. It does not need to be heated in the winter 24 hours a day. Furthermore, registration does not prevent sympathetic modifications and I am sure that the Planning Dept and Building Control could find a solution to this – am sure many of the in use registered buildings have overcome such problems.

6. **The building was registered without a full inspection internally – despite that being listed as a requirement of the registration process.**

It can be inspected retrospectively. Am sure it could be arranged to inspect it now with Port Erin Commissioners co-operation.

The building has been allowed to fall into disrepair by the current owners. They have failed to maintain it for years. There are many buildings sitting on prime development sites that are allowed to fall into disrepair until they either fall down on their own or are given permission to demolish them. This building is still salvageable and should remain registered. If the current owners cannot or will not work on preserving it then they should sell it on to people who will.

I cannot see any reasons given here that could warrant de-registration.

They end their reasons by stating 'Further information to follow in due course'. I do not know if any further information or reasoning was proffered but as it was not on the publicly available document published can it be worthy of consideration?

I do not see why a sympathetic design could not be found with the building remaining registered that will allow it to be used. It is in no one's interest for it to remain in its current state of disrepair. Registration does not stop the building coming back into use therefore I see no reason to deregister it.

The facts are clear. It is a valuable development site as they want to increase the built-up footprint significantly. The 'reasons' given above are without merit and the registration should surely remain.

If custodians of heritage sites do not want to take on the responsibility, they should sell it to someone who does. In this case they want the land and not the building. If de-registration goes ahead, they will not keep the existing structure – they may not proceed with the original Art Deco plan, but they will still demolish The Cosy Nook.

Please keep the registered status.

Thank you for reading this.

Yours sincerely

Redacted

Isle of Man Natural History and Antiquarian Society
www.manxantiquarians.com
Isle of Man Charity No. 428
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Secretary to the Planning Committee
Department of Environment, Food and Agriculture
Murray House, Mount Havelock,
DOUGLAS IM1 2SF

20th August 2021

Dear Madam

RB295 Cosy Nook, Port Erin Application for deregistration

Isle of Man Natural History & Antiquarian Society notes that notice of the Registration of this building was dated 9th April 2021. As such the Regulations require that a formal application on an application form to deregister the building had to be submitted by 30th April 2021. No such application was made until 11th May 2021. The letter from Port Erin Commissioners on the 26th April 2021 should not count as a formal application since it gives no reasons relating to the architectural or historic interest of the building for requesting the de-registration.

Acceptance of letters such as that from Port Erin Commissioners as an application sets a very unfortunate precedent for others similarly to 'breech' the Regulations.

Notwithstanding the above:

- No structural engineer's report has been submitted to support the claims and in any event this is not a valid criteria for requesting deregistration;
- The Isle of Man's Biosphere designation requires Government - including DEFA - to have regard to its cultural buildings, a category which through its remaining original vernacular architecture and history the Cosy Nook can be considered as falling into;
- No evidence has been submitted to indicate that it cannot be upgraded and, as above, this is not a criterion for Registration;
- Protection from flooding is not a criterion for registration of a building;
- The Regulations contain no requirement for internal inspection prior to Registration.

As such isle of Man Natural History & Antiquarian Society OBJECTS both (1) to the fact that the application dated 11th May 2021 has been seemingly accepted into the Planning System and (2) that the reasons for requesting de-Registration do not relate to the architecture and history of the building. Approval of such an application would set a bad precedent for the Registration process and support for the Island's cultural buildings under its Biosphere Status.

Yours faithfully

Redacted

Hon. Secretary Isle of Man Natural History and Antiquarian Society

From: Re
To: DEFA, Planning
Cc: Dudley, Cath
Subject: Registered Building No 295 - Cosy Nook. Application for De-Registration
Date: 20 August 2021 16:13:01

Caution: **This email is from an external sender. Please take care before opening any attachments or following any links.**

Dear Sir/Madam,

I am writing on behalf of Rushen Heritage Trust to express our objection to the application by Port Erin Commissioners to de - register the Cosy Nook Seaside Cafe.

The Board of Rushen Heritage Trust (registered charity No 1166) unanimously voted in favor of the proposal to register the Cosy Nook in a two page email letter sent on 15th March 2021.

We can see nothing in the Port Erin Commissioners' proposal to de - register the building to make us change this position - no new evidence, arguments or insights.

We endorse the 19th August 2021 letter of objection by Redacted , one of Rushen Heritage Trust's most long - standing supporters, and would add the following comments to his letter:

. Flood Risk. This seems to be exaggerated, and relatively simple and lowish cost solutions are available.

. Poor condition of building. This is true and its very disappointing that the landlord has enabled this heritage building to deteriorate to this extent, across many decades. The case for demolition needs much closer investigation than has so far taken place, and there is considerable local support for retaining as much as possible of the original building and its materials. As a well known & highly experienced local builder recently observed: "The building has been in place for over 160 years, and has successfully withstood all kinds of bad weather every year, including the 1884 mega storm which completely destroyed the heavily constructed Port Erin Breakwater".

We hope it will be possible to make a ruling on this application quickly.. The key priority is to bring this iconic heritage building back into productive use both for local people and visitors, and as an income stream for Port Erin Commissioners as soon as possible, after three almost lost summers of use as a beachside cafe.

The word "iconic" is overused but not in this case. The complete Cosy Nook building, ie both original cottages, is 160 years old, and has been a Beachside Cafe since 1928 or earlier when Mrs Pearson ran it. Over that wide span of time, it has been one of the most photographed places on the Isle of Man and is loved by locals and visitors alike. Its combination of heritage building, and position within arms length of the beach, is rare if not unique in the British Isles. Based on an extensive website search we were not able to find any others with these two characteristics.

Best regards,

Redacted

Co - Founder & Director of Rushen Heritage Trust.