



Isle of Man
Government

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

**Agenda for a meeting of the Planning Committee, 19th December 2022, 10.00am,
in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

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

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 5th December 2022.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

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

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

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

8. Any other business

9. Next meeting of the Planning Committee

Set for 16th January 2023.

PLANNING COMMITTEE Meeting, 19th December 2022
Schedule of planning applications

<p>Item 5.1 Land South West Of Toilet Block Marathon Terrace Queens Promenade Douglas Isle Of Man IM2 4NH</p> <p>PA22/00465/B Recommendation : Permitted</p>	<p>Erection of 6 timber beach huts with decking and removable access ramp</p>
<p>Item 5.2 Unit 42 Spring Valley Industrial Estate Douglas Isle Of Man IM2 2QS</p> <p>PA22/00993/C Recommendation : Permitted</p>	<p>Change of use of unit for use as assembly, showroom and distribution of furniture & leisure buildings</p>
<p>Item 5.3 Ballacroak Farm Mullinaragher Road St Marks Ballasalla Isle Of Man IM9 3AQ</p> <p>PA22/00399/B Recommendation : Permitted</p>	<p>Proposed demolition of existing farmhouse and outbuildings and redevelopment to provide replacement dwelling</p>
<p>Item 5.4 Plot 1 Field Adjacent To Beechfield Glen Auldyn Ramsey Isle Of Man</p> <p>PA22/00781/B Recommendation : Permitted</p>	<p>Erection of a detached dwelling</p>
<p>Item 5.5 Ballaskelly Farm Mountain Road Onchan Isle Of Man IM4 5BL</p> <p>PA22/00651/B Recommendation : Permitted</p>	<p>Refurbish and remodel existing dwelling, convert attached outbuildings into part of dwelling, and build extension to dwelling</p>
<p>Item 5.6 Lower Milntown Farm Lezayre Road Ramsey Isle Of Man IM8 2TH</p> <p>PA22/01211/B Recommendation : Permitted</p>	<p>Conversion and extension of existing outbuildings to provide living accommodation</p>

PLANNING AUTHORITY AGENDA FOR 19th December 2022

Item 5.1

Proposal : **Erection of 6 timber beach huts with decking and removable access ramp**

Site Address : **Land South West Of Toilet Block
Marathon Terrace
Queens Promenade
Douglas
Isle Of Man
IM2 4NH**

Applicant : **Mrs Lisa Leo**

Application No. : **22/00465/B- [click to view](#)**

Planning Officer : **Mr Peiran Shen**

RECOMMENDATION: **To APPROVE the application**

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The proposed development shall make provisions for the securing of the beach huts during any coastal overtopping.

Reason: to be satisfied that the impact of storms and wave action have along this stretch of promenade, can be managed safely as this is introducing additional development and to protect the public and surrounding area and the development against any damage from the impacts of any coastal overtopping.

C 3. The 6 timber beach huts with decking and removable access ramp hereby approved shall be removed and the ground restored to its former condition (grass) in the event that they are no longer used or required for a period exceeding a 12 month period.

Reason: The building has been approved solely to meet a identified need and their subsequent retention would result in an unwarranted intrusion along the promenade.

Reason for approval:

The proposal is considered to comply with General Policy 2, Environment Policy 35 and Recreation Policy 2 of the Strategic Plan and Urban Environment Proposal 2 of the Area Plan for the East.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject

matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

85 Spectrum Apartments, Central Promenade, Douglas

are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 THE SITE

1.1 The site is the land southwest of the toilet block, Queens Promenade, Douglas, a grassed area south of the junction of Queen's promenade and Switzerland Road. It is not a part of adopted highways.

2.0 THE PROPOSAL

2.1 The proposed is the erection of six beach huts in the middle of the area.

2.2 The huts are in two groups of three huts. Each of the beach huts has a pitched roof and a door and a window on the front elevation. The hut has timber cladding with a paint finish and a mineral-felt roof. There is also a small area of decking in front of the huts and a removable ramp to facilitate disability access.

3.0 PLANNING HISTORY

3.1 There is no previous application considered materially relevant to this application.

4.0 PLANNING POLICY

Site Specific

4.1 The site is within an area designated as "Open Space" in the Area Plan for the East. The written statement contains the following policies that are considered materially relevant to the assessment of this current planning application:

- o Section 6.7
- o Paragraph 6.7.
- o Urban Environment Proposal 2

Planning Constraints

4.2 The site is within the Douglas Promenade Conservation Area.

4.3 The site is surrounded by areas at high risk of either tidal or surface water flooding but not within these areas.

Strategic Policy

4.4 The Isle of Man Strategic Plan 2016 contains the following policies that are considered materially relevant to the assessment of this current planning application:

- o Strategic Policy 3, 4 (a), 5
- o General Policy 2 (b) (c) (g) (h) (i) (k) (m)
- o Environment Policy 35
- o Transport Policy 7

- o Appendix 7.6
- o Recreation Policy 2
- o Community Policy 7, 10 and 11

PPS and NPD

4.5 Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man is the only adopted PPS at the moment. It provides supplementary policy on developments within any conservation area.

5.0 OTHER MATERIAL CONSIDERATIONS

Legislation

5.1 Section 18(4) of the Town and Country Planning Act (1999) states, "(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act".

5.2 Section 143 of the Equality Act (2017) places a duty on public bodies to promote equality, eliminate discrimination, advance equality of opportunity and foster good relations.

6.0 REPRESENTATION

6.1 Douglas Borough Council supports this application (06.06.2022).

6.2 DoI Highway Services does not object to this application (24.11.2022). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking.

6.3 DoI Flood Risk Management Division does not oppose this application (09.05.2022). The comment states that the "proposed area is a zone that is affected by coastal overtopping and precautions should be taken to ensure public safety during a weather event".

6.4 Owners/Occupiers of 85 Spectrum Apartment wrote in objection to this application (16.05.2022). The comment states that "It was identified under planning application 15/00594/B that the loss of green space at Queens Gardens and amendments to other features will be detrimental to the character and appearance of the DCPA. This development risks the same detrimental effects."

7.0 ASSESSMENT

Conservation Area Statutory Test

7.1 The walkway is a key element in defining the Promenade. The proposal would alter the appearance of a short section of the garden area at the north section of the Promenade. Beach huts, while not original to Douglas, do relate to images of sea sides in general, and therefore, would be within the right sitting.

7.2 After negotiation with the applicant, the number of beach huts has increased and the layout has been trying to mimic the appearance of a terrace, which is the main form for buildings on the promenade. The pitched roof and timber cladding also fit in with the traditional theme of the Promenade. Therefore, it is considered to have no negative impact on the character of the area and passes the test.

Elements of Assessment

7.3 The key considerations in the determination of the application are the principle of development, its impact on the character and appearance of the conservation area, on parking provision and on public amenities.

Principle of the Development

7.4 The area is designated for mixed-use. The garden is an important part of the public domain but the proposal is for the benefit of a private business owner. Although seems contrary to the definition of "public", this section of the garden lacks sufficient provision for leisure facilities at the moment and the proposal is considered to benefit the public with better enjoyment of the garden. Therefore, it is considered that the proposed use is principally acceptable and the size and its use would not mount up to the loss of public open space.

Character and Appearance of the Conservation Area

7.5 As mentioned in 7.1 and 7.2, it is considered that the proposal would not have a negative impact on the character and appearance of the Conservation Area.

Parking Provision

7.6 The site is located within a town centre location and there are spaces available along the promenade for the use of service vehicles. Therefore, it is considered that the impact on parking provision is acceptable.

Public Amenities

7.7 As mentioned in 7.4, and according to Section 6.7 of the written statement of the Area Plan, the garden is a part of the public realm. Although the erection of beach huts combined with their occupation would diminish the sense of public usage, this is only a small section of the garden and the service is desired by the public.

7.8 As pointed out by the comment, the relocation of the horse tram onto the walkway of the Promenade was refused at appeal partially due to reducing public open space under PA 15/00594/B. However, these two applications are very different. The horse tram would occupy a significant width of the entire walkway while the beach huts only occupy a small piece of underutilised grass area. The horse tram has moving trams that create uncertainty on the impact of people's interaction with the walkway while the beach huts are fixed and their impacts are confined to the adjacent area and are very limited. Therefore, it is considered to enhance an existing attractive part of the public realm, which is supported by Urban Environment Proposal 2 of the Area Plan and Recreation Policy 2 of the Strategic Plan.

Flooding

7.9 As the site is not within an area affected by flood but is within an area affected by coastal overtopping, it is considered that a condition should be attached to monitor the impact of coastal overtopping on the development for two years and safety measures to be established, reviewed and settle into an overtopping risk assessment.

8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2, Environment Policy 35 and Recreation Policy 2 of the Strategic Plan and Urban Environment Proposal 2 of the Area Plan for the East. Therefore, it is recommended for an approval.

9.0 INTEREST PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;

- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land which the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision-maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 19th December 2022

Item 5.2

Proposal : Change of use of unit for use as assembly, showroom and distribution of furniture & leisure buildings

Site Address : Unit 42
Spring Valley Industrial Estate
Douglas
Isle Of Man
IM2 2QS

Applicant : Isle Of Man Development Co Ltd

Application No. : 22/00993/C- click to view

Enforcement/Planning Assistant : Ms Charlotte Gatt

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The use of Unit 42, Spring Valley Industrial Estate hereby approved may only be used as Class 2.3 - General Industrial Use and Class 2.4 -Storage or Distribution Use.

Reason: Permission has been sought for these uses only and this is what has been considered.

Reason for approval:

The storage, showing and sale of the goods outlined in the planning application would by reason of the scale, type of products and location within the industrial site, not materially affect the viability of local retail stores nor the vitality of the Douglas Town Centre. As such the proposal accords with Strategic Policy 9 and Business Policy 5 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 SITE

1.1 The application site comprises Unit 42, Spring Valley Industrial Estate, Braddan and consists of a modern industrial and storage unit, within the Isle of Man Business Park. It has a floor area of approximately 240m² and is part of a block of five industrial/warehousing units. There is a surface parking area adjacent to this block. The Isle of Man Business Park covers an extensive area to the north of Cooil Road. In addition to industrial and storage businesses, it includes the premises of firms offering financial services, as well some information technology businesses, car dealerships, and retail outlets.

2.0 THE PROPOSAL

2.1 The application is for the use of the interior floor space of the industrial unit for the sale of bulky goods including bespoke furniture and leisure buildings.

2.2 The leisure buildings which mainly constitute timber summerhouse & garden buildings are generally fabricated at their destination site. Some minor assembly and preparation operations may be undertaken at the application site. The application site will partly be used as a showroom for the display of samples of materials & workmanship, to store some materials, tools & equipment and distribute to the destination site. There will be no direct (over the counter) retailing of products and materials from the application site.

3.0 PLANNING HISTORY AND BACKGROUND

3.1 The planning history for the wider site is substantive. The application site itself (Unit 42) has been subject to a handful of applications which may be considered materially relevant in the assessment of this application.

3.2 PA 21/00108/B - External alterations including replacing & upgrading cladding, replacement of windows and rendering of facades of three industrial Units - Permitted 19.03.2021

3.3 PA 88/01514/D - Erection of sign on front elevation, IOM Industrial Development Co. Ltd - Refused in 1998.

4.0 PLANNING POLICY

4.1 The site lies within an area designated on the Area Plan for the East 2020 as Industrial Use. The site. Given the substantial level of development which has taken place in recent times in various different properties under the 'Industrial Use Zone', it is considered reasonable to acknowledge that the wider site use goes beyond the current designation.

4.2 The following policies of the Isle of Man Strategic Plan are considered to be material relevance given the land use zoning and the proposal.

4.2.1 Strategic Policy 1: Development should make the best use of resources by:
(a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;
(b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
(c) being located so as to utilise existing and planned infrastructure, facilities and services.

4.2.2 Strategic Policy 6: Major employment-generating development should be located in existing centres on land zoned for such purposes and identified as such in existing Local or new Area Plans.

4.2.3 Strategic Policy 9: All new retail development (excepting neighbourhood shops and those instances identified in Business Policy 5) and all new office development (excepting corporate headquarters suitable for a business park(1) location) must be sited within the

town and village centres on land zoned for these purposes in Area Plans, whilst taking into consideration Business Policies 7 and 8.

4.2.4 Strategic Policy 10: New development should be located and designed such as to promote a more integrated transport network with the aim to:

- (a) minimise journeys, especially by private car;
- (b) make best use of public transport;
- (c) not adversely affect highway safety for all users, and
- (d) encourage pedestrian movement

4.2.5 Spatial Policy 5: New development will be located within the defined settlements. Development will only be permitted in the countryside in accordance with General Policy 3.

4.2.6 General Policy 3: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment.

Previously developed land is defined in Appendix 1 of the Strategic Plan as "land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure."

4.2.7 Business Policy 1: The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan.

4.2.8 Business Policy 5: On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:

- (a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or
 - (b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;
- and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area.

4.2.9 Paragraph 9.2.5 of the Strategic Plan is also particularly relevant to this assessment:

"There has been pressure on Government to permit retailing within industrial areas, particularly those on the outskirts of Douglas. Following the development of the large-span "do it yourself" retail facility by B & Q in the Spring valley industrial estate in the mid-1980s, Tynwald took an immediate stance against out of town retailing by a resolution in 1987 which stated that "Positive steps should now be taken to revitalise existing town and village centres for the benefit of the whole community...and no further major out of town retailing developments should be permitted". The Braddan Local Plan adopted by Tynwald in 1991 reiterated this policy, and successive local and Area Plans have been formulated to concentrate retailing on existing centres in defined settlements."

4.2.10 Business Policy 9: The Department will support new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas. Major retail development proposals will require to be supported by a Retail Impact Assessment(1).

4.2.11 Business Policy 10: Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5.

4.2.12 Community Policy 11: The design and use of all new buildings and of extensions to existing buildings must, as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire.

4.2.13 Transport Policy 7: The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.

5.0 REPRESENTATIONS

5.1 Braddan Commissioners have no objection to the application (06.09.22).

5.2 DOI Highways Services have supplied the following comment - "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking." (07.09.22)

6.0 ASSESSMENT

6.1 The key considerations in the assessment of this application are:

- o The principle of the retail use in question being operated from this site;
- o The impact on Douglas Town Centre; and
- o The parking and highways impact.

6.2 The principle of the use

6.2.1 Strategic Policy 9 is clear in that it states that all new retail development must be sited within town and village centre on land zoned for such purposes. In assessing whether the sale of bulky good as outlined is a 'new retail development', it is considered that the proposed use is a use which could not reasonably be sold from the town centre. There is an exception within Business Policy 5; however, for items which could not reasonably be sold from a town centre location because of their size or nature, or items which could not reasonably be severed from the overall business. Both of these exceptions are subject to the test at the end of Business Policy 5 - that it must be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area (in this case, Douglas).

6.2.2 As noted in 4.2.9 of this report, there is a wider Government desire to restrict the level of out-of-town retail development in general, and this is backed up by the Business and Strategic policies outlined above. The sale of bulky goods is somewhat unique however, in that it is not necessarily the case that items such as leisure cabins and bespoke furniture could be sold from the existing retail core of Douglas - such as the Strand Street area or retail periphery. Indeed, the sale of such items given their size and potential noise and pollution could be regarded as unsuitable for sale in town centre retail areas.

6.3 Impact on the town centre

6.3.1 Following on from the above, the sale of the bulky items outlined from the covering letter in this application is unlikely to have a significant or unacceptable detrimental impact on the vitality of Douglas town centre as the suitability of the town centre for this retail use is questionable. Furthermore, the sale of large bulky goods is already established in such areas such as in the adjacent Business Park. It is considered that the sale of these goods from the

application site is an acceptable exemption to the aforementioned policies and is, on balance, acceptable in principle - subject to the considerations below.

6.4 Parking and Highways

6.4.1 As there is no increase in floor space proposed, and the general sale of leisure cabins etc. with use of the industrial unit as a showroom may be classed as retail, it is considered that there is no specific intensification of the use resulting from the sale of the bulky items outlined in the proposal description. Therefore, the impact on parking demand on the site, and on highway safety and access onto the main Cooil Road, is unlikely to be significantly altered with or without the use being undertaken. The proposal is therefore considered acceptable from a parking and highway safety perspective.

7.0 CONCLUSION

7.1 In summary, the broad principle of the sale of bulky items such as leisure cabins and bespoke furniture from the site is considered acceptable as an exception to general presumptions against retail development in such an area. It is considered that the viability of Douglas Town Centre would not be unacceptably impacted, nor would highway safety. The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

Item 5.3

Proposal : Proposed demolition of existing farmhouse and outbuildings and redevelopment to provide replacement dwelling

Site Address : Ballacroak Farm
Mullinaragher Road
St Marks
Ballasalla
Isle Of Man
IM9 3AQ

Applicant : BYA Limited

Application No. : 22/00399/B- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of any works an Energy Statement shall be submitted and approved in writing by the Department (planning) which demonstrates the new dwellings has a Standard Assessment Procedure (SAP) rating of at least 101 (or similar rating system) and prior to the occupation of the dwelling a further Energy Statement post completion shall be submitted to and approved in writing by the Department (planning) to demonstrate that the SAP rating of at least 101 (or similar rating system) has been achieved.

Reason: A reason why the application is considered acceptable is due to the overall environmental impacts as outlined in Housing Policy 14 and namely the eco efficiency credentials of the new dwelling.

C 3. The development shall be carried out in accordance with the plans and documents detailed below:

- o 218-P0001 Location Plan
- o 218-P0002 Existing Site Plan
- o 218-X1001 Rev A Existing Building A & B
- o 218-X1002 Existing Building C
- o 218-X1003 Existing Building D, G & H
- o 218-X1004 Existing Building E
- o 218-X1005 Existing Building F
- o 218-X1006 Existing Building J
- o 218-P0003 Proposed Site Plan
- o 218-P0004 Proposed Landscape Plan
- o 218-P0005 Proposed Retention Pond

- o 218-P1001 Proposed GF Plan
- o 218-P1002 Proposed FF Plan
- o 218-P1003 Proposed Roof Plan
- o 218-P2001 Proposed Elevations
- o 218-P2002 Proposed Elevations & Sections
- o 218-P2003 Proposed Walled Garden
- o 218/X/PN/220328 Rev A Planning, Design & Access Statement
- o 218-P0006 Access Details
- o 218-P0007 Proposed Additional Planting
- o Environmental Standards Statement prepared by Watt Energy and Consulting Engineers, and
- o Correspondence from Agent on Final SAP Rating received 8 November 2022.

Reason: The proposal has been assessed on the submitted documents and drawings, and any changes may have a different impact.

C 4. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

- Class 14 - Extension of dwellinghouse
- Class 15 - Garden sheds and summer-houses
- Class 16 - Fences, walls and gates
- Class 17 - Private garages and car ports

Reason: To control future development on the site.

C 5. The development hereby approved shall be undertaken strictly in accordance with the avoidance measures for Common Frogs and Common Lizards as stipulated in sections 5.20-5.22 & 5.25-5.27 of the Protected Species Report produced by the Manx Wildlife Trust dated December 2019.

Reason: To provide adequate safeguards for the ecological species existing on the site

C 6. Prior to commencement of the development hereby approved, a detailed plan, including species and methodologies, for the creation of the semi-natural habitat features - tree planting, wildflower areas, new boundary features and retention pond shall be submitted to planning for written approval. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interest of biodiversity within the site, the character and appearance of the development and the visual amenity of the area.

C 7. Prior to the commencement of the proposed development, the protective fencing to be erected between the construction site and the boundary features (hedges and sod banks) shall be erected on site, to ensure that the hedges and sod banks are not damaged during construction works. The protective fencing shall be erected and maintained throughout the works. Any fencing that becomes damaged must be replaced.

Reason: To provide adequate safeguards for the ecological species existing on the site

C 8. In the event that the development hereby approved is not commenced within 3 years from the date of the submitted ecological information provided in support of the application

(before Winter 2022), and updated Preliminary Ecological Appraisal of the site shall be submitted to and approved in writing by the Planning Authority. The PEA shall identify matters of ecological interest within the site and measures to mitigate ecological impacts where appropriate, including a timetable for their implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: To provide adequate safeguards for the ecological species existing on the site and to ensure compliance with the CIEEM advice note on the Lifespan of Ecological Reports & Surveys.

C 9. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Department.

The CEMP shall include, but not necessarily be limited to, the following;

- o risk assessment of potentially damaging construction activities.
- o Identification of "biodiversity protection zones.
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- o The location and timing of sensitive works to avoid harm to biodiversity features.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o Responsible persons and lines of communication.
- o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- o Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

C 10. Prior to works commencing, plans should be submitted to Planning for written approval containing details of a couple of integrated house sparrow nest boxes (or starling nest boxes which would allow entry by either house sparrow or starling) to be built into the property on the north, west or east elevation, at least 2m above ground level. The development shall not be carried out unless in accordance with the approved details.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 11. Prior to the demolition of the buildings on site, suitable checks for nesting birds and roosting bats must be undertaken by a suitably qualified ecologist with report submitted to and approved in writing by the Department. If either are present then the works must stop and advice be obtained from the Ecosystem Policy Team.

Vegetation removal should ideally take place outside of nesting bird season. If this is not possible then thorough checks for nesting birds should be made first and if present then works must stop and can only recommence once the birds have finished breeding.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 12. No external lighting shall be installed except in accordance with a detailed external low level lighting scheme which is in accordance with the recommendations outlined in the

BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018), has been submitted to and approved in writing by the Planning Department.

Reason: To provide adequate safeguards for the ecological species existing on the site.

C 13. The development hereby approved shall not be occupied or operated until all access arrangements, including visibility splays, vehicular and pedestrian areas have been provided in accordance with the approved plans (Drawing Nos. P0006, P0004 and P0003). Such areas shall not be used for any purpose other than for purposes associated with the development and shall remain free of obstruction for such use at all times.

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

C 14. Notwithstanding the details that have been submitted, the development hereby approved shall not commence until a detailed landscaping strategy has first been submitted to the Department in writing to be agreed.

The landscape strategy shall include details of hard surfacing materials, planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants (no non-native species), noting species, plant sizes and proposed numbers / densities and a programme for the implementation, completion and subsequent management of the proposed landscaping.

Any proposed planting should be in accordance with details contained within the Planting Palette provided as part of the Strategy.

The hard surfacing details shall include details of planters and samples showing the texture and colour of the materials to be used.

The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.

Reason: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality environment.

C 15. No development shall take place before sample panels of all proposed materials demonstrating the colour, texture, bond and pointing of any stonework and render have been provided. The Department shall approve in writing the colour, texture, bond and pointing of the materials prior to development commencing and the development shall be carried out in accordance with the approved details.

The sample panel shall be retained on site until development is completed or removal is approved in writing by the Department.

Reason: To ensure that the development is carried out to the highest standards of materials, in the interests of the appearance of the development and the visual amenities of the area.

C 16. Notwithstanding the submitted details, no development shall take place other than works of demolition, until details of a Drainage Strategy/Foul Water Management System which includes works for the disposal of storm and surface water, including any required attenuation and/or storage, and SUD's, and maintenance scheme has first been submitted to the Department in writing to be agreed.

The Strategy shall also detail any on and / or off site works that may be needed to dispose of foul water from the development and to safeguard the development from foul water flooding

No part of the development shall be occupied until the agreed drainage strategy has been implemented.

The drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage/foul water management facilities are provided, and retained, in the interests of the amenity of the area.

C 17. No development in connection with the development hereby approved shall be occupied/brought into use until the off-site Additional planting within the Area of Additional Planting east of the new dwelling shown on drawing 218/P0007 received 22 August 2022 has been implemented in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area.

C 18. Within three (3) months of commencement of the development hereby approved, details of air source heat pump, ground source heat pump and solar panels, which form part of the development shall be submitted to and approved in writing by the Department. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the development meets the high innovative and environmental standards which allowed the development to be approved under the exemptions stipulated within Housing Policy 14 of the Strategic Plan.

C 19. Prior to the installation of the new gate indicated as part of the development hereby approved (on drawings P0003/00 and P0004/00), the proposed gate details shall be submitted to, and approved in writing by the Department. Prior to the occupation of the dwelling, hereby approved, the gate shall be installed in accordance with the approved details and shall be retained as such thereafter, unless otherwise approved by the Department.

Reason: To ensure that the proposed gate is suitable visually for both the rural location and the dwelling on site.

Reason for approval:

Overall, whilst the development would not comply fully with General Policy 3 as it does not comply fully with Housing Policy 12 (given that it seeks to replace an existing dwelling of architectural or historic interest) nor does it comply fully with Housing Policy 14 (although it is considered to be innovative and of high quality design, it would not result in the replacement of a building of poor form with one of a more traditional character), it is considered that the proposal would be acceptable; albeit a finely balanced decision, having acceptable visual impacts upon the landscape, with no adverse impacts upon private or public amenities and it would result in net gain for biodiversity for the site (Environment Policies 1 and 4).

Interested Person Status – Additional Persons

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

Department for Enterprise
Manx Utilities Authority Gas
Manx National Heritage

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

The Isle of Man Natural History & Antiquarian Society, as they do not own or occupy property that is within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy and they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL DOES NOT COMPLY FULLY WITH GENERAL POLICY 3, & HOUSING POLICIES 12 & 14 OF THE STRATEGIC PLAN, AND THERE IS AN INCREASE IN CURTILAGE BEYOND THE FARM COMPLEX BOUNDARY INTO ADJACENT FIELDS, BUT THE APPLICATION IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The site is part of the farm holding of Ballacroak, which all lies north of the southern section the Mullinaragher Road which links the B37 Stuggadhoo-Newtown Road to the A26 to the south of St. Mark's. The farm holding has an existing farm dwelling, a small stone outbuilding positioned directly east of the dwelling, a traditional stone barn building, a steel portal framed agricultural building clad in timber and situated east of the dwelling and a large steel portal framed agricultural building situated south of the cluster of buildings and by the driveway into the farm holding.

1.2 The existing buildings are in the centre of the site with four large fields surrounding them on all sides with the redline defining the existing farm curtilage while the area defined in blue indicates that they are in the same ownership as the application site. The overall area is 17ha (42.4 acres) with the farm buildings in the centre, all accessed by a simple ungated access on the northern side of the Mullinaragher Road, formed by hedges with stone gate post and wall forming the entrance.

1.3 The farm complex comprises a farmhouse which has to the east and south farm buildings which are a mix of older stone buildings and more modern wider span structures. The farmhouse is a simple, Manx farmhouse which has a footprint of 12m by 8.8m (108sqm approximately) with two full floors of accommodation and space in the attic served by a permanent staircase from the first floor contained within a typical three upper windows above two ground floor windows each side of a central front door. This dwelling has a floor area measuring 227.48sqm (excluding the attic space).

1.4 The existing house has an eaves level of 5.6m measured mid-way across the frontage (by the front door) and a ridge height of 8.5m measured from the same place. The rear

elevation, again, typically, has an asymmetric arrangement of mostly similar sized windows. Some of the outbuildings are built of Manx stone, some having sizeable quoin stones and some are two storey and others single storey. The farmhouse, at the time of the site visit, appeared structurally sound with no obvious bulges or cracking although the front guttering had partly fallen off the eaves.

1.5 The group of buildings within the farm are visible from the Mullinaragher Road above the roadside hedge close to the entrance and from further afield, to the north, from where Ballagick and Ballakew are also visible in the landscape along with smaller dwellings and groups of buildings.

1.6 Opposite the site on the southern side of the road is a detached dwelling, Ballajeroie Cottage which sits to the east of the access to the site. Ballajeroie House and Thie Jeroie lie to the west of the site access. Ballajeraie, Mullinaragher Road which is within Ballamoor Farm (formerly Ballajeraie Farm) sits about 410m south of the application site, although this dwelling and its surrounding group mature landscaping enclosing its entire boundary.

2.0 THE PROPOSAL

2.1 This application seeks planning approval for demolition of existing farmhouse and outbuildings and redevelopment to provide replacement dwelling. The proposed scheme would include the following:

2.2 Erection of new replacement dwelling:

2.2.1 The proposed dwelling would be 81.2m long on the East elevation, 47.9m long on the West Elevation, 42.4m long on the North Elevation and 41.2 on the South Elevation. This dwelling which would be set over three floors (including a subterranean floor). It would be about 11.9m high from the ground level to the top of the highest roof ridge (3.4m higher than the existing dwelling), although a significant section would have sedum roof over and as such would be flat roofed.

2.2.2 The footprint of the new dwelling would measure approximately 1606.27sqm. The floor area for the new dwelling would be:

- o 1145.09sqm of total semi-subterranean floor area (for garaging and plant, glazed link, and wellness/entertainment facilities);
- o 461.18sqm of total Ground Floor area (Living accommodation and Glazed Link);
- o 604.44sqm of total First Floor area.
- o Total Floor Area Measured Externally would be 2210.71sqm.

2.2.3 There are no details to indicate the various uses of the spaces that make up the internal configuration of the dwelling, although it is clear that there is provision for the inclusion of wellness facilities, including a swimming pool and gymnasium. The applicants have indicated that the swimming pool in particular dictates a larger footprint. The applicants have also stated that 50% of the total floor area would be semi-subterranean (as the site levels around it would be altered to screen these elements).

2.2.4 The applicants have argued that as this application seeks approval for the replacement of the farmstead in its entirety, with all buildings being replaced with a residential dwelling, it is suggested that there is justification for their floor area to be included in the calculations. In doing this, they argue that the new dwelling would result in an increase in floor area of about 27% when the new floor area is compared with the existing floor area of the main dwelling plus the floor area of the existing outbuildings which total about 1,478.13sqm which would be below the 50% stipulated as permissible under HP 14 of the Strategic Plan.

2.2.5 The applicants also opine that should the floor area measure of those buildings now demolished also be taken into consideration, the total floor area would be 2,180.04sqm. Therefore the proposed floor area would result in 51% less floor area from what was the total external floor area of the farmstead.

2.2.6 The above measures to calculate the increase in floor area, however, do not reflect the guideline set out in Appendix 1 of the Strategic Plan which defines floor area to exclude outbuildings and as such the calculation used for the former dwelling will be 227.48sqm. Based on the guideline offered by Appendix 1 of the Strategic Plan, the percentage increase in floor area over the existing would be approximately 871.82% (as the increase in floor area over the existing would be 1,983.23sqm).

2.2.7 The new house is designed such that the main core would have slate covered pitch roof over, while the contemporary wing would have sedum roof over its flat roof. The two storey glass link section would have copper roof over its flat roof. Significant sections of the elevations of the building would be finished externally in light tooled dry jointed stone wall cladding with dressed stone coping, while the large two storey section with sedum roof over would have a living wall with overlap onto parapet to create soft roof edge. The single storey garage section would be finished externally in Manx stone recycled from the site.

2.2.8 The windows would be vertically proportioned windows, although most of the windows on the living wall element would be full height large glazed windows. The main entrance would also have a two storey glazed section which would integrate the glazed entrance door.

2.3 Creation of new gated driveway

2.3.1 A new driveway with gated entrance would be created off the farm access lane about 53m off the main entrance and positioned on the right side of the existing farm lane. This driveway would measure about 107m long from the new gated access to the new forecourt of the dwelling. It is proposed that hedges would be planted on both sides along the entire stretch. The new gate would be about 5m wide and served by square based stone piers (3.8m high) on both sides connected to short walls on both sides. The piers would also be attached to entrance structures in the form of 3.2m wide gate (including piers) and 2.8m high Manx stone walls. The new driveway surface would be finished in bonded pea gravel. There are no details of the gate to be installed.

2.3.2 The applicants have indicated that the existing track would be retained for access to the fields and proposed equestrian facilities within Field 431570.

2.4 Creation of walled garden with associated greenhouse

2.4.1 A walled garden would be created on the north-western end of the new curtilage. The walled garden shall measure approximately 20.9m x 39.7m and would have a greenhouse measuring 4.9m x 12.3m. The walled garden walls shall be made of graded Manx Stone retaining walls about 3m high. No details of proposed plantings have also been provided.

2.4.2 The greenhouse which would be a glazed lean-to timber framed green house with Manx Stone gable ends, would be 2.3m high in front and 3.1m high at the back which leans on the retaining wall.

2.4.3 The applicants have indicated that the walled garden would provide raised vegetable bed and that the garden shall be nestled into the exiting topography with a Manx stone clad retaining structure being planted with espalier trees.

2.5 Creation of attenuation pond and reed bed

2.5.1 An attenuation pond and reed bed has been proposed for the southeast end of the site. This pond shall have the longest diameter measuring approximately 34m, while the longest focal distance would be 16.4m. No details have been provided to indicate the various depths although the submitted pond details show that the deepest part would be about 2.5m deep. The types of plantings to be introduced to the pond have not been indicated.

2.5.2 The applicants have indicated that the topography of the site along with the impregnable surface of the existing farmyard and associated landscape contributes to the risk of surface water flooding attributed to the site. As such, the proposal shall look to utilise singular or multiple SUDs features to aid in the harvesting infiltration, storing and treatment of surface water. This may include swales permeable paving, filter strips/drains rainwater harvesting and ponds. The applicants have also stated that the proposed living roofs would serve to reduce the potential rainwater attenuation on the site forming a key part of the drainage management.

2.6 Other works would involve:

- i. Amending the main entrance to the farm lane to improve visibility with new stone piers on both sides to demarcate entrance. The piers would also be attached to entrance structures that would be 3.2m wide (including piers) and 2.8m high Manx stone walls. The piers would be 3.8m high.
- ii. Existing Manx stone wall to the south of existing building D to be repaired and extended up to the proposed water attenuation pond and reed bed.
- iii. New Manx sod banks would be created along sections of the site boundary as indicated on the landscape plan. No height or width details have been provided.
- iv. The existing Manx sod banks (shown as item 9 of the Landscape plan) to be repaired and re-planted.
- v. An area for additional planting marked within Field 434783 which is without the proposed curtilage but within the blue line boundary.

2.7 Curtilage Definition: The new residential curtilage

2.7.1 The new dwelling curtilage would be formed by the area occupied by the existing farm dwellings and which is defined by the red line boundary which delineates the planning area. No other land beside that defined by the redline boundary is proposed to be within the new curtilage.

2.7.2 It should be noted that the "curtilage" defined in the application includes all of the existing agricultural buildings and its outline follows the edge of the agricultural fields which surround the buildings. The proposed residential curtilage does not follow any existing natural or manmade feature. The curtilage includes part of field 434783 north of the existing silage pit enclosing a land area measuring about 1526.2sqm (0.38 acres or 0.15 hectares). Additionally, an area measuring about 3944.2sqm (0.97acres or 0.39 hectares) and within field 431586 to the south has been added to the curtilage boundary. This implies an incursion of about 5470.4sqm (1.35 acres or 0.54 hectares) into surrounding agricultural fields.

2.8 Planning, Design & Access Statement

2.8.1 The application is supported by a Planning, Design & Access Statement which sets out how the proposal responds to its context and how the design principles have been developed. This statement states that the holistic design for the site includes private equestrian facilities which are proposed to be sited within the ownership boundary and advises that these do not form part of this application but for completeness reference has been made to the intention as part of the wider landscape scheme.

2.8.2 Key elements of this statement have been included within sections of the proposal description to give clarity to various components of the proposal and as such would not be restated.

2.8.3 The Statement provides a brief history of the site which includes the following:

"3.1.1 1869 OS map evident that Ballacroak was a small active farm held on a Quarterland basis, a distinctly Manx classification of land.

3.1.2 Between 1972 and 1997 larger commercial farming demand and practices saw the demise and subsequent redevelopment of neighbouring farms, their buildings being deemed redundant, empty and/or derelict enabling their replacement with private dwellings.

3.1.3 Ballacroak itself had expanded as a working farm between 1972 and 1997 farming 152 acres albeit financial struggles were cited in 1996.

3.1.4 Ballacroak ceased farming operations around 2011/2012.

3.1.5 Thereafter its landholding diminished to 37 acres, an insufficient size for a standalone working farm, and was therefore licensed to a larger local farm as a 'satellite'.

3.1.6 Neighbouring farms also saw financial struggles many of which have, over the years, gained approvals to become private country homes of significant standing preventing the inevitable redundancy of the sites.

3.2 Historical & Architectural Significance

3.2.1 Given its Quarterland characteristic and age of the farmhouse there is inherently some historical interest in the farmstead and nominal architectural interest in the farmhouse given its traditional form. This was commented on by the Conservation Officer as in response to the withdrawn schemes.

3.2.2 On the 9th June 2021, a Notice of Proposal to Register a Building was published and a detailed assessment undertaken (Ref 21/01373/RBINV), however registration did not ensue.

3.2.3 Within the Officer's report on the Registration, the Department determined not to include the building in the Protected Building Register for the following reasons:

o Architectural Interest: Although a Quarterland farm, Ballacroak is not considered sufficiently rare nor is it the most representative or the most significant of its type to be of special interest

o Historic Interest: Although a Quarterland farm, Ballacroak is not considered sufficiently rare nor is it the most representative or the most significant of its type or the most significant of its type or associated with nationally important people to be of special interest."

3.8.4 Use

"4.1.1 The existing farmhouse and associated out buildings have been vacant in excess of 10 years after falling redundant as a working farm around 2011/2012.

4.1.2 The agricultural land is currently leased to a livestock farmer who uses this as a 'satellite' to their own larger farm.

4.1.3 Independent commentary from both Chrystals & Rural Consultancy (refer to Appendix) as to the viability of the farm returning to its former use concludes that, due to the scale of the existing and the changing methodologies of farming, a farm of this scale cannot be considered financially viable.

4.1.4 The applicant does not wish to reinstate the site as a farm however, they do intend to retain the surrounding fields as pasture for their horses."

2.9 The application was supported by a Chrystals Estate Agency Commentary on Isle of Man Market for standalone agricultural holdings of under 50 acres:

2.9.1 The commentary concludes that:

- o It is very unusual for a property with less than 50 acres to be considered a viable standalone agricultural holding.
- o DEFA census data records (latest 2018) have shown a reduction of 87% holdings of this size range since 2003.
- o There are no working farms for sale under 50 acres on the market at present.
- o Holdings of this type tend to have been converted to alternative use as they are not viable 'standalone' without considerable diversification or access to niche high value markets.
- o Purchasers of such properties often do so for the benefit of a personal lifestyle choice (rather than commercial economic return) or for residential use where a tired house or redundant building can be demolished or converted with the remaining acreage being leased to other farmers as satellite to their own established larger holdings.
- o These lettings have the benefit to the agricultural sector of being available for use without the "burden" of having to maintain older, unviable buildings.
- o The equestrian market appears to be more than adequately provided for with a number of new facilities commissioned in recent years, as indeed there are a selection of existing equestrian units presented in the current market to those who may wish to purchase for that purpose.
- o To hypothetically" test a property on the market that has little or no chance of being sold for that purpose would seem (politely) nonsensical; particularly as the residential element of the subject property is not subject to any form of occupancy restriction".

2.10 Rural Business Consultancy Report

2.10.1 The application is supported by a Rural Business Consultancy Report prepared by Chris Kneale (Rural Business Consultancy) and dated 3 December 2019: This report concludes that:

- o "OT 1" purchased the site in 2018 (no sale price is provided) including the buildings and the 37 acres of land.
- o The surrounding lands that previously accompanied Ballacroak farm are tenanted by a neighbouring farmer who farms the land as an extension to their home farm.
- o The land is well suited to grass growing and stock farming with some spring cropping. Currently all land associated with Ballacroak is in grass.
- o Previous uses of the land include cattle rearing and finishing, dairy farming and with some history of vegetable growing. The little vegetable growing occurring in the vicinity suggests that the land and climate is not suitable for intensive cereals or vegetable production.
- o The existing buildings are in varying states of disrepair with some having no roofs and the older, stone buildings being of little use to modern farming practices, being poorly ventilated for stock and with poor access for modern machinery.
- o The report notes that DIY Horse livery has been included based on 85% occupancy. The report, however, concludes that with the number of riding establishments and facilities around the island, achieving this occupancy level of occupancy consistently would be a challenge.
- o The brief assessments of the farming income potential of the site considers it to have limited potential to generate a full time income from agriculture or equestrian uses although the current land base and infrastructure could generate a small part time wage but the time required in establishing any farming operation would be higher than the book values utilised due to the scale and location.

2.11 Structural Engineers report prepared by BB Consulting Engineers dated 27 July 2020.

2.11.1 The application includes a Structural Engineers report which concludes that:

i. Minimum works necessary to refurbish the building structure for the Dwelling House include:

- o Complete new roof,
- o New timber first floor,
- o New concrete ground floor incorporating necessary damp proofing and insulation,
- o Complete re-rendering inside and out,
- o Renewal or remedial works to all external door and window lintels,
- o Repair to external Manx stone walls caused by damp (extent not currently known).

ii. The report notes that improving insulation levels for the dwelling house will require either a significant loss of internal space to accommodate the insulation, or a significant enlarging of the external envelope which can lead to visually unattractive, out of proportion vernacular buildings.

iii. The report summarises by stating that demolition and reconstruction is likely to be the most favourable economic solution.

2.11.2 On the other agricultural buildings on site, the report concludes that:

- o All the buildings assessed on site are either in reasonable structural condition (save for Building D which is in poor structural condition), and they all require significant remedial works to bring them back to beneficial use as barns/useful outbuildings.
- o Depending on their proposed use, the buildings are capable of being refurbished but significant repair, and structural strengthening works are required.
- o Demolition and reconstruction would be a more cost effective option.
- o If the buildings are to be used as living accommodation, then further works would be required.

2.12 A Letter from a qualified mason (Jake Kimber) dated 16 April 2021 states the following about the dwelling house:

- o The structural strength on the overall building is weak and there are a lot of defects in the original wall. On close inspection of the exterior of the building there are signs of wall movement around the door and window openings.
- o When observing the interior walls, there were large cracks from the ground floor to the first floor.
- o When hacking off the interior render it brought with it the guts of the wall behind with an excessive amount of efflorescence and damp, which collapsed on the floor, both signs of weak and defective mortar.
- o Looking at the exposed area and touching the render and stone there was more crumbling of the lime mortar.
- o The build-up material is predominately thin slate and not stone. The slate has deteriorated and breaks easily. Also, there are large patches with no stone and just the sand and lime mix which crumbles to touch. Removing any cement render will collapse part of the walls as seen so should not be carried out.
- o The building would be extremely dangerous and hazardous to carry out any works with risk of collapse.

2.13 Bat Survey Report by Manx Bat Group dated 12 September 2020.

2.13.1 The application includes a Bat Survey Report which states the following:

"5. Evaluation & Conclusion

- o None of the buildings were being used by bats during the period of the surveys. There was also no obvious evidence that the site had been used previously for summer roosts.

- o The low level of calls recorded during the emergence survey indicated that the site has a low importance as a foraging site for bats.
 - o The lack of cover or natural corridors immediately surrounding the site would also not make this an important site for bats.
 - o There is an apparent contradiction in the relatively high number of bat passes recorded by the externally positioned static detector. The concentration of most of these recordings into just half the nights of the study period suggests an erratic pattern of foraging that will bring bats to the site on an occasional basis.
 - o The timing of the pipistrelle appearance strongly suggests that their roost sites are not located nearby.
 - o This report does not draw any conclusions about the site being used by bats for hibernation purposes.
6. Caveat
- o The findings and conclusions presented above are based strictly on the evidence available at the time of the investigation.
 - o It is not possible for this site to rule out completely the possible presence of bats at some time in the future."

2.134 Ballacroak Farm - Ornithological Inspection Report Prepared for OT One Limited and dated 3 August 2020.

2.14.1 The report notes that:

- o Just four species were found to be using the buildings and site compound: Feral Pigeon, Swallow, House Sparrow and Mixed Corvids.
- o Of these, only House Sparrow is listed under Schedule 1. This species is also Red-listed as being of greatest conservation concern in the British Isles (Birds of Conservation Concern 4: The Red List for Birds. BTO 2015).
- o No evidence of Barn Owls was found—neither nest evidence, use of a regular perch nor pellets. The only other species noted, but not considered to be using the buildings or site, were: a single male Pheasant that was flushed from the site; and a flock of four Linnets alighting in a tree adjacent to the site.

2.14.2 Conclusions and recommendations

- o All Species: Any works, development or demolition of buildings must be timed or managed to avoid harm, removal or destruction of birds, eggs or nests.
- o Swallow & House Sparrow: There is clearly nesting activity during the summer season in a number of buildings. As well as the general protections provided for all species in the Wildlife Act, House Sparrow is afforded especial protection under Schedule 1 of the Act, with increased penalties for:
 - o Disturbance while building a nest or in, on or near a nest containing eggs or young;
 - o Or disturbance of any nest or egg;
 - o Or disturbance of any dependent young.
- o Barn Owl: Absence of evidence is of course not evidence of absence. The buildings provide suitable opportunities for this species and it could easily be present and undetected, or could adopt one of the buildings in the future. In the course of future works, care should be taken to look out for signs of this species. Barn Owl is also afforded especial protection under Schedule 1.

2.14.3 Mitigations:

- o Loss of nesting opportunities for Swallow and House Sparrow, through changes to or demolition of buildings should be mitigated by the provision of nesting opportunities within the site/new building's design:

- o For Swallow: by providing sheltered recesses in which artificial nesting 'cups' can be installed, or 'designing into plans' suitable permanent openings to outbuildings giving unfettered access to prospecting pairs.
- o For House Sparrow: by provision of suitably located nesting boxes.
- o For Barn Owl: by provision of suitably located nesting boxes in outbuildings with suitable permanent openings to outbuildings giving unfettered year-round access to prospecting pairs.

2.15 Preliminary Ecological Appraisal by Manx Wildlife Trust dated December 2019.

2.15.1 A Preliminary Ecological Appraisal is provided which details the following:

"Results

3.1 There are no statutory designated sites within 2km of the survey site.

3.2 Approximately 1.2km south and downstream of the survey site lies a 'Phase 2' site known as 'Mullen-e-Quinney' (see Figure 2 below). This is a 1km reach of the 'Santon Burn' watercourse as associated wet woodland, grassland and scrub.

3.3 Phase 2 sites are significant areas of semi-natural vegetation highlighted during landscape scale Phase 1 habitat surveys of the 1990s. They are not statutorily protected but comprise a significant biodiversity resource at landscape scale.

3.4 MBRP data within 0.5km provides 180 records of higher plants from formal botanical recording. All species are associated with wet grassland acidic in character immediately to the east of the survey site.

3.5 There were no fauna records and extending the search criteria to 1km does not yield any further significant biological data.

3.6 MBL data is more informative, a summary of results filtered down for key species with 'definite' or 'probable' breeding status is provided in Table 1 (next page). Wintering records do not provide any indication of significant number or assemblages of birds.

3.7 The site lies in relatively flat lowland farmland with the two western fields being flat terrain; in contrast the eastern fields have a pronounced slope to the east towards the 'Santon Burn' watercourse where the water table is noticeable higher characterized by rush-pasture fields.

3.8 Online altitudinal maps (<https://www.freemaptools.com/elevation-finder.htm>) show the western boundary of arable to be 115m above sea level, whilst the eastern boundary is 93m and the 'Santon Burn' 67m.

3.9 Soil exposures in the arable field were recall a silty loam derived from glacial till (common in upper horizons throughout the island). Due to recent agricultural activities the soil structure is heavily modified throughout the site.

3.10 The former farmstead sits at the centre of the site and comprises of 9 buildings. These include a farmhouse, traditional stone outbuildings and large modern barns. The farmhouse has been unused for several years and the outbuildings and barns are now redundant and no longer house livestock.

3.27 Field boundaries throughout the site are demarcated by a network of relatively low traditional stone and sod hedges. These are characteristic of the Manx countryside throughout the island and typically contain a significant area of unimproved grassland and scrub.

3.28 Within the survey site they are roughly dome-shaped 1.2 - 1.8m high and 2 - 2.5m wide at the base.

3.29 The grassland component is a mixture of competitive coarse-species typical of neutral soils and finer swards typical of more acidic conditions on the better-drained bank tops. Table 2 (next page) provides a breakdown of the mosaic of habitats within the hedgebanks and relative abundance of characteristic species.

4.0 Evaluation of impacts

4.1 The calculation tool results show a potential biodiversity net gain of 15.09 habitat units (46.02%) and 18.89 hedgerow units (68.44%)

4.2 The input figures were based on initial discussions with the landscape architect that fields 1, 3 and 4 (10.2 ha) will be kept in agricultural use, leaving field 2 (4.7 ha) for habitat creation of grassland and scrub and potentially one or two small woodland copses.

4.3 The potential gains from habitat creation and enhancement assumes creation of 150m of hedgebank along the eastern boundary of field 3 and retention of least 2.5km of hedgebank from which 2km could be enhanced by periodic rotational cutting. This is the most significant factor in achieving net gain.

4.4 Other potential positive impacts are a proposed medium sized pond in field 4, and some introduction of tree cover around the new dwelling and as small copses; however, the maintenance of a more open patchwork of grassland, scrub and low hedgebank is considered more in-keeping with the existing landscape.

Overall evaluation

4.5 The project has much to offer for biodiversity but to achieve net gain the habitat enhancement of hedges will need to be upheld and habitat creation will need to take into account the agricultural history of the soils, use of appropriate species and intelligent spatial design to deliver the potential.

4.6 Further surveys are needed to properly assess the value of the existing buildings to wildlife and how this can be factored into mitigation and enhancement."

2.15.2 The report concludes by setting out recommendations for habitats (hedgebanks), field drain and habitat creation for the surrounding fields. The report also recommends further survey for bats and birds, in addition for setting out measures for protecting common lizards and common frogs (See Section 5.0 of Appraisal).

2.16 BBA Chartered Quantity Surveyors Economic Viability Assessment & Report on Anticipated Building Costs for the existing Farmhouse, Ballacroak Farm dated 11 October 2022.

2.16.1 An Anticipated Building Costs Report is provided which details the following:

"Building Only Sub-Total 865,600.00

Resurfacing driveway, drainage and external services 156,000.00

Total £1,021,600.00

The above building only cost of £865,600.00 equates to approximately £4,679/M2 Gross internal floor area - we have excluded the second floor as this area would not be habitable.

2.16.2 "SUMMARY AND CONCLUSION

The costs above indicate that to refurbish the existing farmhouse would cost £4,679/M2

The above costs exclude VAT at a rate of 5%.

It is understood that the Farmhouse, if retained, could be restored as a three bedroom ensuite dwelling. Due to the requirements of internally lining out the external Manx stone walls to improve the U- values, the floor area would be reduced in each room leading to them being sub-optimal in terms of size. The usable internal footprint would be less than that of a comparable new build option.

The above costs exclude any asbestos or other contaminates removal.

There are concerns as to whether that the building could be restored/refurbished safely. The structural engineers report calls for all lateral supports, roof and floors, to be removed, the building underpinned and the Stone Mason has reported areas of friable external walls which would require significant intervention. Whilst allowances have been made within the estimate for these elements this represents a significant risk from a buildability, health & safety and cost perspective.

Housing Policy 12 states that "the replacement of an existing dwelling in the countryside will generally be permitted unless:

(b) the existing dwelling is of architectural or historic interest and is capable of renovation"

Without debating the architectural or historic significance of the Farmhouse, we would argue that the renovation of the Farmhouse cannot be financially viably undertaken, costing £4,679/M2, and it is doubtful that given the structural condition and interventions required, that it can be restored without risk of collapse.

In conclusion it is considered that the refurbishment is not economically viable nor can the refurbishment be undertaken without significant health & safety concerns."

2.17 An Environmental Standards Statement has been prepared by Watt Energy and Consulting Engineers dated 1 September 2022.

2.17.1 This report:

- o Details how the development will incorporate sustainable design and resource efficiency in line with the energy hierarchy, so to meet the targets outlined within the relevant documents and as a result, reducing its overall environmental impact. It states that the methodology and calculations are consistent with the Building Regulations and all figures used within this report have been based on the most recent issue of drawings and modelled using SAP 2012 to accurately predict energy usage and CO2 reductions.

- o States that the proposed development is looking to achieve a status of net zero carbon (NZC) by offsetting 100% of its operational carbon emissions on site whilst also paying close attention to reducing its potential embodied carbon to the highest extent possible.

- o Explains that in order to achieve this NZC status, the development has been designed with a holistic low energy, passive design concept involving a fabric first approach and high emphasis on passive solar gain. The Uvalues, design air permeability and ventilation targets all aspire to Passive House design standards along with the application of the multiple low zero carbon renewable technologies (LZC).

- o States that following the LZC feasibility assessment, it is proposed that the development will benefit from a ground source heat pump (GSHP) for providing the main heating and hot water and photovoltaics (PV) to offset any remaining carbon emissions.

- o States that significant emphasis has been put on optimising passive solar gain in order to utilise the benefits that are associated; the omission of mechanical ventilation, the lack of

reliance on artificial lighting, the reduction in overall heating demand and the easier achieving of NZC. This approach demonstrates a holistic low energy design concept, involving very low limiting values and thus led to high-energy performance targets and being defined as a low carbon development and ultimately allowing NZC to be achieved.

- o States that the development will also be adapting to climate change by incorporating EVC ports within the garage, ensuring that internal water consumption does not exceed 110L/person/day, prioritizing the reusing and recycling of the demolished buildings and using only locally sourced and indigenous materials when necessary.

- o Refers to notable developments on the island which have recently received decisions as a result of proposing similar, highly energy efficient designs such as Hillside Cottage in Braddan, (19/01383/B), Ballacain Cottage in Dalby (19/01441/B) and Ardonan in Andreas.

- o Advises that as a result of the above, the predicted site wide reduction in CO2 over Building Regulations standards can be summarised as:

- 100.0% with SAP 9 carbon factors
- 100.0% with SAP 10.0 carbon factors
- 100.0% with SAP 10.1 carbon factors

2.18 Indicative House Prices - Land Registry/Marketed Price (Appendix 5)

2.18.1 This document appears to suggest that the average sold price value for similar properties are well below the Anticipated Building Costs.

2.18.2 It shows that:

- o Average Sold price (Land Registry) - £477, 681.82
- o Average on Market Price - £399, 980.00
- o Average of Land Registry and On Market - £438, 830.91

2.19 The most recent correspondence from the applicant's Agent dated 8 November 2022 provides the following additional advice on Environmental Performance of the proposed development:

- o Old building (hypothetically refurbished) - would emit 129 tonnes/CO2/Year, with an EPC and EI rating of "F" and SAP rating of 36. This falls below legally allowable rating of E in domestic buildings in the United Kingdom which is increasing to C in 2025 and would be a significant emitter of CO2.

- o New building - Emits 0 tonnes/CO2/Year, EPC rating of A and a SAP rating of 101. A Net Zero Carbon dwelling. This is subject to specialist design and includes the installation of photovoltaic panels and ground source heat pump, the detail design and placement of which we anticipate to be conditioned to any potential approval.

- o The proposed new build would have a similar (in fact slightly higher) performance than the recently approved dwelling at Narradale West (PA 22/00385/B) as referenced in our additional information recently submitted.

- o Summary of the ecological benefits, from Prelim ecological appraisal and DEFA comments: Significant increase in ecological net gain, with a 46% increase in habitat units and a 68% increase in hedgerow units.

3.0 PLANNING POLICY

3.1 The site lies within an area not designated for development on the Area Plan for the South and the site is not within the St Marks Conservation Area. The site is generally not

prone to flood risks although areas of low to medium likelihood of flood risk cut through the site. The site is not within a Registered Tree Area and there are no registered trees on site.

3.2 The site lies within a very broad area of Incised Inland Slopes on the Area Plan for the South where the following guidance is provided:

3.2.1 "Ballamodha, Earystane and St Marks (D14)

The overall strategy is to conserve and enhance the character, quality and distinctiveness of the area, with its wooded valley bottoms, its strong geometric field pattern delineated by Manx hedges, its numerous traditional buildings and its network of small roads and lanes. The strategy should also include the restoration of landscapes disturbed by former mining activities.

3.2.2 Key Views

Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons. Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views."

3.3 Given the nature of the proposed development and the location, the following parts of the Strategic Plan are considered relevant:

3.4 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose (zoned for development) and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, there is provision within Housing Policy 12, 13 and 14 for the creation of replacement dwellings in the countryside.

3.4.1 Housing Policy 12: The replacement of an existing dwelling in the countryside will generally be permitted unless:

- (a) the existing building has lost its residential use by abandonment; or
- (b) the existing dwelling is of architectural or historic interest and is capable of renovation.

In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:

- (i) the structural condition of the building;
- (ii) the period of non-residential use(2) or non-use in excess of ten years;
- (iii) evidence of intervening use; and
- (iv) evidence of intention, or otherwise, to abandon.

3.4.2 "8.11 Replacement Dwellings in the Countryside

8.11.1 There are in our countryside many existing dwellings, some of which contribute positively to its appearance and character, and some of which do not. A number of dwellings have been abandoned for many years; their physical remains being a reflection of agricultural and social change across the Island. They form features in the rural landscape which are often not unacceptable in their present state. It is appropriate to encourage change which would result in overall environment improvement, and to discourage change which would not. Where the building(s) concerned are of architectural merit or of local, historical or social interest demolition and replacement will be discouraged."

3.4.3 Housing Policy 13: In the case of those rural dwellings which have lost their former residential use by abandonment, consideration will be given in the following circumstances to the formation of a dwelling by use of the remaining fabric and the addition of new fabric to replace that which has been lost. Where:

- a) the building is substantially intact; this will involve there being at least three of the walls, standing up to eaves level and structurally capable of being retained; and
- b) there is an existing, usable track from the highway; and where
- c) a supply of fresh potable water and of electricity can be made available from existing services within the highway.

This policy will not apply in National Heritage Areas (see Environment Policy 6). Permission will not be given for the use of buildings more ruinous than those in (a) above, or for the erection of replacement buildings. Extensions of dwellings formed in accordance with the above may be permitted if the extension is clearly subordinate to the original building (i.e. in terms of floor space⁽³⁾ measured externally, the extension measures less than 50% of that of the original).

3.4.4 Paragraph 8.11.2

"It is important that replacement dwellings should relate closely to the buildings they replace in terms of siting and size, that the resulting visual impact is appropriate for the countryside, and that existing stone and slate are re-used."

3.4.5 Housing Policy 14: Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area⁽¹⁾, which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally, the design of the new building should be in accordance with Policies 2- 7 of the present Planning Circular 3/91, (which will be revised and issued as a Planning Policy Statement). Exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building.

Consideration may be given to proposals which result in a larger dwelling where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact.

3.4.6 Paragraph 8.11.3

"It is unlikely that permission will be given for permanent replacement of dwellings which were never intended to have a permanent residential use, such as chalets and other structures built of materials for only temporary or seasonal use."

3.4.7 Appendix 1: Definitions and Glossary of Terms

3.4.7.1 'Floor Space and Floor Area (see Housing Policy 13-15)'

Where there are references to "floor space" and "floor area", the space or area in question should be measured externally, and should not include attics or outbuildings."

3.4.7.2 'Habitable status (see Housing Policy 12)'

In the context of Housing Policy 12, "habitable status" means whether or not a building which has previously been occupied as a dwelling may be re-occupied as such without the need for planning permission for that use.

3.4.7.3 'Previously Developed Land'

"Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The definition includes defence buildings, but excludes:

- o Land that is or has been occupied by agricultural or forestry buildings.
 - o Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
 - o Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
 - o Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).
- There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed."

3.4.7.4 'Curtilage'

"The area of land attached to and around a building, used with the building and within which the building is set (e.g. the garden and driveways of a house, the storage yard of a factory). Land used with a building but severed from it by, say, a highway or service lane is not part of the curtilage of that building."

3.5 Other relevant Strategic Plan Policies include:

3.5.1 General Policy 3: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

3.5.2 Environment Policy 1 protects the countryside and its ecology. It stipulates that development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative.

3.5.3 Environment Policy 4 and 5 protects ecology.

3.5.4 Strategic Policy 1: Development should make the best use of resources by:

(a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials;

(b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space and amenity standards; and

(c) being located so as to utilise existing and planned infrastructure, facilities and services.

3.5.5 Strategic Policy 2: New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3.

3.5.6 Strategic Policy 3: Proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by:

(b) having regard in the design of new development to the use of local materials and character.

3.5.7 Infrastructure Policy 5: Development proposals should incorporate methods for water conservation and management measures to conserve the Island's water resources.

3.5.8 The general standards expected for all development as set out in General Policy 2 are applicable as follows:

"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways and
- (n) is designed having due regard to best practice in reducing energy consumption."

3.5.9 Transport Policy 4: The new and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan.

3.5.10 Transport Policy 7 deals with parking provisions.

3.5.11 Strategic Policies 4 and 5 relate to preserving the character of the landscape, preventing unacceptable environmental disturbance, and making positive contributions to the environment of the Island.

3.5.12 Section 7.4: Landscape Protection

"7.4.1 Development which is permitted in 'Areas of High Landscape or Coastal Value and Scenic Significance' or in important landscape and coastal areas as recognised by any new landscape classification, will be subject to higher design standards than would normally be required. Development must be properly integrated into the landscape in terms of scale, materials, architectural style, engineering works and landscaping. Landscape features such as trees, hedgerows, sod banks or traditional stone walls which are important to landscape character should be retained. In cases where development is not capable of being sensitively and unobtrusively integrated into the landscape, permission will not be granted."

3.5.13 Energy Policy 5: The Department will prepare a Planning Policy Statement on Energy Efficiency. Pending the preparation and adoption of that PPS the Department will require proposals for more than 5 dwellings or 100 square metres of other development to be accompanied by an Energy Impact Assessment.

3.5.14 Environment Policy 13: Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted.

3.6 The Town and Country Planning Permitted Development Order 2012 is also considered relevant. It sets out the definition of curtilage as follows:

"curtilage" means the area of land attached to and around a building, used with the building and within which the building is set (for example the garden and driveway of a house, the storage yard of a factory), but does not include land used with a building but severed from it (for example a highway or service lane);

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside) is considered relevant. The section on 'Proportions and Form' on page 4

provides advice on how to make variations to the floor area of traditional buildings (extensions).

4.1.1 Policy 3 states:

"The shape of small and medium sized new dwellings should follow the size and pattern of the traditional farmhouse. They should be rectangular in plan and simple in form. Extensions to existing buildings should maintain the character of the original form".

4.1.2 Policy 4 states:

"External finishes are expected to be selected from a limited range of traditional materials". The supporting texts to policy 4 states that "Modern construction and materials may be used to achieve a similar external appearance".

4.2 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions. It is envisaged that a new guidance will be provided for dwellings in the countryside, although some of the broad principles set out within this document may still be relevant to such proposals". Sections 2.2 on Construction Materials, 2.3 on Building Design, 2.4 on Climate Change Resilience, 2.5 on Contributing to the Local Environment, and 3.1 on Local Distinctiveness are considered relevant.

4.3 IOM Biodiversity Strategy 2015 to 2025

4.3.1 The strategic aims (In part):

- o Managing biodiversity changes to minimise loss of species and habitats.
- o Maintaining, restoring and enhancing native biodiversity, where necessary.

4.3.2 Habitat loss actions

"21. DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for."

4.4 Isle of Man Climate Change Bill requires that development proposals:

- (a) demonstrate that the application has been made having regard to the following climate change policies —
 - (i) the maximisation of carbon sequestration;
 - (ii) the minimising of greenhouse gas emissions;
 - (iii) the maintenance and restoration of ecosystems;
 - (iv) biodiversity net gain;
 - (v) the need for sustainable drainage systems; and
 - (vi) the provision of active travel infrastructure; or
- (b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development.

4.4.2 The above Climate Change Bill requirements are not yet the subject of an appointed day Order. Thus, they are not yet a requirement for development.

5.0 PLANNING HISTORY

5.1 The application site has been the subject of the following previous planning applications:

5.2 PA 84/00193/B for Cubicle house, milk storage tank, conversion of cow house to milking parlour and formation of silage pit (Approved).

5.3 PA 95/01715/B for Erection of an agricultural building with lean-to extension (Approved at Appeal).

5.4 PA 06/01362/B for Installation of UPVC sliding sash windows to replace existing (Approved). This application enabled the replacement of the existing windows on the farmhouse with new ones which are to be plastic framed sliding sash to match the existing except for five small square windows in the sides and rear elevation which are to be single light top and side opening casement windows.

5.5 PA 20/00386/B for Erection of a detached dwelling with alterations to associated residential curtilage - (Withdrawn).

5.5.1 The withdrawn scheme proposed the demolition of all of the buildings on the site and their replacement with a new L-shaped dwelling that includes a four car garage with living accommodation below in the form of a gym/spa suite on the lower ground floor. The overall proposed footprint was 518sqm: of this, the garage was to be 106sqm. There was to be a lower ground (floor area of 509.3sqm) and a first floor (269.1sqm) with a further 65sqm of accommodation in the roof space served by dormers.

5.6 PA 21/00163/B for Erection of a detached dwelling with alterations to associated residential curtilage - (Withdrawn).

5.6.1 The proposed dwelling had a main core frontage of 15.6m and a depth of 13m arranged in a double pitch. This core provided two full floors of accommodation and beside this is a further building with a footprint of 7m by 12 which is linked to the main house. The overall floor area measured externally of this was 674sqm. Alongside this but completely underground was to be a garage accommodating at least four cars with a turntable and an annex, also underground which was to accommodate a store and plant associated with the house and garage. The new house was to occupy the same areas as the existing house and closest outbuilding.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that the proposal raises no significant road safety or highway network efficiency issues. Accordingly, they raises no objection to the proposal subject to the internal lane leading to the dwelling to be a minimum width of 3.5m and for all access arrangements, including visibility splays, to accord to drawing No. P0006 (7 October 2022/20 October 2022).

6.2 DEFA's Biodiversity Team has made the following comments regarding the application (16 May 2022):

- o They confirm that the Bat Survey Report dated September 2020 by the Manx Bat Group, the Ornithological Inspection Report dated August 2020 undertaken by Manx Birdlife and the Preliminary Ecological Appraisal (PEA) dated December 2019 undertaken by the Manx Wildlife Trust, are all in order and a suitable level of assessment has been undertaken.

- o They advise that the CIEEM advice note on the Lifespan of Ecological Reports & Surveys states that reports that are more than 3 years old are unlikely to still be valid and most, if not all, of the surveys are likely to need updating. Therefore if the development does not commence before winter 2022, they recommend that an updated PEA is obtained.

o They agree with the assessment in the Planning, Design & Access Statement that if the development is undertaken as per the provided plans, with a new pond, retention and enhancement of boundary features, new boundary features, creation of wildflower meadow areas etc., that there should be a net gain for biodiversity across the site.

o They note that many of the proposed landscape features are in line with the enhancement recommendations made within the MWT's Protected Species Report.

o They have concerns about the loss of nesting space for house sparrows and swallows relating to the demolition of the buildings, but acknowledge that the demolition of the buildings are not a matter for consideration with this application.

o They advise that in order to ensure that wildlife is protected throughout the development and to ensure no net loss for biodiversity, the following conditions should be secured on approval:

- The development to be undertaken strictly in accordance with the avoidance measures for Common Frogs and Common Lizards as stipulated in sections 5.20- 5.22 & 5.25-5.27 of the Protected Species Report produced by the Manx Wildlife Trust dated December 2019.

- A detailed plan, including species and methodologies, for the creation of the semi-natural habitat features - tree planting, wildflower areas, new boundary features and retention pond - to be submitted to planning for written approval.

- Protective fencing to be erected between the construction site and the boundary features (hedges and sod banks), to ensure they are not damaged during construction works. The protective fencing shall be erected and maintained throughout the works, any fencing that becomes damaged must be replaced.

o Additional Mitigation:

- For house sparrows, as they readily take to nest boxes, they recommend that a couple of integrated house sparrow nest boxes (or starling nest boxes which would allow entry by either house sparrow or starling) are built into the property on the north, west or east elevation, at least 2m above ground level. Integrated boxes are recommended.

- Mitigation for swallows: Allowing swallows permeant entry into one of the garages, e.g. via a small open window (beams could be located so that swallows don't cause mess on top of cars). Pre-made swallow nest cups could also be provided, but again these need

- The applicant is also advised that suitable checks for nesting birds and roosting bats must be undertaken prior to the demolition of the buildings, if either are present then the works must stop and advice by obtained from the Ecosystem Policy Team.

- They advise that the best time demolition should be outside of the main nesting bird season as it is likely that swallows and house sparrows will be present during this period and will hold up demolition works.

- They refer to other mitigation which would be carried out on the proposed equestrian development which fall outside the purview of this application.

6.3 Manx Utilities - Gas has made the following comments regarding the application (30 August 2022):

o They do not oppose the proposed development but would like to draw attention to the Natural Gas Pipeline and associated easement located in fields 431570 (Field 1) and 431586 (Field 4).

o The proposed developments are sufficient distance from the pipeline that they should not pose any additional risk, however Manx Utilities are aware of the wider areas usually required during significant construction activities that could put the pipeline at risk during that time.

- o They note that while that is only of concern should the application be successful, they believe there is value in being aware of constraints and restrictions that will be required under the easement agreement held by the Authority.
- o Manx Utilities is required to carry out inspections of its natural gas pipelines on a fortnightly basis and has been able to make use of the farm access to visually inspect the route in the fields adjacent to Ballacroak for some time, should this development go ahead this access may not be readily available and we will revert back to the access afforded to us under the easement agreement. To enable safe access to inspect the route detailed above, this may require installation of access equipment such as steps/styles over hedges to provide safe access/egress for inspection personnel.
- o They would welcome discussion with the developers/owners regarding these matters in advance of any works should the application be successful.

6.4 Department of Enterprise have made the following comments regarding the application (7 October 2022):

- o They support the application.
- o They note that their comments are based on a consideration of the application and how it delivers upon the policies and strategies set out in the Island Plan, the Department for Enterprise Plan and the Isle of Man Climate Change Plan.
- o They note that a scheme of this ambition, exceptional and innovative design, and which take into account its context, of seeking positive economic outcomes materials and technologies for energy efficiency delivers on the Island Plan's vision for a strong and diverse economy.
- o They note that the development of the site represents a substantial £6m+ investment into the area, and provides valuable jobs and experience to the construction sector, especially with the proposed approach to energy efficiency and innovative design.
- o They note that proposals of this nature, quality and scale exemplifies the outputs of the goals locate and the Department for Enterprise are striving to promote.
- o They recognise that the development of previously occupied sites is a more attractive proposition than building on greenfield sites and this approach is already heavily supported through other Department policies and Tynwald motions.
- o They comment on the focus on sustainability and energy efficiency.
- o They comment on the retention and re-use of materials from the site.
- o They conclude by stating that they wish to extend support for these ambitious proposals which seek to actively regenerate and repurpose a previously developed site.

6.5 Manx National Heritage have made the following comments on the application (26 August 2022):

- o They comment on integration of sparrow nest boxes as recommended by DEFA Ecosystem Policy Team.
- o They state that they have concerns about the potential for disturbance of both common lizards and frogs, both during the demolition and construction periods; as such they would also like to further draw attention to measures outlined in the Manx Wildlife Trusts Protected Species Report which is outlined in sections 5.20, 5.22, 5.25, 5.26 and 5.27 of that report.
- o They advise that prior to any works all buildings and trees destined for demolition checks for nesting birds and roosting bats should be made.
- o They advise on active and nesting times for birds.

6.6 Malew Parish Commissioners have no objection to the application (4 May 2022).

6.7 DEFA Principal Registered Buildings Officer Comments (28 August 2022):

- o Ballacroak is a traditional Manx Quarterland farm, the buildings on the site comprise of a traditional 3 bay farm house and stone outbuildings plus more recent metal sheds.

- o The farm house and stone outbuildings some now partly demolished form a group of vernacular buildings which make a positive contribution to the surrounding countryside. While they were considered not to be of sufficient special interest to warrant registration, they are still of architectural and historic interest as traditional buildings of the Manx countryside and to that extent HP12 is relevant.
- o The farm complex is clearly identifiable upon both the Asylum Plans and original Ordnance Survey map of 1868 with the farmhouse dating to the early 19th century.
- o As group of vernacular buildings representing a Quarterland farmstead which make a positive contribution to the surrounding countryside and form part of the island's remaining vernacular building stock there is no justification within the application for their total loss.
- o Recommends that the application is refused on the loss of the vernacular buildings.

6.7.1 In response to these comments, the applicants have provided the following documents which seek to address the concerns raised by the RBO Officer and provide justifications for the scheme/clarify information submitted in support of the proposal: Agents Response dated 12 October 2022; a Legal Opinion provided by Barr. John Barrett of Kings Chambers, Manchester, UK; and Agents response to comments regarding Architecture or Historic Interest received 18 October 2022.

6.7.2 The Legal Opinion dated 26 September 2022:

- o It refers to a Heritage Statement prepared by the Pegasus Group which described the architectural and historic interest (and thus the heritage significance) of Ballacroak Farm as being "very limited".
- o It refers to Paragraph 5.3 of the said heritage statement which concluded that: "... it is considered that whilst some of the structures at Ballacroak Farm display some qualities of merit, they are of limited value by virtue of their lack of rarity, and of insufficient architectural and historic interest as to warrant inclusion on the National Register."
- o It refers to the interpretation of Planning Policy and notes legal cases that relate to proper interpretation of planning policy.
- o It notes that the application of statutory provisions and/or contractual interpretation is not an appropriate precedent for the interpretation of planning policy.
- o It notes that the Strategic Plan does contain a Glossary. However, no definition of "renovation" is specifically provided.
- o It state that the context within which the word "renovation" is used in the policies throughout the Strategic Plan illuminates, in its view, the meaning that is to be ascribed to it.
- o It notes that Environment Policy 16 deals with the use of existing rural buildings for new purposes that may include tourist or small-scale industrial commercial use. The policy then has a number of criteria, all of which then have to be met for the policy to be of application.
- o It notes that of more immediate relevance is Housing Policy 11 that deals with existing rural buildings being converted into dwellings and states that a number of criteria are all required to be complied in order for the policy to be engaged.
- o The opinion considers that the context of the use of the word "renovation" within the Strategic Plan is consistently applied where there is, de facto, a change of use proposed and a justification is required. In the context of Environment Policy and Housing Policy 11, the renovation is qualified to the extent that the building concerned has to be "substantially intact and structurally capable of renovation". It states that the starting point of these policies is one of resistance to the change of use unless all of the criteria listed are satisfied.

6.7.3 The following elements are quoted directly to give clear context:

"25. The distinction with Housing Policy 12 is obvious. Housing Policy 12 is an acknowledgement of the proposal being generally to be permitted "unless" one of the two paragraphs applies.

26. Then turning to Housing Policy 12, it is specific in addressing the architectural or historic interest of "the existing dwelling". Whilst it is conceivable that some of the architectural or historic interest of the existing dwelling may be derived from the juxtaposition or presence of other buildings, the weight that can be ascribed to that contribution in the application of this policy necessarily reflects the relative importance of the existing dwelling and the policy is focused on the existing dwelling. Self-evidently, in those cases where the dwelling and/or outbuildings are registered, the protection will be afforded by Part 3 of the 1990 Act. In the present case, statutory protection is not engaged and the focus of the policy remains on the architectural or historic interest of "the existing dwelling" and needs to be assessed in that context.

27. Of considerable importance is the application of the words "capable of renovation".

28. This limb of Housing Policy 12 is a cumulative requirement. The existing dwelling is to be of architectural or historic interest AND capable of renovation.

29. In this particular case, the requirement that appears elsewhere in Strategic Plan policy of being "structurally capable of renovation" is not deployed or used.

30. In my view, this is an important distinction to be drawn between the policies at Environment Policy 16 and Housing Policy 11 which are generally opposed to the change of use engaged in the consideration. "Structurally capable of renovation" in the context within which it is used in these policies is an engineering judgment.

31. This may be contrasted with the position in Housing Policy 12. This element of the policy is not restricted to a demonstration of the structural capability of renovation.

32. When recourse is had to the application of the word "renovate" or "renovation" it is associated with an act or process of repairing an old building or chattel. A building may be structurally capable of renovation, but it may be a wholly uneconomic and unviable proposition to renovate it. In the context of Environment Policy 16 and Housing Policy 11, such consideration of economic utility or viability is clearly not engaged. Whether the subject matter of Environmental Policy 16 or Housing Policy 11 would be uneconomic or unviable is not a relevant consideration in the terms of the policy.

33. In my view, this creates a clear distinction between those policies and Housing Policy 12 which is not so qualified. Capability of renovation in the context of Housing Policy 12 engages multiple considerations that include (and are not limited to):

- (a) The physical or structural capability of the relevant building being renovated; and
- (b) The extent to which the renovation project would be uneconomic or unviable; and
- (c) The standard of renovation would have to reflect appropriate levels of safety, amenity and environmental performance following on from any renovation.

34. Specifically, there is nothing in the policy that requires the standard of renovation in respect of the existing dwelling in Housing Policy 12(b) to be materially different from the standards that would be expected to be achieved in respect of the replacement dwelling. It should be the expectation that the standard of renovation of any existing dwelling should achieve the same level of environmental performance as any replacement dwelling.

35. In this regard an Environmental Sustainability Statement has been completed and submitted with the planning application. At page 16 of the Environmental Sustainability Statement it reports that even when existing buildings are upgraded to the highest level possible significant CO2 emissions will be produced from development equating to 129 tonnes

per year. This falls substantially short of the requirement that the Climate Change Bill 2020 has adopted and falls substantially short of the required SAP rating of 82 required for compliance. In contrast the current proposal achieves an EPC rating of a high A (101) and meets the NZC carbon target.

36. In this latter context, whilst the Climate Change Act 2021 is yet to be brought into force, the underlying policy objectives that give rise to a material consideration are capable of being taken into account at this stage. There is no reason, for example, to ignore the context of the capability of the dwelling being renovated and the environmental requirements of dwelling performance that is going to be a statutory requirement in the very near future.

37. Whilst, as is recognised above, the Climate Change Act is not in force, its underlying purpose has been considered before becoming primary legislation in an application for a replacement dwelling that was the subject matter of an appeal - Ballacain Cottage (19/01141/B). As appeal decisions and the rationale behind the grant or refusal of such are material conditions the comments by the Minister in approving that application/rejecting that appeal would support the principle above:

"The incorporation of such standards [passivhaus] into the design, in Mr Callister's opinion, wholly accords with the Government's pursuit of reducing carbon emissions etc as set out in its Climate Change Strategy 2016-2020. As a result, I can advise that Mr Callister, on behalf of the Department, attaches significant weight to the proposed dwellings' environmentally positive credentials which will arise as a result"

38. I understand that some confusion has arisen from consideration of the Structural Report dated July 2020. It is important to distinguish between a refurbishment and renovation. It is the latter that is relevant for the application of policy. The structural report makes the point that the "minimum works necessary" to refurbish the building structure were summarised in the report as including a complete new roof and slate covering, new timber to the first floor, new concrete ground floor incorporating damp-proofing and insulation, complete re-rendering inside and out, renewal or remedial works to all external door and window lintels and repairs to external Manx stone walls. The report adds that the works will be "extensive and costly".

39. Equally relevant would be the extent to which such works would materially affect the architectural or historic interest of the dwelling.

40. It should be noted that the Structural Report does not state that the building is capable of renovation - what is specified are those works that would be required for a refurbishment. It does not express a view as to whether they would comply with policy and it is, on the plain words used in the Structural Report, a statement of the minimum works that are required to achieve an "refurbishment".

6.7.4 The Opinion further comments on Consistency of Decision Making and concludes by stating the following:

(a) There is little utility in defining the meaning of "renovation" in the context of Housing Policy 12 by reference to the use of that word in legislation or contractual provisions.

(b) In the absence of a specific definition in the Glossary to the Development Plan, the words are to be given their natural and ordinary meaning in the context of planning policies for the determination of planning applications.

(c) It is clear from the Strategic Plan 2016 that Housing Policy 12 is generally supportive of the provision of replacement dwellings. Unlike other policies in the Strategic Plan, "capable of renovation" is not qualified as being simply limited to an engineering assessment of the structural capability of the building to be renovated.

(d) In the absence of such a qualification, capability of renovation should be given to the wider meaning of including consideration of the viability of renovation and providing a standard of accommodation to meet modern standards of environmental performance of a dwelling.

(e) In that context, Housing Policy 12 should be interpreted, in my view, on the basis that the "dwelling" is capable of being renovated in an economically and viably sensible manner to a standard that would meet the same standard that would be of application in environmental performance of any replacement dwelling.

6.8 The Isle of Man Natural History and Antiquarian Society comments (12 July 2022/11 August 2022/13 September 2022):

- o They note that a holistic approach is to be taken with the proposal and PA 22/00524/B, and consider that it is important to be able to consider the totality of the proposal in the landscape context which is acknowledged to be open and exposed.

- o They do not dispute the non-viability of the remaining 37 acres as a self-contained working farm Unit, but consider that redundancy of a holding for agricultural use based on its size does not mean the land is redundant for agricultural purposes. They note that this is confirmed in Appendix A of the application submission by both Chrystals and the Rural Business Consultancy.

- o They refer to Housing Policy 12 and note that there is no statement and no implication that only buildings that are Registered may be considered under (b) of HP 12. They also state that there is nothing in the report which has resulted in the non-Registration of the building that states the buildings have no architectural, historic or social interest.

- o They consider that the non-pursuit of two other recent applications on the site and the ongoing neglect of the whole farmstead with demolition of some of its buildings may be seen only as underlining the applicant's constructive determination to abandon the existing house and the farmstead as a whole in order to gain consent for redevelopment.

- o They state that any proposal on this site should be based on renovation as no substantive evidence has been provided to indicate that this original farmhouse cannot be incorporated into an appropriately designed renovation and extension scheme.

- o They acknowledge that the applicant has sought to develop a proposal which is outwardly designed to fit environmental standards and which may be seen to fit more comfortably into the landscape. However, in so doing the Society does not believe that the proposal complies with Strategic Plan General Policy 3 and Housing Policy 13 or 14, whichever of the latter two is considered relevant.

- o They state that no consideration is taken into account of the carbon release that demolition of all the existing buildings, including the ones already demolished which it is claimed as part of the application for comparison in size purpose, will involve, nor any movement of this around the site or crushing and recycling of the stone.

- o They are concerned that any approval of the above application will simply add to the growing number of inconsistent decisions which instead of a landscape which reflects all levels of affordability are physically resulting in a landscape of very large dwellings affordable only by a few and whose design, materials and siting contribute to the depreciation of the traditional Manx landscape contrary to Isle of Man Strategic Plan 2016 Environment Policy 1.

- o On matters related to the definition of curtilage, they state the following:
 - With regard to the service lane, under Manx planning statute, as confirmed in Manx planning case law, under the definition of curtilage a service lane would include farm tracks between buildings. The definition attached by the applicant does not state that a service lane must be publicly accessible [Service Lane means land dedicated as service lane used from time to time for the vehicular servicing of adjacent properties. (<https://www.lawinsider.com/dictionary/service-lane> - applicant's correspondence 5th August)]. Moreover, publicly accessible does not equate to a public right of way / access. The farm track equates to a service lane as it runs from the junction with Mullinaragher Road both to the farmhouse and past it to the farm buildings and is perfectly usable. If it was not, then the proposal would be even more non-compliant with Strategic Plan Policy 13 b).
- o They refer to calculation of floor areas by the applicant and make reference to guides in the Strategic Plan.
- o They attach publication by Andrew C. Martin on 'Rural Manx Vernacular buildings are not protected by Planning Policy: An evidence-informed approach reveals inconsistency in Policy application and assessment' to their submission.

6.8.1 In response to these comments, the applicants have provided an Agents Response to Consultations and Representations dated 5 August 2022. This response responds to matters bordering on:

- o Demarcation of curtilage,
- o The non-inclusion of the surrounding agricultural land as part of the application site,
- o Non-inclusion of equestrian application in application details for current application,
- o Non suitability of existing outbuildings for equestrian pursuits,
- o The absence of a definition of what qualifies as architecturally or historically interesting, as clearly this could otherwise become a very subjective exercise.
- o They refer to considerations for renovation and finances involved.
- o They refer to SAP ratings and Climate Change Act 2021, and
- o Environmental Improvements

6.8.2 Further to reviewing the comments made by the applicant's agents, the Isle of Man Natural History and Antiquarian Society have made the following additional comments in their most recent correspondence dated (16 November 2022):

- o The Society commented initially on the above application on 12th July 2022 and notes that some of the points raised have been further mentioned in additional submissions by the applicant's agent. The Society is therefore now responding to these later comments. The Society would still wish its previous comments to be taken into account.

- o The applicant refers to the site outlined in red as being a proposed change of use from agriculture to residential. The Society would respectfully point out that this is contrary to the zoning in the Area Plan for the South and sets a precedent for the creation of residential estates in the countryside, a policy which not only does not exist in the Isle of Man Strategic Plan, but in as much as it can be compared to a former policy for Low Density Housing in Parkland, was specifically excluded from both the Area Plan for the South beyond that already so designated and the Area Plan for the East from which it was excluded in its entirety. There is therefore no remit to permit such a change of use.

- o The Registered Building officer has indicated that while the property is not of sufficient status to justify registration it is still of recognisable architectural merit and of some local, historical or social interest. The area of stonework which the applicant states was examined by a stonemason is not identified on plan or on photographs. There is no evidence that

problems exist throughout the property and it is indicated that the walls are structurally sound and are capable of renovation.

o Building Control standards and the Climate Change Act both for new build properties are not applicable to planning application policies let alone to renovation of existing properties. The applicant seeks to justify the proposal by applying inappropriate new build standards to the renovation of an old property. The standards that the applicant seeks to achieve are neither necessarily those which have to be achieved nor those which are desirable to maintain the property.

o The materials used in the existing building are entirely different from those proposed to be used in a new build. They have totally different ways of performing. For example, utilisation of thick stone walls of older properties and sliding sash windows does not make them suitable for renovation using triple glazed windows to seal the property. It is therefore not appropriate to apply the same standards to a renovation as to a new build. The resultant costs are likely to be considerably greater for renovation than new build, the standards being applied for the former being a result of personal choice.

o The applicant ignores the issue of carbon release from the demolition of buildings, moving materials around the site and importation of new materials.

o Notwithstanding the fact that some of the buildings have been demolished, the applicant has used the size of the some of the demolished buildings to justify the size of the proposal. The fact that there has already been an amount of carbon release from demolition should be included in an assessment of total release.

o While the Society appreciates that the applicant is trying to utilise new environmental standards, the reference to photovoltaic panels being sited in a separate 'equestrian/horsiculture' complex (PA22/00524/B refers) and not part of this application is disingenuous.

o Even if under Housing Policy 12 it was considered that the house had lost its residential use by abandonment, under Housing Policy 13 it is a requirement that the formation of a new dwelling will be given based on the use of the remaining fabric and up to 50% new fabric to replace that which is lost. The policy specifically refers to the size of the dwelling only and does, specifically, not include outbuildings. This is reinforced by Housing Policy 14 which also requires reuse of the existing fabric in the rebuild of the dwelling, not just in garden walls. The existing house is of traditional character. On both the above grounds the proposal is contrary to this policy.

o As previously stated PPS1/01 recognises the importance of the conserving the traditional landscape and its buildings of which the application site contains some. Otherwise, the detailed guidance in this circular is solely about Registered Buildings and Buildings in Conservation Areas; it is not therefore applicable to this application. The Society notes however that the circular does not say that other older buildings are not of interest / importance in relation to the landscape as a whole.

o With regard to the service lane, under Manx planning statute, as confirmed in Manx planning case law, under the definition of curtilage a service lane would include farm tracks between buildings. The definition attached by the applicant does not state that a service lane must be publicly accessible [Service Lane means land dedicated as service lane used from time to time for the vehicular servicing of adjacent properties. (<https://www.lawinsider.com/dictionary/service-lane> - applicant's correspondence 5th August)]. Moreover, publicly accessible does not equate to a public right of way / access. The

farm track equates to a service lane as it runs from the junction with Mullinaragher Road both to the farmhouse and past it to the farm buildings and is perfectly usable. If it was not, then the proposal would be even more non-compliant with Strategic Plan Policy 13 b).

o With regard to other decisions PA 19/001441/B Ballacain the outbuildings referred to were all much closer to the farmhouse than is the case at Ballacroak. The proposal incorporated reuse of Manx stone and slate in the dwelling. The recommendation on appeal was for refusal of the application. The overturn of the recommendation by the Minister's representative on appeal took no account of carbon release in relation to demolition of the existing buildings and therefore was selective in what aspects of non-statutory, in Planning Policy terms, Climate Change Strategy.

o With regard to Shenvalley (PA17/00251/B) this property had been 'abandoned' as a house for over 30 years and part of the roof was missing so the internal structural elements had been adversely affected.

o With regard to the comments of the Department for Enterprise, renovation of the farmhouse and remaining stone structures would provide a valuable skill training set in the construction industry to provide more modest accommodation, and is potentially a far more needed skill set on the Island than the skill set of demolition and new build. The Society considers that the Department for Enterprise is being short sighted in its approach to renovation.

o If the application is approved, the Society notes the references to Manx Hedges and would respectfully point out that the hedges proposed would only be considered Manx if they are built in compliance with Planning Circular 1/92 Manx Hedges. Any approval should be conditioned to this effect.

o With regard to proposed access pillars and gates, the Society also notes that if the application is to fit into the Manx Countryside, the pillars should be modest stone pillars with small, 1.05m high, metal gates. For both hedges and gates the applicant should be required to submit detailed drawings for consideration and approval prior to their construction showing exactly what is proposed.

o The Isle of Man Natural History and Antiquarian Society maintain their objection to this application.

o Any proposal to utilise photovoltaic panels in connection with the proposed house should be subject to a separate application.

7.0 ASSESSMENT

7.1 The fundamental issues to consider with this application are;

- a. The principle of the demolition of the existing dwelling and associated outbuildings (HP 12, STP 1);
- b. Issue of abandonment (HP 12a & HP 13);
- c. Landscape impact (STP 4 and Character Assessment -Area Plan);
- d. Compliance with HP14 (HP 14, SP 3, STP4 and STP5);
- e. Extension of the residential curtilage (T&CP Permitted Development Order 2012);
- f. Impacts on Ecology (EP 1, 4 & 5);
- g. Energy Use (GP2n & ENP5);
- h. Flooding/Drainage (EP 13 & GP 2l); and
- i. Impact on highway safety (General Policy 2h & i, TP's 4 & 7)

7.2 The principle of the demolition of the existing dwelling and erection of replacement dwelling

7.2.1 In assessing the principle of the proposed development, the starting point is to assess whether the existing dwelling is of architectural or historic interest and is capable of renovation. It should be noted that planning approval is not required for the removal of the existing buildings on site (particularly the agricultural buildings) and as such attention here is drawn to the existing dwelling, given that approval is sought to replace this dwelling.

7.2.2 The Strategic Plan is clear that approval will not be granted for the replacement of dwellings of architectural or historic interest. Whilst the applicants argue that the building is not registered and as such the protective status is limited, there is a clear presumption in favour of retaining buildings in the countryside which are considered to be architectural or historic interest (as stipulated in Housing Policy 12). In this case, it is considered that the existing dwelling on site bears traditional (vernacular) features which typify traditional farmhouses on the island, and whilst it could be argued that the dwelling has been altered over time to include the installation of plastic (UPVC) windows and the application of cement based render to the external walls which is not an external finish common on many traditional farmhouses, these changes are minimal and as such could easily be reversed. As such, they do not in any way depreciate the architectural and historic benefits of retaining the existing dwelling.

7.2.3 Planning Circular 3/91 also provides further insight into what is considered to be of architectural or historic interest and sets out ways in which new dwellings are to reflect this architectural or historic appearances of the existing traditional farmhouses or rural buildings in the countryside. Planning circular 3/91 also sets out the material finishes, as well as the fenestrations that characterise Manx Traditional/vernacular Architecture. In assessing the existing dwelling in reference to these guides, it is considered that the existing dwelling is of historic interest and as such should be retained.

7.2.4 It should, however, be noted that Housing Policy 12 is in two parts which also includes the building being capable of renovation. As such, the acceptability of the principle of retaining or removing the dwelling would be hinged on the assessment of the capability for renovation which would be assessed in a latter part of this report.

7.2.5 The comment made by The Isle of Man Natural History and Antiquarian Society and the RBO regarding the site being a good example of a traditional Manx Quarterland farm and as such should be protected, are also noted, and reinforce the argument for the retention of existing buildings on site, including the farmhouse. On the other hand, upon assessment for inclusion into the Register of historic buildings, the farmhouse was not considered to be of sufficient special architectural or historic interest. It needs to be noted that the assessment criteria for registration is a higher bar (needing to be of special interest) than Housing Policy 12 suggests. The legal opinion, in quoting Pegasus refers to the response to the proposed registration rather than this application.

7.2.6 Notwithstanding the limitations in the 'Quarterland farm status' argument highlighted above, it is difficult to argue that the existing farmhouse which the proposal seeks to replace does not have any 'architectural or historic interest' when the proposal is assessed within the context of Housing Policy 12 and Planning Circular 3/91.

7.2.7 Whilst the applicants have argued in their response to the Registered Building's Officer that Ballacroak's buildings are not registered and as such are offered no special protections under the TCPA, and that they could be demolished without any approval being required, there is no guarantee that approval would be granted for their replacement if they are removed without approval for their replacement, as justification would need to be made

(under General Policy 3 and other relevant environment policies) for any replacement development which would constitute new development in the countryside. Thus, it is considered that this argument is weak and lends no support as a justification for the current proposal.

7.2.8 Based on the foregoing, it is considered that the dwelling still has some of its architectural or historic interest, and this weighs against the proposal.

7.2.9 Turning to the issue of 'capable of renovation', Housing Policy 12 is clear that the replacement of an existing dwelling in the countryside will generally not be supported where the existing dwelling is capable of renovation. The applicants have argued that 'capability of renovation' under HP12 includes (but is not limited to): a. The physical or structural capability of the relevant building being renovated; b. The extent to which the renovation project would be uneconomic or unviable; and c. The standard of renovation would have to reflect appropriate levels of safety, amenity and environmental performance following on from any renovation. Whilst these comments are noted, there is no definition offered by the Strategic Plan as to what 'capable of renovation' means and as such, the explanation asserted is one of opinion rather than anything specifically set out in the Strategic Plan. Rather the preamble to Housing Policy 12 refers more to discouraging demolition and replacement of buildings of architectural merit or of local, historical or social interest and that the physical remains of abandoned dwellings form features which are 'often not unacceptable'. Nevertheless these three points are considered below.

7.2.10 In reviewing this element of the scheme, it is considered that the application is supported by a structural report which indicates that the external walls of the building are reasonably straight and plumb, there is no structurally significant cracking to the main walls, and that there is no significant movement of the walls of the property which suggests that the building is still in a structurally acceptable condition. This structural report, however, states that based on experience of similar buildings, the existing external walls are expected to be shallow and that there would be no formal foundation, and considers that works to lower the ground floor to incorporate insulation and damp-proofing would be extensive and costly. This tilts the arguments in favour of removing the building, as the foundation of any building or structure is the key determinant of the loads it can bear in terms of dead loads and live loads, and could well dictate its capacity to accommodate renovation works. It concludes that demolition and reconstruction would be the most favourable economic solution. This report is further supported by a letter from a qualified mason who concludes that the building would be extremely dangerous and hazardous to carry out any works with risk of collapse.

7.2.11 In terms of whether a renovation project is viable or not, the 'Anticipated Rebuilding Costs Report' prepared by BBA Chartered Quantity Surveyors and submitted by the applicant reinforces the need to demolish and replace the building by stating that renovation of the farmhouse cannot be financially viably undertaken, and that it is doubtful that given the structural condition and interventions required, that it can be restored without risk of collapse. This report concludes that the refurbishment is not economically viable nor can the refurbishment be undertaken without significant health & safety concerns.

7.2.12 While acknowledging that current build costs are high, it is considered that the suggested refurbishment costs, upon which the non-viability argument is made are significantly greater than what might ordinarily be spent in refurbishing a building.

The details provided by BBA Quantity Surveyors are:

- Demolition Works including removal of roof coverings and structure, upper floors and ground floor, hacking off external render, removal of all finishes, doors, windows etc £53,500.00
- Substructure including new insulated ground floor slab, underpinning, existing external walls, foundations to new internal loadbearing walls £49,700.00
- Timber upper floors £20,000.00
- Installation of feature staircase £14,500.00
- New roof structure with natural slate roof covering and insulated to current u-values £53,500.00
- Repairs to external wall fabric including treatment of rot and temporary supports and re-rendering with lime render with breathable paint finish £103,600.00
- Triple glazed sliding sash windows and external doors £35,000.00
- Blockwork and stud internal walls £13,100.00
- Timber internal panelled door, frames and architraves 17,600.00
- Wall finishes comprising insulated stand off metal studding with plaster and skim finish and insulated to meet current u-values to the perimeter walls, paint finish throughout £37,500.00
- High quality floor finishings throughout 54,600.00
- Plasterboard and skim ceiling with paint finish. Allowance for coving to main rooms £17,000.00
- Kitchen and bathroom fittings £95,000.00
- Mechanical and electrical services installations including solar panels, Air source heat pump, underfloor heating and high quality second fix fittings £181,000.00
- Main Contractors preliminaries costs £120,000.00
- Building Only Sub-Total 865,600.00

7.2.13 In terms of the third point asserted - that the standard of renovation would have to reflect appropriate levels of safety, amenity and environmental performance - the Environmental Standard Statement provided by the applicants suggest that even when the existing buildings are upgraded to the highest level possible, the emissions that will still be produced from development would be very high, and notes that the resultant SAP rating would be (36), while the EPC rating (Estimated carbon emissions and potential) and EI ratings (Environmental Impact) would be (F's), which are below the legally allowable rating of (E) in domestic buildings in the United Kingdom. Bearing in mind the details of the cost estimates for refurbishment submitted by BBA chartered Quantity Surveyors (that includes roof insulation and triple glazed windows) it is surprising that the upgraded building would fair so poorly in a SAP rating.

7.2.14 Notwithstanding that there is disagreement on some of the contended points, it is accepted that it would be costly to refurbish the existing building and that there may be some structural difficulties in doing so. Whether this is sufficient to outweigh the aims of the Policy needs to be weighed against all material considerations.

7.3 Issue of abandonment

7.3.1 In terms of whether the dwelling has lost its habitable status by abandonment, it is clear from the submission that the dwelling has not been occupied in excess of 10 years, and that the building is not liveable as it stands today, given that considerable internal works would be required to make it liveable. However, these would not require planning approval (as the works would be mainly internal), and repairs to the external may not constitute development; rather repair, so there is an argument the dwelling would become liveable again without any planning approval being needed.

7.3.2 The applicants have also clearly articulated in their supporting information that whilst the farmhouse has been neglected, the farmhouse is in a structurally acceptable condition. It is also clear that there is no evidence of intention, or otherwise, to abandon which is evident

in the recent withdrawn applications that support the intention to develop the site rather than abandon.

7.3.3 Based on the foregoing, in terms of HP12 (a) it is not considered with the information before the Department that the existing farmhouse has lost its residential use by abandonment. As such, Housing Policy 13 is not applicable in this case.

7.4 Landscape impact (STP 4 and Character Assessment -Area Plan)

7.4.1 With regard to the impacts on the landscape, it is noted that the character, quality and distinctiveness of the area is defined by its wooded valley bottoms, geometric field patterns delineated by Manx hedges and its numerous traditional buildings and networks of small roads and lanes. The character appraisal also refers to the role the dense woodland and hedgerow trees play in defining distant views by creating wooded horizons.

7.4.2 When the proposed development is assessed within the context of the landscape character assessment for the area, it is not considered that the proposal would significantly alter the core attributes of the surrounding landscape, save for the element related to traditional buildings as the proposal seeks to replace the existing traditional building which forms part of the character of the area with a significantly larger modern building. It should, however, be noted that the dwelling (and buildings on site) are not especially apparent from public views, given the detached position of the existing building group on the farm complex from the Mullinaragher Road, and the mature Manx sod banks along the roadsides boundaries and field boundaries which screens views to the site. Thus, the proposed dwelling and site would only be apparent from very distant views along the eastern stretches of the Mullinaragher Road (before the narrow bridge at Mullinaragher), from the boundary of Thie Jeroi, Mullinaragher Road (to the south) and stretching about 200m towards the site access, and through a couple of field gate openings and gaps along the sodbanks by the highway. The site can also be viewed from sections of Main Road (between Newtown and Ballavartyn Cottage, Main Road, Santon), as well as parts of Clanna Road, but at a distance over 2km where views would be significantly diminished. There are no views of the site from the St. Marks Road and Braaid Road. From these distant views, the views that would be obtained would not be particularly different when assessed against the existing built form on the site (See Photomontages in Design Statement).

7.4.3 It should also be noted that the proposed development seeks to integrate a lot of tree planting around the perimeter of the new dwelling which would serve to recreate the distant wooded horizons which is a key feature of the landscape here, as is reflected in other developments in the area such as Ballajeroie, Thie Jeroi, and Ballajeraie to the south of the site, as well as Ballakew Farm to the north.

7.4.4 Based on the foregoing, it is considered that although the form of development on site would change, it would be difficult to tell this difference from distant views given that the new development would be built within the layout of the existing farm complex and integrate significant tree planting. It is, therefore, concluded that the development would not be averse to the provisions of the Landscape Character Assessment for Ballamodha, Earystane and St Marks (D14) - Area Plan for the South, as well as Strategic Policy 4 and paragraph 7.4.1 of the Strategic Plan.

7.5 Compliance with Housing Policy 14

7.5.1 In considering compliance with the requirements of Housing Policy 14, it would be vital to note that the policy requires that 'Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; and that the new building should therefore generally be sited on the "footprint" of the existing, and should have

a floor area, which is not more than 50% greater than that of the original building'. The policy states that generally, the design of the new building should be in accordance with Policies 2-7 of the present Planning Circular 3/91, and stipulates that exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building.

7.5.2 In this case, it is considered that the proposed replacement dwelling would be sited over the footprint of the existing farmhouse, although the new footprint would be substantially different to the existing position in terms of size of footprint. Also, the size increase of the proposed replacement dwelling over the existing would equate to a percentage increase of approximately 871.82%, which is significantly higher than the generally permitted 50% threshold as stated within HP14, hence a refusal on this ground could be made.

7.5.3 Whilst the applicants have offered alternative arguments as to how the increase in floor area should be measured, the definition of floor area (as defined in Appendix 1 of the Strategic Plan) encompasses all new floor areas created and does not distinguish between various types of floor area. As such, the total area of semi-subterranean floor area measuring 1145.09sqm (for garaging and plant, glazed link, and wellness/entertainment facilities) was not be discounted in the calculation of the floor area. The total floor area used in the assessment is, therefore, approximately 2210.71sqm.

7.5.4 Notwithstanding the failings above, the policy does allow for larger dwellings in certain exceptions, which includes proposals where by its design or siting, there would be less visual impact. The policy also allows for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact, and where designs should incorporate the re-use of such stone and slate as are still in place on the site, and where the new fabric is finished to match the materials of the original building.

7.5.5 In view of the above guides, it is first considered that the new dwelling would be 3.4m taller than the existing and would have a footprint measuring 1606.27sqm which would offer an increase of 1387.29% over the existing 108sqm footprint which is significantly larger than the existing. However, when the proposed scheme is assessed against the existing context of the site area (with the existing group of buildings) it is noted that the proposal seeks to keep the new dwelling within the broad footprint of the existing built forms on site, so as not to increase the visual impact of the development on the site. As well, it integrates significant subterranean elements (about 50%). As such, it is not considered that the proposal would significantly distort the visual character of the area. In fact, the new built appearance would form a smaller cluster than the existing when the cross sectional views are compared. The longest cross-section of the new development which is the east elevation (viewed from the Mullinaragher Road) is 81.2m, while the south site cross section as viewed from Mullinaragher Road is 42.5m. When these figures are compared against the current figures (east cross section -102m, south cross section 71.1m), it is considered that the visual impact would be reduced comparative to the existing built cluster on site. It is also considered that the proposed tree planting, use of green living walls and sedum roof would serve to blend the new development into the landscape and further diminish its visual impact. Likewise, the views of the site achievable from the surrounding landscape would be over long distances and the assessment of landscape impacts assessed in section 7.4 of this report shows that any change in terms of landscape impacts would be minimal. Whilst the reference to distant views does not diminish the impacts on landscape, the overall design of the scheme would serve to diminish the associated visual and landscape impacts.

7.5.6 It should, however, be noted here that the policy (HP 14) does not refer to the existing built form on site but the existing dwelling which the new dwelling seeks to replace. Also, the subterranean elements are only partly subterranean as they would mainly be concealed by raised site levels around the building and creation of landscape bunds which currently do not exist on site), and as such result in considerable alterations to the site character, and these weigh against the application.

7.5.7 In terms of the proportion, form and appearance of the proposal (which serve to define the design approach), it is considered that the proposal is contemporary in design. The proposal would also incorporate large sections of glazing and use of Manx stone (recycled from the site), slate roof on pitched roofed elements, sedum roof on flat roofed sections and use of living walls which would serve to enable integration into the surrounding site and landscape. Whilst the flat roof elements and large sections of glazing are not common features and forms found in the countryside, the flat roofs would enable the creation of the green roof which would be well-suited to this site and its ecology. Besides, the flat roofs are set below the position of the main core which has slated pitch roof over and forms the key vista to be seen when approaching the new development. As well, most of the glazed areas would be enclosed within landscape bunds or the courtyard. Therefore, it is considered that the dwelling would fit the exemption, being innovative, a modern design, and of high quality.

7.5.8 An additional consideration is the requirement within HP 14 that the new development offers environmental improvements over the existing situation. Whilst it could be argued that creating a new development of this scale in a rural location, with its associated embodied carbon and landscape alterations, including removal of established ecology does not truly represent environmental improvements, the substantial landscaping of the site including the creation of indigenous grass, wild flower meadows and trees areas, formation of new sod banks; the creation of the new retention pond and reed bed with its new aquatic habitat and biota; integration of living walls; use of sedum roofs; could be considered to represent environmental improvements. In fact, the proposal would result in significant increase in ecological net gain, with a 46% increase in habitat units and a 68% increase in hedgerow units if implemented as proposed.

7.5.9 Additionally, the installation of solar panels; use of air source heat pumps and under floor heating, electric vehicle recharging points, use of modern approaches to achieve high levels of insulation and airtightness, the use of triple-glazed windows/fully glazed door U-values of 1.0 W/m²K, the target to achieve an EPC rating of (A) and a SAP rating of 101, which do not directly pass for environmental improvements but have long term broader environmental implications in terms of carbon footprint and energy efficiency weigh in favour of the proposal.

7.5.10 Based on the foregoing, it is considered that whilst the proposed dwelling footprint and floor area would be substantially larger than the existing dwelling, the high quality design, appropriate pallet of finishes, dwellings orientation/siting on the site, the amount of existing built development on the site, would serve to tilt the development towards the exemptions allowed under Housing Policy 14. Therefore, it is considered that the proposal aligns with the requirements of Housing Policy 14.

7.6 Extension of the residential curtilage

7.6.1 In assessing the increase in the curtilage, the definition of curtilage within the Town and Country Planning (Permitted Development) Order 2012, and also articulated in Appendix 1 of the Strategic Plan (in a slightly varied structure) is relevant. Appendix 1 defines curtilage to mean:

"The area of land attached to and around a building, used with the building and within which the building is set (e.g. the garden and driveways of a house, the storage yard of a factory).

Land used with a building but severed from it by, say, a highway or service lane is not part of the curtilage of that building."

7.6.2 This clearly implies that in assessing what constitutes a curtilage regard must be had to whether the land which is being considered to form a curtilage is actually being used in connection with the building which is the subject of the application, and it has to be evident that the land clearly has the appearance and function of serving the building such that would bring it within the same planning unit with evident physical/functional linkages.

7.6.3 In this case, there is evidence that the area of land attached to and around the existing farmhouse and outbuildings form the existing farm complex. It is also clear that the existing group of buildings within the complex are not separated or severed from the farmhouse by a highway or service lane. As such, it is considered that the layout of the existing farm complex which was operated from the existing farmhouse fits with the definition of curtilage.

7.6.4 The comments by the Isle of Man Natural History and Antiquarian Society that the service lane between the farmhouse and farm buildings quite clearly splits the curtilage of the farmhouse from the farm buildings and does not give any justification for the claim in the current application that the farm buildings form part of the current curtilage of the farmhouse is noted. Also, the comment that the aerial photo submitted by the Bat Group as part of the application clearly shows farm service lane between house and farm buildings is noted. However, it is considered that the connecting access within the site does not sever the buildings but connects the buildings as any driveway within large plots with multiple buildings. This access branches off the main farm access and creates a connection between the buildings here and as such cannot be adjudged to be severing the site. In fact, it is clear from the historic aerial photos for the site that this lane makes the units within the farm complex a working unit. It was also evident during the site visits (21 September 2022 and 11 November 2022) that there are low sod hedges and fences around large sections of the perimeter of the farm complex which serves to define the boundary and present the site as a whole. There is also no history of the farm complex being partitioned to serve various farm holdings through severance. Therefore, it is considered that there is no severance of the site in this case.

7.6.5 Based on the foregoing, the main issue regarding the increase in curtilage for the proposed development is whether the additional 'field' areas added to the new residential curtilage would be acceptable. In assessing this element of the scheme, it is considered that the proposal would increase the size of the proposed residential curtilage beyond the existing farm complex boundary, into surrounding fields by about 5470.4sqm (1.35acres or 0.55 hectares), which is considerably large. Whilst this weighs against the proposal in that the proposed curtilage would diminish the supply of agricultural land on the island (See Paragraph 7.13.1 of the Strategic Plan on Agriculture), particularly as the fields fall within Class 3 Soils which are suitable for grazing, being soils with moderate limitations and which demand careful management, the additional land areas would be used to create new habitat units on site; such as the retention pond and reed bed (with its aquatic habitat and biota), as well as the indigenous grass, wild flower meadows and tree areas, which are considered to be in the interest of the biodiversity for the site and locality.

7.6.6 It is, however, important to clarify here that whilst the details regarding the non-viability of the existing holding for agriculture submitted by the applicants are noted, there are a number of successful commercial farm holdings on the island which rely on a number of satellite sites of small and large holdings to support their agricultural production as has been noted in the Chrystals Estate Agency Commentary on Isle of Man Market for standalone agricultural holdings of under 50 acres), as well as for a number of recent applications such

as PA's 19/00955/B, 20/00014/B, 20/00707/B, 21/00174/B, 21/00725/B, 21/01444/B, where the farmers operated multiple holdings (some of which were less than 30 acres) to support their agricultural operation. As such, the incursions into the adjoining fields have not been accepted on the grounds that the fields are not capable of supporting agricultural production, but due to the ecological benefits the proposed use would offer.

7.7 Impacts on Ecology (EP 1, 4 & 5)

7.7.1 In terms of impacts on ecology, it is considered that large parts of the central areas are devoid of vegetation leading to limited opportunities for habitat development. Albeit, it is considered that the site offers a lot of potential as suitable habitat for wildlife, given that large sections of the site area have been undisturbed for some time. This is clearly indicated in the supporting ecological information provided by the applicant which makes it clear that there would be impacts on some habitats and protected species.

7.7.2 Notwithstanding the issues highlighted above, the application is supported by a number of ecological studies and reports which the DEFA's Ecosystem Policy Team has commented on and accepted. In this respect it is felt that the application has satisfied the principles of Environment Policy 4. The Ecosystem Policy Team also agree with the assessment in the Planning, Design & Access Statement that if the development is undertaken as per the provided plans, with a new pond, retention and enhancement of boundary features, new boundary features, creation of wildflower meadow areas etc., that there should be a net gain for biodiversity across the site. These serve to indicate that although there would be some impacts on ecology, the implementation of the scheme as proposed would result in benefits for the environment. The Ecosystem Policy Team, however, advise that following the CIEEM advice note on the Lifespan of Ecological Reports & Surveys, most of the reports, if not all would likely need updating as they would be more than three (3 Years), and note that if the development does not commence before winter 2022, an updated PEA is to be obtained. Therefore, conditions would be imposed to ensure that the required mitigation measures are implemented and that the reports which form the basis for the mitigation of ecological impacts are updated to meet the standards set out within the CIEEM advice note on the Lifespan of Ecological Reports & Surveys.

7.7.3 To the extent that the above points relate to the ecological elements of the proposed development, it is considered that the proposal meets the requirements of Environment Policy 4 and 5, and General Policy 2 (d), and that suitable conditions could be attached.

7.8 Energy Use/Conservation (GP2n & ENP5)

7.8.1 Energy Policy 5 requires that schemes of this scale demonstrate the measures that have been taken in the design to reduce energy consumption and increase energy efficiency. This is further reinforced by GP2 (n) which stipulates that new developments be designed having due regard to best practices in reducing energy consumption. In view of the above, it is considered that the scheme would incorporate Air Source Heat Pumps, ground source heat pumps, with the proposed replacement dwelling also powered by renewable energies (solar). Also, Passive environmental control and energy usage would be implemented via orientation to maximise solar gain with large windows serving to minimise the use of artificial light, use of LED and low energy lighting used throughout, use of Motion sensors and timers internally and externally, and use of high levels of thermal insulation to building fabric and triple glazing and emissivity glass to reduce heat loss. EVC ports shall be included within the garaging.

7.8.2 Accordingly, the development seeks to achieve a SAP energy efficiency rating of A+, a SAP rating of 101, as well as a predicted site wide reduction in CO₂ at 100.0% (although it is debatable how the latter element would be achieved given the embodied carbon in the existing building and the amount of new material that would need to be utilised). Conditions

would need to be attached to ensure that the details submitted as well as the measures proposed are undertaken.

7.9 Flooding/Drainage (EP 13 & GP 2I)

7.9.1 In respect of drainage and potential for flooding, it is considered that site is generally not prone to flood risks although areas of low to medium likelihood of surface water flood risk cut through the site, and could increase the likelihood of floods to occur on site with the proposed increase in impermeable surfaces within the site (building and hardstanding areas including walkways and patio areas). The nature of the site topography also increases the potential for more surface runoff to result from the proposed development.

7.9.2 Equally, the application is supported by a drainage strategy which includes the installation of SUDs features to aid in the harvesting infiltration, storing and treatment of surface water. The applicants have also indicated that the strategy would include permeable paving, filter strips/drains, rainwater harvesting in connection with the attenuation pond and reed bed. Also worthy of note is the proposed living roofs which would serve to reduce the potential rainwater attenuation on the site; forming a key part of the drainage management system.

7.9.3 It is also important to note that Manx Utilities Drainage, DOI highways Drainage, or DOI Flood risk management have not raised any concerns with the proposal.

7.9.4 Based on the foregoing, it is considered that flooding of or from the site is not a concern, and the development would not pose drainage concerns, and as such would comply with Environment Policy 13 and General Policy 2(I) in terms of flooding concerns on and off-site and the provision of appropriate drainage for the site. Conditions would, however, be attached to ensure that the details submitted are undertaken.

7.10 Highway Issues

7.10.1 In assessing the highway impacts of the current scheme, it is considered that the proposal includes alterations to the main access to the farm track which would serve the site and adjacent agricultural fields. These alterations comply with visibility splay requirements and will be an improvement on the current arrangement. In addition, the works would include increase in the width of the access track to 5m (up to the field gates), with the surface finished in bonded pea gravel which would serve to ensure loose material is not carried onto the adjacent highway. The other works such as the setting back of the new stone piers on the site entrance 13m from the edge of the highway, and sloping of the highway towards the entrance piers with drainage grate provided to prevent storm water discharging into the adjacent highway are also considered to benefit highway safety.

7.10.2 Additionally, Highway Services have considered the proposal and consider that the proposal raises no significant road safety or highway network efficiency issues, subject to conditions for the proposal to accord with the submitted drawings (Drawing No. P0006). Accordingly, it is considered that the highway elements are acceptable and the proposal would comply with Transport Policy 4, Transport Policy 7 and General Policy 2 (h & i).

7.11 Other Matters

7.11.1 Installation of Solar panels

Whilst the reference made to the installation of solar panels (photovoltaic panels) within the application documents have been noted, no details regarding the type, size, position and energy generating capacity has been provided within the current scheme. As such, conditions would be attached to ensure that these details are submitted and undertaken.

7.11.2 New gates

No details of the proposed gate for the new residential curtilage has been provided. As such, a condition would be attached to ensure that any gate proposed would be appropriate for the countryside location and proposed development.

7.11.3 Reference to Site as Previously Developed Land

The comments made the Department for Enterprise which support the application for the redevelopment potential it offers are noted. However, it would be vital to point out that the site is not 'previously developed land' as indicated in the DfE submission, given that the site does not fall within the classification of previously developed land as articulated within the Strategic Plan that discounts buildings associated with agriculture. An argument could be made that the dwelling (not the farm site) could be termed as being a previously developed land as there are no agricultural occupancy conditions attached, the broader site area is agricultural and as such would not pass for previously developed land.

7.11.4 Cost of Investment and construction jobs

Details of the cost of the development have not been provided as part of the application and therefore this cannot be taken into account. Construction jobs and experience to the construction sector are not material planning considerations.

8.0 CONCLUSION

8.1 In conclusion, it is considered there are arguments for and against, whether the principle of the replacement of the existing dwelling complies with Housing Policy 12 or not. The existing dwelling has some architectural interest and perhaps reinforces the argument that the property should be retained. There is also the contention as to whether the existing farm house is worthy of renovation or not, with further argument made for viability of renovation. In terms of compliance with Housing Policy 14 and the visual impact, due to the size increase of the proposed dwelling footprint and floor area over the existing, its increased height by about 3.4m over the existing dwelling, as well as the general quantum of development in this area which is largely agricultural, it cannot be ignored that the proposal would result in a significant increase in built development over the existing which weighs against the application. Furthermore, the proposal would result in loss of good agricultural land.

8.2 Equally, given the considerably high final SAP rating applicable if the dwelling was erected as proposed, there are arguments in favour of the proposed development. Additionally, the proposed fenestrations would provide maximum solar gain whilst minimizing the reliance on artificial lighting. The design, finishes, integration of semi-subterranean elements, the incorporation of large sections of living walls and sedum roof, as well as the backdrop of the proposed plantings on site (and adjacent to the site, within the blue line boundary) would serve to reduce the visual impact of the proposed larger dwelling. It is, also, not considered that the proposal would harm the character or appearance of the site or surrounding landscape. Furthermore, the overall environmental improvements which includes the realisation of a net gain for biodiversity across the site are also considered to weigh in favour of the proposal.

8.3 Granting, there are a number of factors which weigh in favour of and against the development, particular weight is placed on the requirements of Housing Policy 12 and 14, where it is found that the elements of the proposal articulated in these policies are finely balanced. However, as the resulting development would result in a well-designed and high quality development, particularly as it relates to achieving net gain for biodiversity across the site, the balance is tilted towards approval of the development.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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

Item 5.4

Proposal : **Erection of a detached dwelling**
Site Address : **Plot 1**
 Field Adjacent To Beechfield
 Glen Auldyn
 Ramsey
 Isle Of Man
Applicant : **Mr James Holmshaw**
Application No. : **22/00781/B- click to view**
Planning Officer : **Mr Paul Visigah**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to any construction of the dwelling hereby approved in relation to Plot 1, the access shown on Penketh Millar drawing no 15 1146 6 date stamped 02/10/17 (under PA 16/00650/B) shall be constructed as shown and the visibility splays shall remain unobstructed at a height of 1.05m thereafter.

Reason: In the interests of highway safety.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

- Class 14 - Extension of dwellinghouse
- Class 15 - Garden sheds and summer-houses
- Class 16 - Fences, walls and gates
- Class 17 - Private garages and car ports

Reason: To control future development on the site.

C 4. Within one month of the construction of the new access (as per the requirements of Condition 2) the existing field access shall be blocked up with a grass bank with hedgerow planting, of which details must be included within submitted landscaping details required under condition 3) above, to match the existing roadside hedgerow and retained thereafter.

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

C 5. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking associated with the development and shall remain free of obstruction for such use at all times.

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

C 6. Notwithstanding the details that have been submitted, a detailed landscaping strategy shall be submitted to the Department in writing to be agreed within three months of this approval.

The landscape strategy shall include details of hard surfacing materials, planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants (no non-native species), noting species, plant sizes and proposed numbers / densities and a programme for the implementation, completion and subsequent management of the proposed landscaping.

Any proposed planting should be in accordance with details contained within a Planting Palette provided as part of the Strategy.

The hard surfacing details shall include details of planters and samples showing the texture and colour of the materials to be used.

The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.

Reason: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality environment.

C 7. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and retained thereafter.

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

Reason for approval:

It is considered that the planning application is in accordance with General Policy 2, Housing Policy 6, and Transport Policies 4 and 7 of the Isle of Man Strategic Plan 2016, the 1982 Development Plan, and the relevant sections of the Residential Design Guide 2019.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE LOCAL AUTHORITY HAS OBJECTED TO THE APPLICATION, CONTRARY TO THE VIEWS OF THE PLANNING OFFICER.

1.0 THE SITE

1.1 The site represents Plot 1, Field Adjacent to Beechfield, Glen Auldyn, which is located to the south of Glen Auldyn Road and adjacent to Beechfield within Glen Auldyn. The application site is located approximately 600 metres to the south of the road junction with the Glen Auldyn Road (B16) and Lezayre Road (A3). The site is located to the eastern side of the Glen Auldyn Road and has a total roadside frontage of approximately 47m in length. The roadside boundary is mainly made up of a sod bank with mature hedgerow above.

1.2 The western boundary borders the highway and 'Freshfield', Glen Auldyn, separated by strips of agricultural field while the entire southern, eastern and northern boundaries agricultural fields. The field to the north obtained planning approval to be subdivided as two residential plots under PA 16/00650/B, with further Reserved Matters approval granted under PA 20/00637/REM for the two detached dwellings with attached garages.

2.0 PROPOSAL

2.1 The application seeks approval for erection of a detached dwelling which is an amendment to the scheme approved under PA 16/00650/B and comprises the following alterations to the approved dwelling on Plot 1:

- a. The left hand rear outlet is to be enlarged.
- b. Adding a new guest bedroom suite. The new guest suite would project from the rear of the approved plant room and garden attached to the car port (on the south elevation) and would project 4.8m from the rear of these rooms and be about 6.3m wide. The approved garden room would be converted to an ensuite for the guest room. Two new windows would be installed on the north-east elevation to serve the guest suite, while a new set of patio doors would be installed on the rear (south) elevation.
- c. Adding a new covered courtyard patio area. The approved courtyard patio area to the south elevation would be covered with a lean to roof that would slope towards the car port. Patio doors would be installed on the south elevation to completely enclose the space.
- d. Adding an external fire place to the rear covered canopy. This fire place would be erected at the rear of the approved fire place serving the living area.
- e. Removing the front bay window to the office (on the north-west elevation) with the walls squared off. The space would serve a snug/office.
- f. The corner glazing on the approved lounge on the right hand single storey outlet (on west elevation) to be removed. Space to now serve a cinema room. The chimney stack proposed to serve this room would also be removed from the proposal.

2.2 There would be no increase in the buildings height on any of the elevations.

2.3 The floor area of the dwelling would be increased by about 30.24sqm excluding the covered courtyard patio area which measures (11.9m x 4.8m) - 57.12sqm.

2.5 The access arrangements would remain as approved under PA 16/00650/B.

3.0 PLANNING POLICY

3.1 The application site is within an area designated as being an area of "Proposed - Low Density Housing in Parkland" (LDHP), under the Isle of Man Development Plan Order 1982. The site is not within a Conservation Area, nor within an area zoned as High Landscape or Coastal Value and Scenic Significance.

3.2 Under the Draft Area Plan for the North and West, the site is not zoned for any particular purpose and as such is part of the countryside, within the Landscape Character Area - Glen Auldyn (B2) where the following applies:

"Landscape Strategy

To conserve and enhance:

a) the character, quality and distinctiveness of wooded valley bottom with housing sensitively located alongside the ecologically valuable riparian corridor.

Key Views

- o Channelled views framed by steep valley slopes
- o Glimpsed views up wooded slopes to surrounding uplands

3.2.1 It is, however, important to note that the Isle of Man Development Plan Order 1982 is still active for the area, and as such the site is considered as being zoned for development.

3.3 Due to the zoning of the site, and the nature of the proposed development, the following Strategic Plan policies are considered relevant in the assessment of the application:

3.3.1 General Policy 2 states (In part): "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

3.3.2 Housing Policy 6 states:

"Development of land which is zoned for residential development must be undertaken in accordance with the brief in the relevant area plan, or, in the absence of a brief, in accordance with the criteria in paragraph 6.2 of this Plan. Briefs will encourage good and innovative design, and will not be needlessly prescriptive."

3.3.3 Housing Policy 4: New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
- (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
- (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14.

3.3.4 Strategic Policy 1:

Development should make the best use of resources by:

- (a) optimising the use of previously developed land, redundant buildings, unused and underused land and buildings, and re-using scarce indigenous building materials;
- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services.

3.3.5 Strategic Policy 5:

New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies.

3.3.6 Transport Policy 7 states:

"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.

The current standards are set out in Appendix 7."

3.3.7 Transport Policy 4 states: "The new and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan."

3.3.8 Environment Policies 4 and 5 seek to protect the ecology of sites and important habitats.

3.3.9 Environment Policy 13 states: "Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted."

4.0 OTHER MATERIAL PLANNING CONSIDERATIONS

4.1 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions...". Sections 2.0 on Sustainable Construction, and 7.0 which deal with impact on neighbouring properties are considered relevant to the current scheme.

4.2 The Isle of Man's Biodiversity Strategy (2015 - 2025)

4.2.1 The strategic aims (In part):

- o Managing biodiversity changes to minimise loss of species and habitats.
- o Maintaining, restoring and enhancing native biodiversity, where necessary.

4.2.2 Habitat loss actions

"21. DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for."

4.3 Isle of Man Climate Change Bill requires that development proposals:

(a) demonstrate that the application has been made having regard to the following climate change policies —

- (i) the maximisation of carbon sequestration;
- (ii) the minimising of greenhouse gas emissions;
- (iii) the maintenance and restoration of ecosystems;
- (iv) biodiversity net gain;
- (v) the need for sustainable drainage systems; and

(vi) the provision of active travel infrastructure; or
(b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development.

4.3.1 The above Climate Change Bill requirements are not yet the subject of an appointed day Order. Thus, they are not yet a requirement for development.

5.0 PLANNING HISTORY

5.1 The following previous planning applications are considered relevant in the assessment and determination of this application:

5.2 PA 16/00650/B for Creation of three residential plots including access and erection of a detached dwelling with attached garage on plot one - APPROVED AT APPEAL

5.3 PA 20/00637/REM for Reserved matters application in association with PA16/00650/B for the erection of two detached dwellings with attached garages - APPROVED.

5.3.1 This application was submitted to enable the erection of the other plots which were approved under PA 16/00650/B with the dwelling approved at Plot 1 (the current site) to enable the residential use of the broader site area.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose'. They note that they find the proposal to have no significant negative impact upon highway safety, network functionality and /or parking (15 July 2022).

6.2 DOI Highways Drainage has indicated that there is insufficient information relating to the drainage of surface water on this site along the access road, and have asked that additional information to demonstrate surface water runoff will not drain onto the public highway be provided (17 August 2022).

6.2.1 In response to the request for additional information, the applicants agent have provided correspondence dated 18 August 2022 which confirms that the access road does not form part of this submission that was covered and approved under P.A. No- 16/00650/B with the surface water drainage being dealt with and approved under Condition No 9 of that planning application. The agent further notes that P.A. No 22/00781/B deals purely with amendments to the design of the dwelling already approved for Plot 1. As well, they note that the amendments are listed in the cover letter and the application form. The surface water for the dwelling will be dealt with via on site soakaways as approved previously for all three plots.

6.3 Lezayre Parish Commissioners have recommended refusal of the application for the following grounds (18/2/2022):

- o Drawing numbers 22 1661 07 May 2022 and 22 1661 06 June 2022 show that the driveway to the property does not extend to join the Glen Auldyn Road.
- o Drawing number 15 1146 2 C shows a brick paving road extending to join the Glen Auldyn Road.
- o The red line around the application site on the, location plan does not extend to include the access road as shown on the original application 16/650/B.

- o Plans approved for plots 2 and 3 under 20/00637 do not include the access road joining the Glen Auldyn Road, however the location plan shows the red line extending to include the access road. Who is to be responsible for this brick paved access road?
- o Condition 2 of the original approval for this site 16/00650/B, plot 1 states that prior to any construction of the dwelling hereby approved in relation to plot 1, the access shown on Penketh Millar drawing number 15/1145/6 date stamped 2 October 2017 shall be constructed as shown and the visibility splays shall remain unobstructed at a height of 1.05m thereafter.
- o Condition 8 states, within 1 month of the construction of the new access, (as per the requirements of condition 2) the existing field access shall be blocked up with a grass bank with hedgerow planting, of which details must be included within submitted landscaping details required under condition 3) to match the existing roadside hedgerow and retained thereafter.
- o Work has commenced on this site on all 3 plots, as can be seen in the attached photographs, but it appears that the conditions attached in relation to conditions 2 and 8 have not been met. The Commissioners will be reporting this as a breach of planning.
- o The Commissioners seek some clarification regarding the outstanding conditions in relation to this new application, which is for the same site.

6.3.1 Further to receiving clarifications from the applicant's agents the commissioners have made the following additional comments (18 August 2022):

- o Further to the Commissioners letter dated 5th August 2022, they would like to advise that they have sought clarification on the points raised therein.
- o Our clerk has met with the Architect, Chris Penketh and all aspects of the queries that were raised in relation to conditions and the access road have all been answered and resolved.
- o Their position regarding the application remains as stated. Refused Unanimous
- o We also confirm that correspondence will be sent to the enforcement team to withdraw the Commissioners request to investigate any breach of planning for this site.

6.4 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

7.1 The fundamental issues to consider with the current application are:

- i. principle of development;
- ii. potential impact upon the visual amenities of the area;
- iii. potential impact upon neighbouring amenities;
- iv. impact upon highway safety; and
- v. Drainage/flooding concerns.

7.2 The principle of the proposed development (GP 2 and 1982 Development Plan)

7.2.1 In terms of the principle of the proposed scheme, it is considered that approval was granted for the erection of a new dwelling on the site (Plot 1) under PA 16/00650/B. It should be noted that the current scheme lies on the principle of the previously approved scheme, and only seeks to alter a previously approved development for the site in the form of enlarging the left hand rear outlet, adding a new guest bedroom suite, adding a rear covered courtyard patio area, external fireplace covered canopy, omitting the front bay window to the office omitted, as well as altering the corner glazing to the right hand single storey outlet, and removing the chimney stack, with the proposal having a fall-back position to implement the previously approved scheme should approval not be granted for the current proposal.

7.2.2 Therefore, given that the circumstances which warranted the approval of the dwelling on the site has not changed and there has been no policy changes since the previous approval, the principle of the proposed development is considered acceptable.

7.3 Potential Impact upon the Visual Amenities of the Area (GP 2 and HP 6)

7.3.1 In terms of potential impacts on the visual amenities of the area, it is considered that the amended dwelling would not be taller than the previously approved with the scale, form and position of the alterations such that they would not alter considerably the appearance of the approved dwelling and to such a scale that would result in adverse visual impacts. Also, the proposed finishes would be in keeping with the character of the scheme previously approved and which was not judged to result in adverse visual impacts.

7.3.2 Based on the foregoing, it is considered that the proposed design, size, proportion, form and finishes would be appropriate for the site and surrounding area, resulting in no adverse visual or landscape impacts on Glyn Auldyn, and would comply with General Policy 2 and Housing Policy 6 of the IOM Strategic Plan.

7.4 Potential Impact upon Neighbouring Amenities (GP 2)

7.4.1 In terms of impacts on neighbouring amenity, it is not considered that the alterations would alter the existing relationship with neighbouring properties beyond that previously considered acceptable under PA 16/00650/B. This is hinged on the fact that the number of fenestrations on the dwelling would be reduced. Also, the position of the near fenestrations serving the guest suite would be at the rear and east elevation, and on the ground floor where it would not result in adverse impacts. Additionally, the proposed boundary treatments would serve to further ensure no adverse impacts in terms of overlooking results from the alterations to the scheme.

7.4.1 Additionally, as there would be no increase in height, overbearing impacts and overshadowing would not result.

7.5 Potential Impacts upon Highway Safety (GP 2, TP 4, and TP 7)

7.5.1 With regard to impacts on highways, there would be no changes to the access arrangements. Also, the parking provisions which was considered to be acceptable has not been diminished by the current scheme. Besides, DOI Highways have noted that they are content with the scheme as the proposal would have no significant negative impact upon highway safety, network functionality and /or parking. Therefore, it is considered that the scheme as proposed would not result in adverse impacts on parking and highway safety, and is compliant with the aforementioned policies.

7.6 Potential Flooding Concerns (EP 13 & GP 2)

7.6.1 Regarding potential concerns with flooding, it is noted that the site is generally not within a flood risk area, with the proposed changes not within any part of the site where they could be considered to exacerbate any flood concerns. It should be noted that only the site frontage and access area has low likelihood of flood risks.

7.6.2 Accordingly, given that the works are not within a flood risk area, it is not considered that the development would increase the risk of flooding on and off site. Whilst it is noted that there would be increase in floor area, the proposed increase in comparatively small relative to the site area, with the new floor areas only offering little by way of contributions to run off on site. Therefore, it is considered that the proposal would be acceptable from a flooding point of view and therefore comply with Environment Policy 13 of the IOM Strategic Plan.

8.0 CONCLUSION

8.1 Overall, it is considered that the proposal would comply with the relevant planning policies of The Isle of Man Strategic Plan, and the Isle of Man Development Plan Order 1982, and for the reasons set out in this report. It is recommended that the application be approved.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 19th December 2022

Item 5.5

Proposal : Refurbish and remodel existing dwelling, convert attached outbuildings into part of dwelling, and build extension to dwelling

Site Address : Ballaskelly Farm
Mountain Road
Onchan
Isle Of Man
IM4 5BL

Applicant : Chris & Amanda Faragher & Reid

Application No. : 22/00651/B- [click to view](#)

Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 3. All tree planting comprised in the approved details of landscaping (Section 4.8 New Planting in the submitted Arboricultural Impact Assessment dated Sept 22 and drawing NP-121221 received 13th October) shall be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 4. All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Department in accordance with British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction - Recommendations) for the duration of the works on site and the development is completed.

In the event that trees become damaged or otherwise defective during such period, the Department shall be notified as soon as reasonably practicable and remedial action agreed

and implemented. In the event that a tree dies or is wilfully removed without prior consent it shall be replaced as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Department.

Reason: to ensure the continuity of amenity afforded by existing trees.

C 5. Prior to the commencement of any development a full arboricultural method statement that details construction methods and tree protection measures shall be submitted in writing for approval by the Department. The development must be carried out in accordance with the approved details. No alterations or variations to the approved tree protection scheme or working methods shall be made without prior written consent of the Department.

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

C 6. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including exterior walls of the existing buildings (type of render), roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

Reason for approval:

Overall, while it is accepted there is a loss of trees to facilitate the development and future pressure on high category tree(s) within the vicinity of the rear extension and existing dwelling; overall and on balance, it is considered the retention of the existing buildings and with an appropriately designed and sized rear extension outweigh the tree concerns and therefore acceptable in this case.

Further, it is considered the proposals would comply with Housing Policy 11 & 15 and would not adversely affect the countryside and therefore comply with Environment Policy 1.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR AN APPROVAL

1.0 SITE

1.1 The application site is Ballaskelly Farm, Mountain Road, Onchan which is an active farm holding sitting on its own in the countryside. It lies to the west of the Mountain Road, southwest of Brandish Corner and northwest of Hillberry.

1.2 The application site centres on the existing traditional farmhouse and attached stone traditional store/workshop. The farmyard and barns are located immediately to the south of the dwelling.

2.0 PROPOSAL

2.1 This application seeks approval for the refurbishment and remodelling of the existing dwelling, conversion of attached outbuildings into part of dwelling, and new build extension to the rear of the dwelling.

2.2 The applicants indicate;

The farm and overall substantial land holding (as indicated on submitted drawing number 244/001) has been occupied by the current owners, the Faragher family, for over 50 years and, as such, there is a strong historical and familial attachment to the land and house, and an equally strong desire to see it preserved for future family generations. The applicants are the son of the existing farmer, and his family."

2.3 The agents state that the overarching brief from the applicants was to create a family home, very much focussed on being part of a farm. They want their children to understand their family history and Mr Faragher will continue to work on the farm part-time, assisting the current farmer, his father."

3.0 DEVELOPMENT PLAN POLICIES

3.1 The application site is not designated for development under the Area Plan for the East 2020. The site is not within a Conservation Area.

3.2 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application:

3.3 Environmental Policy 1: "The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.4 Housing Policy 15 states: "The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally)."

3.5 Housing Policy 11 states: "Conversion of existing rural buildings into dwellings may be permitted, but only where: (a) redundancy for the original use can be established; (b) the building is substantially intact and structurally capable of renovation; (c) the building is of architectural, historic, or social interest; (d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building; (e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and (f) the building is or can be provided with satisfactory services without unreasonable public expenditure.

Such conversion must: (a) where practicable and desirable, re-establish the original appearance of the building; and (b) use the same materials as those in the existing building.

Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form. Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character."

3.6 Planning Circular 3/91 - Guide to the Design of Residential Development in the Countryside

4.0 PLANNING HISTORY

4.1 There are no previous planning applications in association with the site which are considered relevant in the assessment and determination of this application.

5.0 REPRESENTATIONS

5.1 Onchan District Commissioners (02.11.2022) have recommend an approval.

5.2 The Assistant Tree Officer (DEFA) make the following comments (25.10.2022); "Further to the submission of new plans, I would like to make the following comments in relation to 22/00651/B, Ballaskelly Farm. The new arboricultural plans have been given due consideration and, whilst they make the proposal more agreeable, the Directorate will be maintaining its objection to this application. Responses to the updated plans are outlined below, as are the Directorate's reasons for objecting.

Updated Tree Protection Plan

The Tree Protection Plan shows a novel 1.5m working corridor with temporary ground protection. This will help to mitigate the impact to the rooting area during construction, however, will not provide any protection from potential landscaping that the occupants may wish to undertake after the development is complete. The current plan leaves me to assume that one would step out of the extension and immediately on to unaltered garden space, this would be highly unusual and is likely to result in a strong desire to have some type of hardstanding around the perimeter of the extension (as exists around the current footprint of the building). The placing of this hardstanding would be likely to result in excavation and/or compaction of the rooting area and would constitute an additional incursion into the RPA of surrounding trees. Whilst this may be out of the remit of the planning application, it highlights the knock-on effect that this proposal may have and undermines the confidence that can be had in the proposed protection measures.

Updated Tree Removal & Re-planting Plan

The novel proposals are agreeable and would improve the outcome if this application were to be approved.

Categorisation of T9 and group categorisation

I would argue that T9 justifies an A1 categorisation as it is a particularly good example of the species and is 'unusual' due to the disparity in size and orientation of the two stems. It would also be reasonable to categorise all the trees identified on this survey as a group (as well as individually) due to their formation as a cohesive arboricultural feature. As a group, these trees are visible from the Hillberry straight and form an important landscape and ecological feature amongst the predominantly agricultural setting of low canopy cover, therefore, this tree group warrants a category A2 status.

Reasons for objection

1. Future pressure for tree removal

This is the predominant reason for objecting to this proposal and is the reason why the submission of new arboricultural information has not dissuaded the objection. The proposed extension is in such close proximity to the retained trees (particularly T9) that I believe it will result in occupants (current and future) having a strong, and justifiable, desire to remove several of the retained trees. This is because trees in such close proximity to buildings often cause strong feelings of apprehension, as well as a general feeling of overbearingness. The AIA summarises another significant issue that is likely to manifest:

"The proposed development will create a living space which is closely surrounded by mature trees. The stems of three retained trees (T7, T9 and T11) will be within 4m of the windows. The retained trees are likely to put the remaining garden area and the main living space of the dwelling in near constant shade when in leaf. The trees will also reduce the general light levels inside the building."

Therefore, should this development be approved and the context of these trees change, the occupants will have valid and strong reasons to seek their removal. The Tree Preservation Act could consequently not be relied upon to ensure their retention. A successful application to remove T9, which would be a likely knock-on effect of this development, would see a further loss of arboricultural value and a disruption to the already reduced tree group.

2. Removal of a category B tree Due to the position of the proposed extension, removal of the category B tree T8 is unavoidable. As a reflection of the quality of category B trees, an objection is warranted.

In the event this application is approved The Directorate would request the following conditions:

The provision of a full arboricultural methods statement that details construction methods and tree protection measures.

The proposed re-planting plan is adhered to in full, and that any planted trees that fail to establish are replaced.

I am happy to discuss any of the points above in greater detail, however, unless there is a significant change to the position of the proposed extension, the Directorate will be maintaining an objection to this proposal. The Directorate will also be including this group of trees on the Tree Register as a reflection of the arboricultural, ecological and visual qualities that have been outlined above."

5.3 Ecosystem Policy Officer (DEFA) comments (22.06.2022);

"I can confirm that the Manx Bat Group's (MBG) Bat Report for Ballaskelly Farm dated 9th September 2022, is all in order and a suitable level of assessment has been undertaken.

The MBG found no evidence of roosting bats within the property or in the trees that are to be removed and therefore concluded that the development can go ahead without bat mitigation measures being required. The MBG did find that tree T9 (as labelled in the Tree Impact Plan) had moderate suitability for bats. However, this tree is to be retained.

We advise the applicants that they must undertake thorough checks for roosting bats prior to and during the works. If bats or evidence of bats is found the works must stop immediately, if safe to do so, and a member of the DEFA Ecosystem Policy Team (651577) or Manx Bat Group (366177) contacted for advice on how to proceed.

Also, as advised with the MBG report, the applicant may wish to consider erecting bat bricks/boxes on the new extension or retained trees as an enhancement for bats. The MBG or Ecosystem Policy Team can provide further advice on this.

This application does include the removal 4 Sycamore Trees, ranging from category U to category B and therefore mitigation for this loss is required. The tree planting plan shows that a new area of trees it to be planted in the field to east of the property. However, no details have been included about the amount of trees or species that are to be planted. We therefore request that a native tree planting plan is secured as a condition on approval. Due to the long-period of time that it will take for these trees to grow and provide equivalent ecological value, more than 4 trees should be replanted."

5.4 Highway Services have no objection make the following final comments (14.10.2022): "Highways Development Control notes the amendments uploaded on 13 October 2022 and add no further comment to those in its response dated 16 June 2022."

6.0 ASSESSMENT

6.1 The main issues are the potential visual impact of the development upon the landscape and individual dwelling and potential impact upon trees.

Potential visual impact of the development upon the landscape and individual dwelling

6.2 Currently, the dwelling is well screened from public views namely the Mountain Road. The best views of the site are just past the junction of Johnny Watterson and Hillberry Road (electronic notice board), which are from a distance; albeit the dwelling is generally screened by the existing larger modern agricultural barns. A copse of trees is also seen which run along the northern, eastern and western boundaries of the farm holding.

6.3 The existing property is traditional in form and appearance, with three upper windows over a central doorway which is flanked by side windows. A rather inappropriate two storey flat roof rear extension has been added in the past. Attached to the eastern gable is a traditional part single/part two storey stone store/workshop.

6.4 The proposal is to convert these existing stone barns into part of accommodation for the main dwelling and then add a two storey rear extension. Due to the works there are two polices to consider HP15 (extensions to traditional dwellings) and HP11 (conversion of rural buildings).

6.5 In relation to HP11 the existing stone barns are of historical and architectural interest and structurally capable of renovation. The applicants include a structural report which concludes;

"In summary, we note that the buildings are substantially intact and we consider that they are structurally capable of renovation as outlined above."

6.6 It is noted that the rear wall down to first floor level of the two storey stone building, will need to be replaced, due to its condition (water ingress). Albeit the remainder will be retained. Overall, it is considered the proposal in the main will comply with the requirements of HP11.

6.7 In relation to the extension works, both HP11 and HP15 essentially require any extension to respect the proportion, form and appearance of the existing property, they should be subordinate and not affect adversely the character or interest of the building. Both state that generally they should not measure more than 50% of the existing building in terms of floor space.

6.8 In this case the existing dwelling has a floor area of approximately 145.7sqm and attached the store/workshop building has a floor area of approximately 82sqm. The policies allow for 50% larger for the existing dwelling, as well as 50% larger for a building converted under Housing Policy 11. The two combined have a total floor area of 227.7sqm. The proposed extension equates to an approximate floor area of 155sqm. Accordingly, the works equate to a percentage increase of approximately 68% (total 382.7sqm) which is therefore above the generally permitted 50% threshold as stated within HP 15 and HP11.

6.9 However, the rear extension, which sits comfortably behind the dwelling and stone building, would appear distinct from the original farmhouse and stone building due to its design, which combines modern and traditional elements. The existing dwelling and stone building will have painted render finishes added which would be an improvement on the pebbledash that currently adorns the main dwelling. New slate roofs would be added to both. The rear flat roofed extension will also be upgraded with dark grey standing seam at first floor level to add interest and improve the architectural appearance of the previous extension. The new two storey rear extensions will have a traditional form i.e. pitched roof and appear similar to a Manx barn in form. However, the use of materials (stone at ground floor) and timber cladding to first floor with larger glazed elements will give a more contemporary feel.

6.10 On this point the applicants indicate:

"...An initial survey of the existing dwelling indicated that the floor to ceiling heights are well below modern standards; the two attached outbuildings would be able to accommodate acceptable floor to ceiling heights if they are used as single storey elements within the proposed dwelling.

As one of the critical requirements of the brief was to not unduly alter the form of the existing house and outbuildings, and having given consideration to the accommodation requirements of the brief, it became clear that it would be necessary to extend the building to provide an adequate and appropriate modern level of amenity for the occupants; the extension and the outbuildings could provide the principal accommodation whilst the existing house could provide secondary accommodation where the higher floor to ceiling levels are not as critical to their use.

The extension has been located to the rear of the existing buildings, primarily to retain the strong grouping of the three existing elements as seen in the previous photograph; whilst it is taller than the existing in order to achieve the aforementioned improved levels of amenity, it is set at the same, lower, floor level as the existing outbuildings to help reduce any potential visual impact..."

6.11 And

"The muted colours of the extension, as previously referred to, have been achieved through the use of typically rural Manx materials - slate roof, timber at first floor, and random stone at ground floor, with the link between the existing buildings and the extension finished in a standing seam metal at first floor. These materials allow the form of the extension to reflect a Manx barn, thus in keeping with the context, without detracting from the rendered traditional group of existing buildings."

6.12 In terms of public views of the works, these will large go unnoticed, with perhaps only the roof of the extension being apparent, being slightly taller than the existing roof lines. However, from these distance views the slate roof and first floor timber cladding will blend with the existing rooflines and will not be especially noticeable and certainly not become prominent features in the landscape. The proposal will not adversely affect the countryside as per the requirement of EP 1 of the IOMSP.

6.13 Overall, it is considered the proposed extension and alterations are all acceptable with the rear extension in terms of the proportion, form, finishes and appearance appearing subordinate to the main dwelling. Further, the fact the applicants are seeking to retain the architectural and historical buildings on the site should be encouraged. The proposal would comply with HP 11 & 15 of the IOMSP.

Potential impact upon trees

6.14 The proposed works require the removal of 4 trees on the site to facilitate the rear extension. These trees are all Sycamores, (category C x 2, U x 1 and B x1). The remaining 15 trees to the east and north of the site are to be retained. The applicants Arboricultural Assessment indicates;

"The proposed extension is likely to encroach on the rooting areas of 7 retained trees. Most notably, it will require an estimated 9% incursion into the root protection area of 1 no mature category B tree (T9)."

6.15 An area (90sqm) within the immediately adjacent field to the east of the dwelling, is proposed to plant oak (3), alder (3), holly (10) and hawthorn (10) trees. The Arboricultural Assessment indicates that four category U trees have been identified and were initially proposed to be removed at this stage. However, it is now proposed to retain these until the new planting (5 to 10 years) have been established to a thicket stage. This removal is irrespective of the development.

6.16 As outlined within the Assistant Tree Officer's comments their concerns relate to the potential future pressure on their opinion a category A2 status tree group and especially upon an A1 categorisation tree (T9). The applicants Arboricultural Assessment accepts there will be pressure on the nearby trees, indicating;

"The proposed development will create a living space which is closely surrounded by mature trees. The stems of three retained trees (T7, T9 and T11) will be within 4m of the windows. The retained trees are likely to put the remaining garden area and the main living space of the dwelling in near constant shade when in leaf. The trees will also reduce the general light levels inside the building."

6.17 In relation to T9 tree, The Arboricultural Assessment indicates;

"One mature category B sycamore (T9) will see a 9% incursion into its root protection area (RPA) by the footprint of the proposed extension. A further 7% incursion may result from the creation of a working corridor around the perimeter of the extension unless protection measures are put in place. Although damage is likely to be caused where roots are severed to construct the foundations of the extension, given the species, physiological condition and area of retained and undisturbed roots, it is likely the impact to the tree's health will only be minor. Some dieback in the upper crown is expected within 5 years but following this stage of active crown retrenchment the tree is likely to find a new equilibrium between crown and root volume."

6.18 Overall, the Arboricultural Assessment states in terms of loss of arboricultural value;

"The loss of arboricultural value associated with this development will be low to moderate. Only one early mature category B sycamore (T8) has been identified for removal to facilitate the development. The remaining trees marked for removal are category C and U and are therefore considered to be low value."

6.19 If the application is approved, it needs to be accepted that there will be an increase in future pressure for trees proposed to be retained currently, to be felled. However, it needs to be acknowledged that this potential future pressure already exists to some extent, given this

area forms the rear garden of the dwelling. Further, the applicants are in a difficult position in that they wish to retained the existing building on the site and renovate them. Due to this wish, the proposal is in conflict with the nearby trees.

6.20 Accordingly, it is considered to be a balanced decision. On one hand the proposal could lead to future pressure of tree loss. On the other hand the proposal would retain buildings of historical and architectural interest and it is considered in this case the latter option prevails. The existing grouping of trees are of a quality level; albeit have limited public views and such views being at a distance. Further, additional tree planting is proposed (26 trees) to the east of the site which would certainly help mitigate the four trees proposed to be felled initially. The conditions suggested by the Assistant Tree Officer should be attached to any approval.

7.0 CONCLUSION

7.1 Overall, while it is accepted there is a loss of trees to facilitate the development and future pressure on high category tree/s within the vicinity of the rear extension/existing dwelling; overall and on balance, it is considered the retention of the existing buildings and with an appropriately design and sized rear extension outweigh the tree concerns and therefore acceptable in this case.

7.2 Overall, it is considered the proposals would comply with Housing Policy 11 & 15 and would not adversely affect the countryside and therefore comply with Environment Policy 1. It is recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 19th December 2022

Item 5.6

Proposal : Conversion and extension of existing outbuildings to provide living accommodation
Site Address : Lower Milntown Farm
Lezayre Road
Ramsey
Isle Of Man
IM8 2TH
Applicant : Mr & Mrs Paul Corteen
Application No. : 22/01211/B- [click to view](#)
Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 3. Prior to the commencement of any development details/scaled drawings are to be provided which demonstrate appropriate flood defence measure which shall include flood gates/flood doors or similar to all ground floor entrances of the dwelling hereby approved which shall be installed prior to the occupation of the dwelling and retained thereafter.

Reason: ensure appropriate flood defences to the occupants of the property.

Reason for approval:

It is considered the proposal would comply with General Policy 2 of the Isle Of Man Strategic Plan, The Residential Design Guide and the Ramsey Local Plan, not having any significant public or private amenities.

Interested Person Status – Additional Persons

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

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 SITE

1.1 The application site represents the curtilage of an existing property at Lower Milntown Farm, Lezayre Road, Ramsey. This two storey detached property set within its own grounds to the northern side of Lezayre Road. Within the site is an existing part single part two storey stone barn which has more modern additions with single storey lean to roof and flat roofed extensions.

2.0 PLANNING POLICIES

2.1 In terms of local plan policy, the application site is within an area recognised as being within a "predominately residential use" under the Ramsey Local Plan. The site is not within a Conservation Area. Part of the site is within a High Flood risk from River flooding, albeit it appears the eastern section of the barn falls outside this area. The flood maps indicate the extent of a flood with a 1% (1 in 100) chance of happening in any year. The driveway within the site is also outside the river flooding area. Surface water flooding also existing in parts of the site.

2.2 General Policy 2 of the Strategic Plan is considered applicable, which states:

"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

2.3 Environment Policy 13 states: "Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted."

2.4 Housing Policy 4 states: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(1) of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances: (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10; (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14."

2.5 Housing Policy 11 states: "Conversion of existing rural buildings into dwellings may be permitted, but only where:

- (a) redundancy for the original use can be established;
- (b) the building is substantially intact and structurally capable of renovation;
- (c) the building is of architectural, historic, or social interest;
- (d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;
- (e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and
- (f) the building is or can be provided with satisfactory services without unreasonable public expenditure.

Such conversion must: (a) where practicable and desirable, re-establish the original appearance of the building; and (b) use the same materials as those in the existing building. Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form. Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character."

2.6 Residential Design Guide July 2021

3.0 PLANNING HISTORY

3.1 The following applications are considered relevant in the determination of this application:

3.2 Partial demolition works together with external alterations to dwelling - 22/00342/B - APPROVED

3.3 Erection of a quadruple garage and storage building - 22/00504/B - APPROVED

4.0 PROPOSAL

4.1 The application seeks approval for the conversion and extension of existing outbuildings to provide living accommodation i.e. separate dwelling. . The works involve the retention of the existing stone barn, but demolition of the existing single slat roofed and lean-to roof extensions to the southwest elevation and replaced with a single storey pitched roof and a two storey pitched roof (gable facing) extensions, which have a similar footprint.

4.2 In relation to flooding, the internal floor levels are being raised 200mm and all doorways will have floodgate installed.

4.3 Discussions with the applicant's agent suggests that the applicant wishes to retain the new property proposed now and the existing dwelling on the site. However, the Department

has sought a indicative site plan which splits the site into two separate curtilages so an assessment can be made to see if there is appropriate levels of amenity space connected to each of the properties. Both would share the existing driveway/access.

5.0 REPRESENTATIONS

5.1 Highway Services comment there is no highway interest (29.11.2022).

5.2 Flood Risk Management Division (DOI) comment (06.12.2022);
"FRM do not support the building or converting to accommodation in a flood zone"

5.3 Inland Fisheries (DEFA) comment (06.12.2022);
"I can confirm that DEFA, fisheries have no objections to this development from a fisheries perspective."

6.0 ASSESSMENT

6.1 The key issues relate to the; principle of development; potential visual impact upon the site/landscape and individual building; impact upon neighbouring amenities; highway safety; and flood risk.

Principle of development

6.2 The proposal would create a single dwelling. The site is designated for predominately residential use and the site is within the settlement boundary of Ramsey Town. Accordingly, it is considered the principle of a dwelling on this site is acceptable.

Potential visual impact upon the site/landscape and individual building

6.3 Generally, the conversion of existing Manx barns required consideration of HP11. However, this is generally when the site is not designated for development, unlike this site. The applicants could propose to demolish the existing barn on the site and this may be considered acceptable given the land use designation. However, they are proposing to retain the existing barn which is considered of benefit in terms of retaining historically and architectural interesting features. The inappropriate additions to the south west elevation are being replaced with extension which have more architectural interest; albeit more domestic in appearance. If considering purely against HP11 there maybe concern with this approach. However, given the aforementioned land use designation and that the existing southwest elevation has already been significant compromised with the previous extensions, it is considered the works would be appropriate. Furthermore, the northeast elevation (front) would still retained its traditional Manx barn appearance. Accordingly, from these respects the proposals would comply with General Policy 2 and the Residential Design Guide.

6.4 In terms of visual appearance from public views the site is well screened from public views, namely from Lezayre Road to the south, given mature landscaping within the site and between the site and highway. Notwithstanding this the scale, form, size, finishes and overall appearance would site comfortable within the site and the landscape, complying with General Policy 2 and the Residential Design Guide.

Impact upon neighbouring amenities

6.5 The only property affected by the development would be the applicants existing dwelling Lower Milntown Farm which is located to the north east of the site. There will be an impact, namely loss of privacy, as the site is a single curtilage and very private. The introduction of an additional dwelling will have an impact. However, it is not considered the impact would be so significant to warrant a refusal. The principle rooms of the new dwelling are to the southeast elevation and do not look directly towards Lower Milntown Farm. Accordingly, from these respects the proposals would comply with General Policy 2 and the Residential Design Guide.

Highway Safety

6.6 The new dwelling would utilise the existing driveway and access onto Lezayre Road. Highway Services have considered the potential impact and raised no concerns. The proposal would have more than sufficient room for two off road parking spaces.

Flood risk

6.7 As identified the policy test is whether the proposal would result in an unacceptable risk from flooding, either on or off-site. The western part of the existing building is within a high flood risk from river flooding. This section of the building is not increasing in footprint, except for a modest sun room extension to the western gable. The remainder of the works has a very similar footprint to the existing building. Accordingly, it is not considered the proposal would result in an unacceptable risk from flooding, either on or off-site. The proposal includes raising the floor level and installing floodgates at all door openings. The eastern part of the site is not within a high flood risk.

6.8 The objection from the Flood Risk Management Division is noted; however, as they have been advised previously by the Department, there is no policy which indicates that if a site is within a flood zone then it should be refused i.e. principle objection. That is not the test, it is whether the proposal would result in an unacceptable risk from flooding, either on or off-site. In this case as indicated from the published flood maps the western section is within an area of flood risk; albeit the eastern part is not. Further the flood defence measures listed and finished floor levels raised help mitigate the flood impact to residents of the dwelling.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal would comply with General Policy 2, Environment Policy 13, Housing Policy 4 of the Isle Of Man Strategic Plan, The Residential Design Guide and the Ramsey Local Plan, not having any significant public or private amenities and therefore it is recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
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8.2 The decision maker must determine:

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