



**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, 16th January 2023, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

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

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 19<sup>th</sup> 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 to afford 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 30<sup>th</sup> January 2023.

**PLANNING COMMITTEE Meeting, 16th January 2023**  
**Schedule of planning applications**

<p><b>Item 5.1</b> Ballacroak Farm Mullinaragher Road St Marks Ballasalla Isle Of Man IM9 3AQ</p> <p><b>PA22/00399/B</b> <b>Recommendation : Permitted</b></p>	<p>Proposed demolition of existing farmhouse and outbuildings and redevelopment to provide replacement dwelling</p>
<p><b>Item 5.2</b> Field 431570 Mullinaragher Road St Marks Ballasalla Isle Of Man IM9 3AQ</p> <p><b>PA22/00524/B</b> <b>Recommendation : Refused</b></p>	<p>Erection of equestrian facilities and erection of staffing accomodation with associated access</p>
<p><b>Item 5.3</b> Unit 22 South Quay Industrial Estate Douglas Isle Of Man IM1 5AT</p> <p><b>PA22/01452/B</b> <b>Recommendation : Permitted</b></p>	<p>Variation of a Condition 3 of Planning Application 19/00519/B to allow the leisure facility to be open for business only between 1700hrs and 01300hrs on Friday and Saturdays only</p>
<p><b>Item 5.4</b> Former Central Abattoir Cronkbourne Douglas Isle Of Man IM4 4QE</p> <p><b>PA21/01283/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of 10 units for industrial, office and commercial use</p>
<p><b>Item 5.5</b> Ballacreg Dreemskerry Hill Dreemskerry Ramsey Isle Of Man IM7 1BE</p> <p><b>PA22/00174/B</b> <b>Recommendation : Permitted</b></p>	<p>Removal of existing detached building and erection of storage barn and stables and installation of hard standing (Retrospective)</p>
<p><b>Item 5.6</b> Land Adjacent To Glen Moar Mill And Field 315139 Glen Helen Road Laurel Bank St Johns Isle Of Man IM4 3NN</p> <p><b>PA22/00757/B</b> <b>Recommendation : Permitted</b></p>	<p>Variation of Condition 2 to PA 21/01316/B to retain spectator facilities in situ for the interim period between the Isle of Man TT races and the Isle of Man Festival of Motorcycling and to extend, from one week to two weeks respectively, the periods in which the facilities are erected and dismantled</p>
<p><b>Item 5.7</b> Field 314584 Ballaneven Farm Poortown Road Peel Isle Of Man</p> <p><b>PA22/01117/B</b> <b>Recommendation : Permitted</b></p>	<p>Alterations and extensions to existing agricultural building for housing of animals and storage of feed and equipment</p>

<p><b>Item 5.8</b> East Quay Peel Isle Of Man</p> <p><b>PA22/01313/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a cycle shelter for public use</p>
<p><b>Item 5.9</b> Field 134403 Glentramman Abbey Farm Lezayre Road Ramsey IM7 2AR</p> <p><b>PA22/01391/B</b> <b>Recommendation : Permitted</b></p>	<p>Re positioning of a farm gate access</p>
<p><b>Item 5.10</b> Plot Of Land At St Stephens Meadow Sulby</p> <p><b>PA22/01191/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a dwelling in Area A and creation of a public open space and microwood in Area B.</p>
<p><b>Item 5.11</b> Pulrose Pavilion Springfield Road, Pulrose, Douglas IM2 1AX</p> <p><b>PA22/01456/B</b> <b>Recommendation : Permitted</b></p>	<p>Demolition of existing building and replacement with changing rooms to current English Football Association standards</p>

**Item 5.1**

**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

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. Prior to the commencement of 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).

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

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

Department 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.

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### **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

#### 0.0 PREAMBLE

0.1 This application was considered by the Committee on 19th December 2022 and deferred for a site visit.

0.2 The Site visit was carried out 9<sup>th</sup> January 2023

During the site visit, the applicants queried the height difference between the existing buildings and the proposed stated by the officer in his report and advised that a superimposed plan of the existing and proposed to indicate the height difference in terms of datum positions and ridge levels would be provided.

0.3 The remainder of this report is unchanged. However, the details of the height difference identified by the applicants will be confirmed via verbal update to the Committee.

#### 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/CO<sub>2</sub>/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 CO<sub>2</sub>.

- o New building - Emits 0 tonnes/CO<sub>2</sub>/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 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 Shenvally (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 Quaterland 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 'Quaterland 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/m<sup>2</sup>K, 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 palette 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 CO<sub>2</sub> 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 5.2**

**Proposal :**                    **Erection of equestrian facilities and erection of staffing accomodation with associated access**

**Site Address :**              **Field 431570**  
                                      **Mullinaragher Road**  
                                      **St Marks**  
                                      **Ballasalla**  
                                      **Isle Of Man**  
                                      **IM9 3AQ**

**Applicant :**                    **BYA Limited**

**Application No. :**            **22/00524/B- [click to view](#)**

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

**RECOMMENDATION: To REFUSE the application**

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

**O : Notes (if any) attached to the reasons**

R 1. The Department is not satisfied that there is sufficient justification for the proposed development to warrant setting aside the presumption against development outside areas zoned for development. As such, the proposal is concluded to represent unwarranted development that is detrimental to the amenity of the countryside contrary to the provision of General Policy 3, Environment Policy 1 and Paragraph 7.15.1 of the Isle of Man Strategic Plan 2016.

R 2. The siting, design and scale of the proposed development would result in an unacceptable visual impact on the countryside and an unwarranted spread of development across the landscape contrary to Environment Policy 1 and Strategic Policy 4 of the Isle of Man Strategic Plan 2016. The visual impact of the proposed development is also contrary to the landscape character strategies set out for this site in the Area Plan for the South 2013.

R 3. The proposal would undermine established policies of the Strategic Plan which indicate a presumption against the creation of new development in the countryside, or those which prioritise the location of new housing/development in existing towns and villages, or sustainable urban extensions of towns and villages. The proposal would therefore be contrary to Strategic Policies 2, Housing Policy 4, Spatial Policy 5 and General Policy 3 of the Strategic Plan.

R 4. While there are policies in the Strategic Plan that support equestrian development this must not result in any adverse visual impact on the countryside or result in an unacceptable impact on the landscape. The proposal is not of a nature which would be supported in the countryside under those policies which set out the exceptional forms of development which would be allowed in the countryside. Furthermore, it has not been demonstrated that there is an overriding national need and a site for which there are no reasonable and acceptable alternatives. Therefore the proposal is considered to undermine Environment Policy 1, which seeks to protect the countryside for its own sake.

R 5. Due to the overall height, design and scale of built development and isolated nature of the site, it is considered that the development would result in an obtrusive built development in an area not currently so characterised, in conflict with the Landscape Character Appraisal for Ballamodha, Earystane and St Marks (D14) contained within the Area Plan for the South - which aims to conserve and enhance the character, quality and distinctiveness of the area.

Given the layout and overall site coverage, coupled with the quantum of development on the application site, it is considered that the character and quality of the landscape would be diminished, resulting in detrimental impacts on the character and appearance of the area, contrary to the provisions of the Area Plan for the South, Strategic Policy 4(b), and paragraph 7.5.1 of the Strategic Plan.

R 6. The application does not provide sufficient information to properly judge the grazing impact of the development on the soils within the application site and adjoining fields, even though soil degradation associated with horse grazing has been considered to be a concern within the supporting documentation. The application also does not show how horse grazing could be implemented without having detrimental impacts on the health and productivity of the existing soils within the farm, or how this impact will be mitigated. In addition, the development would result in undue environmental disturbance contrary to Strategic Policy 4 which seeks protect or enhance the landscape quality and nature conservation value of urban as well as rural areas, and to ensure that developments must not cause or lead to unacceptable environmental pollution or disturbance. Therefore, it is, considered that the scheme as proposed would be averse to the requirements of Environment Policy 1, General Policy 2 (d & k), Strategic Policy 4, and Paragraphs 7.13.1 to 7.13.3 of the Strategic Plan.

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

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

Manx Utilities Authority Gas

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.

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

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER

#### 1.0 THE SITE

1.1 The site is part of Field 431570 which 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.

1.2 The site is enclosed in Sodbanks which rises to between 1.6m to 1.8m on all sides, only opening up where field accesses exist to serve the field. The field rises towards the north-eastern section and slopes considerably towards the southern boundary of the field.

1.3 Access to the site is via the existing farm lane which links the broader farm site to Mullinaragher Road. There is an unmade track to the south of the field which runs along but

outside the field boundary. This unmade track serves the application field and Field 434397 to the south and links the fields to the existing farm lane.

1.4 The position of this field is such that its elevated position (relative to the surrounding area) and low sod banks makes it open when viewed from the surrounding countryside and Mullinaragher Road. There are distant view from the New Castletown Road to the east and Clannagh Road to the north.

## 2.0 THE PROPOSAL

2.1 This application seeks planning approval for Erection of equestrian facilities and erection of staffing accommodation with associated access. The breakdown of the proposed is as follows:

2.2 Erection of a Cart Barn roof finished in Dark Green corrugated metal roof sheeting:

2.2.1 The building would be 18m long (front and rear elevation - east and west elevation), 9m wide on the North and South elevation - sides), 8.5m high to the top of the roof ridge (5.8m to the eaves) with footprint measuring 172.8sqm. This building which would be set over two floors would have the cart barns on the ground floor, while the upper floor would serve as new residential accommodation with two bedrooms with ensuite and open plan lounge, kitchen and dining area.

2.2.2 The building would be finished externally in dark stained horizontal timber wall cladding while its roof would be finished in dark green corrugated roof sheeting. Three flat roofed dormers would be positioned on the front elevation, while a flat roof dormer projection would serve the entrance door served by the external stairs at the rear.

2.3 Erection of an Indoor riding arena & stables with roof finished in Dark Green corrugated metal roof sheeting:

2.3.1 The indoor Arena would measure 82.9m long (west and east elevations), 51m wide (on its north and south elevations) and 8.5m high (5.5m to the eaves). The equestrian building which would have six (6) stable blocks, a horse walker and other unspecified facilities, kitchen and dining facilities, would have a floor area measuring 3, 293.7sqm. The external walls of the building would be finished in dark stained horizontal timber wall cladding, while the external doors would be painted timber doors.

2.3.2 The elevation drawings indicate that there would be significant levels of excavation to integrate parts of the development into the site area, built no details are provided on the volume of excavation to be carried out. The applicants have, however, indicated on the application form that the excavated material would remain on site and used for landscaping.

2.3.3 Six south facing solar panels would be installed on the roof, although no details have been provided on the dimensions and energy generating capacity.

2.4 Other works would include:

- i. Creating a turnout paddock with sand floor (28m x 18m). Fencing to be Metal estate fencing.
- ii. Creating an outdoor riding arena with sand floor (60m x 40m). Fencing to be Metal estate fencing.
- iii. Creating a new drive and yard finished in bonded pea gravel.
- iv. The existing track which connects the field to the main farm track to be finished in bonded pea gravel.
- v. Creating an area of Indigenous grass, wild flower meadows and trees with mowed paths through meadows.
- vi. A new gate is proposed for the access to the new equestrian development but no details of the gate are provided.

2.5 The total development area within the field would measure about 14, 818.96sqm (3.66 acres or 1.48 hectares). This would comprise about 57.2% of the existing field (431570) which measures about 6.4 acres.

2.6 The applicants have submitted 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 advises that the design of the equestrian facility has been done to:

- o Be site responsive and specific
- o Have a restrained contemporary aesthetic whilst sitting comfortably in its landscape setting and be complementary to the proposed new house
- o Be configured to enable appreciation of the setting both internally and externally
- o Reduce the number of individual buildings by combining the required stabling, horse walker, stores and 30m x 60m internal arena in one building
- o Be sited close to but not complete with the proposed new house on the site of the farmyard
- o Utilise green energies:
  - inclusion of solar panels, the detailed proposals for which shall be developed subject to the success of this application).
- o Use Passive environmental control and energy usage have also been implemented, not limited to:
  - Orientation to maximise solar gain with large windows serving to minimise the use of artificial light.
  - LED and low energy lighting used throughout
  - Motion sensors and timers utilised internally and externally
  - High levels of thermal insulation to building fabric and double glazing and emissivity glass will reduce heat loss

2.6.1 The Statement also states the following:

o The scheme forms part of a larger holistic masterplan for the landholding which includes the creation a new family home on the site of the existing farm. The proposed house does not form part of this application but for completeness reference has been made to the intention. A separate application seeking approval for the house has been made.

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

o 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.

o The applicant does not wish to reinstate the site as a farm as an application has been made for the creation of a new family home on the site of the existing farmhouse. It is intended that the surrounding fields be utilised as pasture for their horses.

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

2.7.1 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% I 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 s 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".

2.8 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 report notes that DIY Horse livery has been included based on 85% occupancy. The report, however, notes 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 Report further notes that rainfall is high at the current site which is predominantly clay based, and as such there would most likely be a requirement for additional acreage per horse which would reduce the turnover - for example the nearby Glebe Farm stables stock as 3 acres per horse and as a result the land suffers from significant damage and the horses spend a large amount of time housed consuming purchased feed. It notes that the Glebe farm is similar to Ballacroak and opines that the horses would not be able to graze for significant periods through the winter months. It concludes on the nature of the site that the conditions would incur higher costs to provide extra feed or repair and maintain pasture. Equally, to attract liveries, good facilities generally have to be available on site including sand schools (often indoors), livery buildings, stabling, good tidy yards, good access and good grazing infrastructure.
- 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.

### 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 not prone to flood risks or 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 As the site is not designated for development, there is a presumption against new development in the countryside (Environment Policy 1) where the countryside is protected for its own sake. There is also a presumption against the creation of new dwellings (housing) unless the scheme accords with the exemptions provided under General Policy 3.

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

- (a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
- (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
- (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;
- (d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry; (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative;

3.6 Environment 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.

3.7 Whilst there is a presumption against development as set out in GP 3 and EP1 of the Strategic Plan, there are policies and texts within the Strategic Plan which support some equestrian-related developments provided they do not conflict with the requirements of GP3 and EP1 as follows:

3.7.1 Environment Policy 19 states: "Development of equestrian activities and buildings will only be accepted in the countryside where there will be as a result of such development no loss in local amenity, no loss of high quality agricultural land (Classes 1 and 2) and where the local highway network can satisfactorily accommodate any increase in traffic (see Environment Policy 14 for interpretation of Class 1 and 2)."

3.7.2 Environment Policy 21 states: "Buildings for the stabling, shelter or care of horses or other animals will not be permitted in the countryside if they would be detrimental to the character and appearance of the countryside in terms of siting, design, size or finish. Any new buildings must be designed in form and materials to reflect their specific purpose; in particular cavity-wall construction should not be used."

### 3.7.3 Paragraph 7.15.1

"Equestrian activities are becoming increasingly popular in rural areas and on the fringes of our towns and villages. These activities can generally take place only on open, rural land, and often represent a useful way of diversifying traditional farming. The use of land as grazing land falls within the definition of agriculture (section 45 of the 1999 Town and Country Planning Act), and does not therefore involve development, but the keeping of horses and the operation of equestrian activities generally do involve development and may have an adverse impact on the appearance and character of the countryside. Sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such adverse impacts. Whilst horses should be well housed, it will seldom be appropriate to use cavity-wall construction for stables, since such buildings may too easily be adapted for residential uses, so thwarting other policies of this Plan. Where new buildings are necessary, they should be sited close to existing building groups, and designed not only to blend with their surroundings but also to suit their specific purpose".

3.8 Other relevant policies within the strategic Plan include:

3.8.1 Environment Policy 14: Development which would result in the permanent loss of important and versatile agricultural land (Classes 1-2) will not be permitted except where there is an overriding need for the development, and land of a lower quality is not available and other policies in this plan are complied with. This policy will be applied to

- (a) land annotated as Classes 1/2 on the Agricultural Land Use Capability Map; and
- (b) Class 2 soils falling within areas annotated as Class 2/3 and Class 3/2 on the Agricultural Land Use Capability Map.

3.8.2 Housing Policy 4: New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions<sup>(1)</sup> 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.

3.8.3 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.

3.8.4 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.

3.8.5 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 adversely affect 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."

3.8.6 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.

3.8.7 Environment Policy 4 and 5 protects ecology.

#### 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".

4.3 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."

#### 5.0 PLANNING HISTORY

5.1 The application site has not been the subject of any previous planning application, although the broader site area has been the subject of a number of planning applications including PA 22/00399/B for Proposed demolition of existing farmhouse and outbuildings and redevelopment to provide replacement dwelling which is considered to be particularly relevant to the current application. The development under PA 22/00399/B would encroach further into the existing fields by annexing an area measuring about 1526.2sqm (0.38 acres or 0.15 Hectares) within field 434783 and an area measuring about 3944.2sqm (0.97 acres or 0.39 Hectares) within field 431586 (creating a total incursion of about 5470.4sqm - 1.35 acres or 0.54 Hectares).

#### 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 initially requested additional information and revisions on 6 June 2022.

6.1.1 Following comments from DOI Highways, the applicants have provided additional information to address the key highways concerns raised by DOI Highways. The correspondence dated 24 June 2022 states the following:

- o DOI Highways have confirmed that the additional information submitted 07 June satisfied most of their queries. The outstanding matter was the frequency of use which is outlined below.

- o It is envisioned that vehicle movement on site would comprise of the following:

- Daily - owner/groundskeeper car
- 1-2 times per week - tractor/towing machinery
- 1-3 times per week - instructor car
- 1-4 times per week - owners 7.5T Horsebox
- Weekly/Fortnightly - supply delivery van
- Monthly - farrier van
- Infrequent use - guest 3.5/7.5T Horsebox; vet car (4 times a year/as needed)

- o There would only be a very small number of instances that any of these vehicle would be on the road at the same time as most will be scheduled/routine visits.

- o The above has been discussed with Adam Dunlop of Highways who confirmed that, as the application is for private use, no additional passing places shall be required and therefore the submitted information addressed their queries.

6.1.2 No further correspondence has been received from DOI Highways on the proposal.

6.2 DEFA's Biodiversity Team has made the following comments regarding the application (8 June 2022):

- o The Manx Wildlife Trust undertook a Preliminary Ecological Appraisal (PEA) in support of the application at Ballacroak Farm for the redevelopment and replacement of the dwelling (PA 22/00399/B). The PEA was undertaken for the area of land as shown in Figure 1 on page 5 of the report and did cover the area of land to be developed into the equestrian centre, though the PEA has not been submitted in support of this application. The sections of this PEA which are relevant to this application include: 3.27, 3.30, 5.1-5.5, 5.11, 5.20, 5.22, 5.25, and 5.30.

- o In summary, the PEA found that the main features of ecological importance for the arable field where the equestrian facilities are to be developed are the hedgebanks, which have potential for viviparous lizard and common frog. It is stated numerous times that as much of the hedgebank as possible should be retained.

- o It is unclear from the landscaping plan whether the hedgebanks along the north, east and west of the site are to be retained because the drawings only show the Manx Banks along the southern edge.

- o We therefore request that a condition is secured for all of the hedgebanks to be retained, apart from the small section to be removed to create the site entrance. We also request that a condition is secured for this bank to be removed in line with the attached Reasonable Avoidance Measures for viviparous lizards.

- o The Landscape Design section of the Design and Access Statement makes reference to the use of Planning Circular for the selection of native shrubs. It has been previously noted that this circular contains non-native species and invasive species listed on Schedule 8 of the Wildlife Act 1990. We therefore do not recommend that this list is followed and guidance should be obtained from the Manx Wildlife Trust instead.

- o Furthermore, we request that a condition is secured for no invasive plant species listed on Schedule 8 Part II of the Wildlife Act 1990, or cherry laurel, to be planted on site.

- o We are very supportive of the proposals for tree planting, and creation of native wildflower areas and believe this will be an enhancement for the site.

- o Additional Matters
- o Manx Birdlife found the remains of 14 swallow nests in the buildings to be demolished in the wider Ballacroak site to facilitate the new dwellings. This indicates long-use of the site by nesting swallow. Swallows are amber listed on the Manx Birds of Conservation Concern 2021 and are a species which rely on buildings for nesting. Though the planned landscaping across both of the sites should provide them with good foraging habitat, no mitigation has been included for the loss of their nest sites.

o In our response to application PA 22/00399/B we recommended that options be made available to allow swallows to either continue nesting in the new property or to facilitate them within the new equestrian centre, such as via allowing permanent entry into the building/a specific section of the building, through a permanently open window/door or a specific entry point, and providing them with suitable ledges on which they could build their nests.

o The proposed elevations show a variety of doors and windows but it is not clear if any of them could be open permanently and we cannot see any reference to inclusion of ledges. Though not necessary, we would once again request that consideration is given to facilitating nesting swallows on site, to ensure that this long-held nesting location is not permanently lost.

6.3 Manx Utilities Authority 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 Malew Parish Commissioners note that they have discussed the application at their recent meeting and are concerned about the visual impact of this development (21 June 2022).

6.5 The Isle of Man Natural History and Antiquarian Society comments (21 October 2022):

o They are concerned that this application proposes another unjustified large equestrian development in a physically exposed area of the landscape. Moreover, it proposes an additional residential unit for which there is no justification. It is understood that currently the fields are rented / leased out to a neighbouring farmer.

o They note that the red line of the site boundary indicates that the proposed built development which is not immediately adjacent to the nearest farm buildings could be hived off from the nearest farm, and that the whole could become a separate, albeit private, residential and linked equestrian, unit.

o The buildings proposed are likely to be very visible from St Marks to Ballasalla Road, Mullinargher Road and the Newtown to Ballasalla Road to the detriment of local amenity.

o Notwithstanding the fact that the Area Plan for the South assesses landscape on a different basis from the 1982 Development Plan and there are no longer any Areas of High Landscape Value and Scenic Significance in either the South or the East of the Island, there are no exceptional circumstances to justify this detriment. No need for the buildings as a whole has been purported.

o They note that on a nearby application PA22/00399/B part of the supporting evidence in the form of letters (originally submitted as part of PA21/00163/B) from Chrystals Estate agents and Rural Business Consultancy submitted by the applicant stated:

"It is also noteworthy that the equestrian market appears more than adequately provided for across the Island with several large new facilities having been commissioned in recent years, 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 The Society would therefore submit that this application should be treated no differently from PA 21/00682/B erection of equestrian stables, Foxdale Road, Garth, and PA21/00957/B Erection of a stable block, creation of associated paddock / hard standing and widening of access, Garth Road Crosby both of which were initially refused.

o Isle of Man Natural History & Antiquarian Society would therefore submit that this proposal is against Strategic Plan Environmental Policies 19, 20 and 21, General Policy 3 and Housing Policy 4. The Society objects to the application.

## 7.0 ASSESSMENT

7.1 The fundamental issues to consider with this application are;

- a. The principle of the proposed development (GP3, EP1, HP 4 and Paragraph 7.15.1);
- b. The visual impact of the proposed development on the character and appearance of the countryside. (EP1 & EP21);
- c. Impact on agricultural soils (EP 19, EP 14 & Section 7.13 of the Strategic Plan);
- d. Ecological Impact (EP 1, 4 & 5, STP 4 a & b); and
- e. Impact on Highway Safety (EP 19 & TP 4)

## 7.2 PRINCIPLE OF DEVELOPMENT

7.2.1 The starting point in assessing applications such as this is to acknowledge the nature of the proposed development which includes equestrian elements, as well as the creation of a new dwelling in the countryside. It is also considered that the site is within an area not designated for development.

7.2.2 With regard to the equestrian elements of the proposal, it is considered that whilst there is a presumption against development here as set out in General Policy 3 and Environment Policy 1 (as the site is within an area not zoned for development in the countryside), Environment Policies 19 and 21 make it clear that equestrian related development may be acceptable subject to certain conditions and ensuring that the style, design and finish of the building is appropriate for its use. It is also noted that equestrian development, by virtue of its requirement for land, is generally located within rural areas (Paragraph 7.15.1).

7.2.3 Whilst allowance is made for equestrian development in the countryside as articulated in the policy section of this report, it is required that need for such developments must first be established (See Paragraph 7.15.1). Also the Strategic Plan is clear that in order to protect continuous supply of agricultural land to sustain agricultural production the need for the use of agricultural land for other purposes other than agriculture must be established (See Paragraph 7.13.1). The applicants have argued within their supporting information (Chrystals

Estate Agency Commentary and Rural Business Consultancy Report) that the farm holding which amounts to about 37 acres would not support a viable agricultural enterprise on its own, and offer this argument as a justification for the loss of the farm. However, this is not considered to be sufficient justification (need) to allow the loss of the agricultural holding as there are many agricultural enterprises on the Island and within the St. Marks area who rent or lease multiple holdings to support their agricultural production. Therefore, it is not considered that the loss of about 37 acres of agricultural land to enable this large scale equestrian development is justified, given that the area is not zoned for development.

7.2.4 Another key factor that weighs against the proposal (particularly as it relates to justification of need) is the fact that there exists a good number of large scale equestrian developments in the area and within close proximity to the new residential development proposed as part of the broader scheme which could be acquired or rented to support the equestrian needs of the applicants. It should be noted that the supporting information submitted by the applicants clearly casts doubts as to the need of the equestrian development. The Chrystals Estate Agency Commentary provided in support of the application opines that "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". Therefore, it is not considered that there is sufficient justification for the development of this scale in the countryside given the available alternatives (which have been discussed in the applicants supporting documents).

7.2.5 Notwithstanding the above, further assessment of other material planning matters as indicated previously would need to be considered to evaluate the entirety of the scheme.

7.2.6 In assessing the principle of the proposed residential development within the scheme, it is considered that the proposal would not pass any of the exemptions offered within General Policy 3 for the creation of a new dwelling in the countryside, and as such would be contrary to the provisions of General Policy 3 and Environment Policy 1. Additionally, Housing Policy 4 is clear that 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 exceptional circumstances stipulated in General Policy 3.

7.2.7 Whilst the applicants would argue that the new housing is for staff of the equestrian development, there is no provision within the Strategic Plan for the creation of housing or dwellings in support of equestrian development. Besides, the scheme would in no way support agricultural workers (Housing Policies 7, 8, 9 and 10), involve conversion of existing built fabric (Housing Policy 11) or involve the replacement of an existing dwelling (Housing Policies 12, 13 and 14).

7.2.8 Based on the foregoing, it is considered that the new housing within the scheme would be unwarranted and would result in unjustified housing development in the countryside contrary to the requirements of General Policy 3, Environment Policy 1 and Housing policy 4 of the Strategic Plan.

### 7.3 VISUAL IMPACT OF THE DEVELOPMENT UPON THE SURROUNDING AREA

7.3.1 In terms of the potential visual impacts upon the countryside, it is considered that the proposed development would be significantly apparent from public views when viewed from sections of the Mullinaragher Road being set within open countryside (a section of the farm and landscape where there is currently no form of development). It is also considered that the new building group would be set about 146m away from the existing building group on the farm or about 138m from the proposed building group and as such would be in an isolated position within open fields with limited screening provided by the low hedgebanks on its boundary, and at a position within the landscape which is elevated and where the lie of



the land affords views over long distances from New Castletwon Road (New town), Clannagh Road and parts of the A26 (Ballasalla Road).

7.3.2 Additionally, the positioning of the proposed cart barn (with housing) and arena very close to the hedgebanks would also serve to make them particularly prominent when viewed from the nearby highways and surrounding landscape which offers unrestricted views over large expanses, given that the buildings would have a maximum ridge height of approximately 8.5m and rise significantly higher than the hedgebanks along the field boundaries. In addition, the field where the proposed buildings are to be sited is open in character, and its boundaries do not have mature landscaping, as the boundaries are mainly made up of hedgerows, rather than large mature trees.

7.3.3 Whilst the applicants would argue that the proposed area of indigenous grass, wild flower meadows and trees would soften the impact of the development when fully developed, it is considered that there are no wooded areas within close proximity to the development area for which the new plantings would form an extension to as the fields are open and isolated, with the nearest wooded area positioned about 208m to the south and 305m north of the development area. As such, the addition of the tree clusters here would be alien to the character of the area which is open and without trees. Besides, the development area is on the most elevated part of the Ballacroak holding where the development would dominate the landscape.

7.3.4 With regard to the design and finish of the buildings, it is considered that the general appearance of the Cart Barn (save for the flat roof dormers and flat roof porch projection at the rear) would broadly comply with the requirements of Planning Circular 3/91 in terms of proportions and form, although the materials for external wall finish would fail to comply with the Circular.

7.3.5 With regard to the design of the equestrian building, it is considered that the design would fail the requirements of Environment Policy 21. The proposed large amounts of glazing would make the building particularly prominent at night when the lights are on, thus increasing its visual impact on the landscape due to the lit windows. Moreover, as the proposal would be in isolation within an open fields where there is not any existing buildings, the addition of a development of the proposed scale and quantum would be averse to the character of the area and distort its character defined by strong geometric field patterns delineated by Manx hedges and its numerous traditional buildings. Thus, it is considered that the siting and size would be contrary to the requirements of Environment Policy 21. As well, as the development area would be in an elevated and open part of the landscape, the addition of the indigenous grass, wild flower meadows and trees cannot be judged to contribute to the wooded valley bottoms which form part of the dominant landscape character of the area.

7.3.6 Overall, it is judged that whilst the proposal would include some level of planting to ameliorate the impact of the development on the landscape, it is considered that these would do little in ameliorating the impacts of the scheme on the character and appearance of the surrounding countryside. The scheme is, therefore, considered to fail the requirements of Environment Policies 1 and 21 due to the size and siting of the building, as well as the quantum of development proposed within the scheme. Furthermore, the fact that the development is not situated close to or within an existing building group would further cause the development to stick out within the open countryside, resulting in significant visual impacts on the appearance or character of the area and surrounding countryside.

#### 7.4 IMPACT ON AGRICULTURAL SOILS

7.4.1 The site in terms of soil classification is Class 3 and therefore the proposal would not result in the loss of agricultural land afforded the highest level of protection and as such the proposal in this respect complies with parts of Environment Policy 19. However, it should be noted that there is evidence within the applicant's submission which highlights potential

concerns regarding the capacity of the surrounding fields to support the proposed equestrian development (in terms of soil capacity).

7.4.2 The Rural Business Consultancy Report provided by the applicant's states the following regarding the soils on the site and broader farm area in relation to horse grazing:

"rainfall is high at the current site which is predominantly clay based, and as such there would most likely be a requirement for additional acreage per horse which would reduce the turnover - for example the nearby Glebe Farm stables stock as 3 acres per horse and as a result the land suffers from significant damage and the horses spend a large amount of time housed consuming purchased feed. It notes that the Glebe farm is similar to Ballacroak and opines that the horses would not be able to graze for significant periods through the winter months. It concludes on the nature of the site that the conditions would incur higher costs to provide extra feed or repair and maintain pasture". The above implies that the scheme has the potential to create further pressure on the soils here which are Class 3 soils, which can be summarised as land with moderate limitations which restrict the choice of crops and/or demand careful management (Paragraph 7.13.1). From reviewing the report, it would mean that chances to over intensify the use of the fields within Ballacroak farm to support grazing due to the nature of the soils on site is very high, yet no soil management approaches have been proposed by the applicants to ensure the proposal would not result in soil degradation (considering the issues that have been highlighted by the Rural Business Consultancy Report submitted in support of the application).

7.4.3 It should be noted that although the soils here are not Class 1 and 2 soils which are afforded the highest protection, the Strategic plan does not in any way imply that Class 3 soils should be poorly managed or used unsustainably as majority of the agricultural soils on the Island (80.26%) fall within Class 3 soils. In reinforcing the need to protect agricultural soils which form the core of the prime resource for supporting agriculture, the Strategic Plan states the following within Paragraph 7.13.1:

"It is important to sustain agricultural industry by safeguarding its prime resources, by allowing appropriately designed and sited new buildings (where need is established) and by encouraging conservation-based land management regimes (including appropriate tree and shrub planting). However, this must not be at the expense of the appearance and character or openness of the landscape, or result in the loss of traditional hedgerows and field boundaries or the loss of limited areas of good quality agricultural land".

7.4.4 Based on the foregoing, it is considered that the scheme which would require about 3 acres per horse for grazing (about 18 acres for 6 horse - as six stables are indicated to be created or more should more horses be provided for onsite) could result in significant pressures on the existing agricultural fields within the broader site area given that the proposed development under PA 22/00399/B and 22/00524/B would take up about 7.57 acres (20.5%) of the total farm acreage, with the demand on the fields for horse grazing increasing the pressure on the remaining 29.43 acres which is supposed to serve agricultural purposes.

7.4.5 In conclusion, whilst the scheme as proposed would comply with parts of Environment Policy 19 (as there is no loss of Classes 1 and 2 soils as required by this policy), it is not considered that the proposal would be compliant with the preceding texts to Environment Policies 14, 15 and 16 which relates to agriculture and seek to sustain the agricultural industry by safeguarding its prime resource (agricultural soils), given the scale and size of agricultural soils (lands) that would be lost as a result of this proposal and the broader development of Ballacroak farm, particularly as it is not considered that the need for the equestrian development has been adequately established.

## 7.5 IMPACTS ON ECOLOGY

7.5.1 In terms of environmental impacts, the key concern relates mainly to the stripping of large parts of the field (3.66 acres or 1.48 hectares) about 57.2% of the existing field (431570) which measures about 6.4 acres to create the new development. Whilst the ecosystem Team has not considered this to be a key concern as their emphasis is on

protecting the hedgebanks (See DEFA Ecosystem Policy Consultation dated 8 June 2022), it is considered that the removal of large strips of the upper soil layer on site and the level changes to integrate parts of the proposed riding arena into the landscape would result in significant environmental disturbance with potential to impact on the existing biota on site. It should be noted that although the hedgebanks serve as habitat for viviparous lizard and common frog, the fields and the existing fauna which have remained undisturbed for long periods also serve as cover to enable migration of these protected species on site.

7.5.2 It has been considered that an argument could be made that if the fields were in agricultural use, there would be some form of disturbance. However, it would be vital to note that the use of the fields for grazing of animals (which has been the historic use of the field) would in no way result in deep soil stripping and translocation of soils to enable building of new large scale structures. As such, it is considered that the proposed use of the site for equestrian purposes (including the new large scale buildings works) would exacerbate the ecological impacts beyond that associated with normal agricultural processes.

7.5.3 Whilst the associated development under PA 22/00399/B is supported by a number of ecological studies and reports which cover the application site, and which the DEFA's Ecosystem Policy Team has commented on and accepted, it is not considered that there are clear justifications for the scheme at the current location, and there is no over-riding national need in land use planning terms for the proposed scheme which outweighs the requirement to protect these areas from undue ecological disturbance. Therefore, it is considered that any works to alter existing habitats on the site to enable the scheme through site clearance and creation of new areas of hardstanding for the buildings, including the creation of outdoor riding arena and sand paddock would be unnecessary and averse to the requirements of Environment Policy 1 which seeks to protect the countryside and its ecology for its own sake. This concern is further exacerbated by the fact that proposed site is an isolated location which would result in the structure appearing visually intrusive within the landscape.

## 7.6 HIGHWAY ISSUES

7.6.1 In terms of impacts on highway safety, it is noted that the proposal would be for the applicants own private use only and for no other commercial use. Accordingly, given this private use, the traffic generated would be considerably lower than commercial operations.

7.6.2 It is also considered that the proposal for the broader site area includes alterations to the main access to the farm track which would serve the site and adjacent agricultural fields. This alterations comply with visibility splay requirements and will be an improvement on the current arrangement. In addition, the works would include increase in the 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.

7.6.3 It is also considered that the existing highway network around the site can satisfactory take new increases in traffic associated with the private equestrian use of the site. As such, it is considered that the requirements of Environment Policy 19 and Transport Policy 4 are met in this case.

## 8.0 CONCLUSION

8.1 Overall, it is concluded that the proposed equestrian development (including housing) would lead to unacceptable harm to the character and appearance of this part of the Islands countryside. Furthermore, the reasons put forward to justify the development are insufficient to outweigh the harm that would result or to set aside the presumption against development in this part of the countryside. As such, the proposal is concluded to represent unwarranted development that is detrimental to the amenity of the countryside. The development would, therefore, be at odds with General Policy 3, Environment Policies 1 and 21, and Housing Policy 4 of the IMSP. The application is recommended for refusal on these grounds.

## 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 5.3**

**Proposal :** Variation of a Condition 3 of Planning Application 19/00519/B to allow the leisure facility to be open for business only between 1700hrs and 01300hrs on Friday and Saturdays only

**Site Address :** Unit 22  
South Quay Industrial Estate  
Douglas  
Isle Of Man  
IM1 5AT

**Applicant :** Mad Jacks Ltd

**Application No. :** 22/01452/B- click to view

**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The leisure facility hereby approved may be open for business only between the hours of 1700 and 0130hrs on Friday and Saturday only.

Reason: To ensure that the hours of operation result in there being sufficient car parking available to serve the development and protection of possible future residential properties.

Reason for approval:

It is considered the additional hours raise no significant impact to private or public amenity or to parking provision in the area and therefore is considered acceptable, complying with the relevant policies of the IOMSP.

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**Interested Person Status – Additional Persons**

It is recommended that the following persons 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):

Apartment 1, Hillary Wharf Apartments, South Quay, 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; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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## **Planning Officer's Report**

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER

### 1.0 THE SITE

1.1 The application site is Unit 22 on the South Quay in Douglas, which currently occupies a leisure use, facing the Marina with a floor space of approximately 263m<sup>2</sup> situated between Swan House at the bottom of Douglas Head Road and 25 South Quay - an industrial unit to be demolished with a car park approved. The building itself is rendered, with rendered recessed apertures. Aside from the front façade, the building is of no notable architectural interest and similar to many older industrial units in the area.

1.2 There is a layby to the front (3 parking spaces), with footpath behind. From this footpath, the building's main entrance is a single access door in a larger timber framed opening at the front, with side and rear single and double doors. The building has one level throughout.

### 2.0 THE PROPOSAL

2.1 The application seeks approval for the Variation of a Condition 3 of Planning Application 19/00519/B - Condition 3 states - "The leisure facility hereby approved may be open for business only between the hours of 1700 and 2300hrs on any day. Change requested to open from 1700-0130 hrs on any day".

2.2 Currently the hours of operation are between the hours of 1700 and 2300hrs on any day as approved by the original application 19/00519/B. It should be noted that planning application 19/01193/B which following the initial application approved the restaurant use only between the hours of 0730hrs and 2300hrs on any day.

### 3.0 PLANNING POLICY

3.1 The site is within an area designated under the Area Plan for the East as "Mixed Use - Quayside" and within Proposed Comprehensive Treatment Area 3. The site is not within a Conservation Area. The following policies of the Isle of Man Strategic Plan 2016 are relevant both due to the location of the site and the proposed use.

3.2 Strategic Policy 1 is important to consider as a base for the assessment of this application.

"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."

3.3 Strategic Policy 10 is also relevant:

"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."

3.4 General Policy 2 (in part) 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:

- (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;
- (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;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding."

3.5 The site is partly within an area identified as at risk of coastal flooding at a 0.5% chance in any year (1 in 200 year event). Environment Policy 10 relates to flooding and states:

"Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a flood risk assessment and details of proposed mitigation measures must accompany any application for planning permission. The requirements for a flood risk assessment are set out in Appendix 4."

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

3.7 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."

3.8 Business Policy 5 is important given the land use designation:

"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."

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

3.10 The current standards for leisure development are "1 space per 15 square metres gross floor space."

3.11 Area Plan for the East - CTA Proposal 3 (Treatment Plan)

"Development of this area could include either leisure; retail warehouse (bulkygoods); offices and residential uses. The acceptability of the range of uses and their precise location shall be assessed as part of a development brief taking into account accessibility, highway impact, design, visual impact and flood mitigation. Provision for a cycle route that could eventually link to the Millennium cycleway shall be included."

#### 4.0 PLANNING HISTORY

4.1 Alterations and conversion of light industrial unit to provide leisure facilities including axe throwing, restaurant, amusements and ancillary spaces - 19/00519/B - APPROVED

#### 5.0 REPRESENTATIONS

5.1 Douglas Borough Council does not object (22.11.2019).

5.2 Highway Services initially made the following comments (02.12.2019):

5.2.1 Following the reduction in hours and days of operation Highway Services comment (22.12.2022);

"Highways Development Control notes the amended description on 20 December 2022 and continues to have no opposition to this proposal."

5.3 The owner/occupier of Apartment 1, Hillary Wharf Apartments, South Quay, Douglas supports the application commenting (05.12.2022);

"I am a resident of South Quay, and (I think!) the closest resident to the east of the site along South Quay. I have no objection to the additional noise that might be generated from this venue.

More importantly, however, I am a person who is seeking to build a life on the Isle of Man and wants our island to grow in terms of social, sporting and economic opportunities. Allowing businesses to provide entertainment at later hours is good for the workers, it is good for the businesses - but most importantly, it is good for the customers!

Extending the opening hours will thus benefit the people of Mann, and the future people of Mann, who will be able to benefit from additional entertainment, social, and economic Opportunities."

## 6.0 ASSESSMENT

6.1 The only consideration to consider is whether the hours of operation for the leisure aspect of the business being extended are acceptable or not. The hours of operation of the leisure use of the building (axe throwing) are currently (1700hrs till 2300hrs). The proposal is to extend from 1700hrs to 0130hrs on any day.

6.2 The site is not near to any residential properties (namely offices and industrial uses) and therefore the proposal would not have any adverse impact upon neighbouring residential amenities. Having said this there was some concern that in the future, if area is redevelopment as sought in the Area Plan for the East, there may be more residential properties in the area, namely at upper floors. However, with no planning approval to any site nearby for such development it is considered difficult to argue this at this time.

6.3 Arguable the main issue relates to parking provision. The site has none, albeit there are three spaces immediately to the front of the site (lay-bys). When the application was originally considered by the Planning Committee the then planning officer did not recommend any conditions restricting the hours of operation. However, Highway Services sought such conditions being attached as there was little parking provision on the site. In this case the public parking spaces along the highway during the additional times between 2300hrs and 0130hrs are unlikely to be in high demand. However, as before the proposal does not necessary accord with Transport Policy 7. That being said, the site is less than 200 metres by foot from the North Quay and Train Station. Parking is not ample for the many cafes and restaurants on the North Quay however the use of taxis, public transport, and public car parks nearby reduce demand. The same availability of public parking and alternative transport would be available to customers of the venue, in accordance with Transport Policy 1. The fact no objections have been received from neighbouring properties, would also seem to suggest the amount of traffic/parking requirements by the facility have not caused significant issues.

6.5 The additional hours of the site throughout the evenings and early morning raises no concerns.

## 7.0 CONCLUSION

7.1 The application is recommended for an approval as it is considered the additional hours raise no significant impacts to private or public amenities or to parking provision in the area and therefore is considered acceptable, complying with the relevant policies of the IOMSP.

## 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 5.4**

**Proposal :**                   **Erection of 10 units for industrial, office and commercial use**  
**Site Address :**               **Former Central Abattoir**  
                                         **Cronkbourne**  
                                         **Douglas**  
                                         **Isle Of Man**  
                                         **IM4 4QE**  
**Applicant :**                   **Progress Shaving Brush (Vulfix) Ltd**  
**Application No. :**           **21/01283/B- click to view**  
**Planning Officer :**         **Mr Paul Visigah**

**RECOMMENDATION: To APPROVE the application**

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The 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. 002 rev A). 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 3. 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: 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 4. The development shall be implemented strictly in accordance with the revised drainage plans/details received on 31 Oct 2022. 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 submitted details

Reason: In order to ensure that adequate drainage/flood control measures/facilities are provided, and retained, in the interests of the amenity of the area.

C 5. Within three (3) months of commencement of the development hereby approved, details of bat and bird bricks/ boxes on the new buildings (crevice and cavity), as well those suitable for house sparrow, starling and swift, shall be submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and shall be retained as such thereafter.

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

C 6. Within three (3) months of commencement of the development hereby approved, details of the native/well established planting to be provided as part of the soft landscaping scheme for the landscape areas shown on Drawing No. 002 rev A, shall be submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the units, whichever is the sooner.

Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: To provide adequate safeguards for the ecological species existing on the site and as the landscaping of the site is an integral part of the scheme and must be implemented as approved.

C 7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification), the units (1-8) hereby approved shall only be used for General industrial (Class 2.3) and/or Storage/distribution (Class 2.4) and for no other purpose at any time.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within the same Use Class will require further consideration.

C 8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 or Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 or any order amending, revoking or re-enacting these Orders, Unit 9 shall be used only as food and drink (class 1.3) with related hot food takeaway (class 1.4), with Unit 10 used only as Office (Class 2.1). The units shall not be used for any other uses without the express grant of planning approval from the Department.

Reason: To enable the Department to consider the implications of any subsequent change of use on the amenities of the area.

Reason for approval:

Overall, it is considered that although the inclusion of office accommodation and retail uses within the scheme do not comply fully with the requirements of Business Policies 7 and 5, the overall proposed use is not significantly different from the existing uses within the Tromode & Ballafletcher industrial area which currently houses a mix of uses, associated with the dominant industrial use. The proposal has also been considered on an exceptional basis, given the unique nature of the office provision within the scheme and its needs, and the nature of retail use which by its scale and operation would not result in an unduly harmful impact on Douglas' town centre vitality or viability. It is also considered that the proposal by reason of the location, the availability of parking spaces and acceptable amenity impact on the neighbouring units is considered to be acceptable. The development is, therefore, considered to comply with the requirements of Business Policy 4, Strategic Policies 6 and 7, Spatial Policy 5, General Policy 2, Transport Policy 7, and Environment Policies 4 and 5 of the Strategic Plan, for the reasons that have been articulated within the report.

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

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

DOI Flood Risk Management  
Manx Utilities Authority Drainage

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

THIS APPLICATION IS BROUGHT BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL DOES NOT COMPLY FULLY WITH THE AREA PLAN ZONING AND BUSINESS POLICIES 5 AND 7 OF THE STRATEGIC PLAN AND THOSE POLICIES RELATING TO OUT OF TOWN RETAIL AND OFFICE DEVELOPMENT, BUT IS RECOMMENDED FOR APPROVAL

#### 1.0 THE SITE

1.1 The site is part of a parcel of land which lies north of the Isle of Man Creameries and directly south of the Central Abattoir (Meat Plant), Cronkbourne, Douglas. Ballafletcher Farm Estate Road which serves the industrial estate is situated directly west of the site. The site slopes downward from west to east by around 6m by about 7 degrees. Access to the site is via an existing access and driveway which serves some industrial units within the broader site area and situated east of the proposed industrial units.

#### 2.0 THE PROPOSAL

2.1 The proposal is for the Erection of 10 units for industrial, office and commercial use. The development would comprise two buildings;

2.1.1 An industrial block housing 8 industrial units of the same size (each 90sqm). The intended use classes for these units would be Class 2.3 - general industrial and class 2.4 - storage or distribution. All the units would be of similar size and would integrate a W.C measuring 1.5m x 2m on the rear elevation, although unit 1 would be slightly larger than the other units and would have its entrance on the south elevation. This pitched roofed building would be 6.1m high to the eaves and 7.4m to the roof ridge. 16 GRP rooflights would be installed on each roof plane (32 in total). The front elevation of each units would have a roller shutter door and a pedestrian entrance door. None of the units is shown as having a mezzanine level.

2.1.2 These units (units 1-8) would have their external walls finished in prefabricated insulated wall panels above DPC level with cedar cladding feature. The roof would be finished in prefabricated insulated roofing panels with compatible roof light system integrated into them. The windows would be aluminium framed double glazed windows, while the pedestrian doors would be secure steel doors and frames.

2.1.3 Units 9 and 10 which would be a two storey building would be situated west of units 1-8 separated by the new driveway that would be linked to the existing driveway serving the broader site area. This building which would have a butterfly roof would be 9.3m to the eaves of the tallest elevation, 8.2m from ground level to the eaves of the other end of the butterfly roof and 7.1m high where the roof planes meet. The external walls would be finished in painted or through colour render and Cedar cladding feature, while the roof would be finished in prefabricated insulated roofing, as units 1-8. The building would be 21m long and about 14m wide.

2.1.4 This building would serve a mixed office space 265m<sup>2</sup> (2852ft<sup>2</sup>) to be class 2.1 - Office and incorporate a mix of small private offices as well as hot desk spaces and associated

kitchenettes and WC's (within Unit 10), and class 1.3 - food and drink + class 1.4 - hot foot takeaway (within Unit 9).

2.2 Each of the units would have a vehicle access point in front and would link directly to the access and general parking areas situated on the site. The site would have access to 51 parking spaces; 26 parking spaces will be provided in front of the units (1-8), while the 25 additional parking areas created north of blocks 9 and 10, totalling 51 parking provisions.

2.3 The development would include the planting of additional trees and shrub/hedge, added to the existing trees on site. The new plantings would be agreed with DEFA Arboriculture.

2.4 Three new bin storage areas would be created on the site. Also, secure bicycle racks will be supplied to encourage an active travel plan to both of the above units (no information has been provided on these in terms of type and position on site).

2.5 The applicant have provided the following additional information:

i. The proposed mixed office / "hot desk" facility would enable multiple local professionals to have a place of work away from the ever increasing working from home culture. Whilst it is acknowledged that working from home is becoming more popular the applicant also recognises a big need for this facility on this side of Douglas for people wanting that important social contact and "place of work".

ii. The proposed café / restaurant situated in Unit 10 would provide a much needed amenity to not only the immediate commercial business park but also to the north of Douglas. By virtue of its location it would encourage less travel off site at lunchtimes whilst also providing a much needed meeting place for the public without having to travel either into town or through to the other side of Douglas if coming from the north.

iii. Electrical vehicle charging points will be installed in the car parking areas.

iv. Rainwater harvesting to be installed where possible to reuse rainwater on surrounding planters / new trees and soft landscaped areas.

v. The large glazing to be provided to units 9 + 10 to maximise the amount of natural light entering the internal spaces

### 3.0 PLANNING POLICY

3.1 The site is zoned as industrial use on the Area Plan for the East (Map 4), and the site is not within a Conservation Area. The site is generally not prone to flood risk, although the southern section, which includes the main driveway serving the new development is considered to be prone to flood risks. The site is not within a registered tree area and there are no registered trees on site.

3.2 The following parts of the Area Plan for the East Written Statement are considered relevant to the application:

#### 3.2.1 "Employment Proposal 1:

The development of existing industrial land, including the following sites, will be supported for the following uses only: manufacturing; warehousing and distribution; office accommodation (subject to compliance with Strategic Plan Business Policy 7); or retail outlets (subject to compliance with Strategic Plan Business Policy 5).

For the purposes of this policy, existing industrial land excludes those sites named under Employment Proposals 2, 3, 4 and 5".

#### 3.2.2 Table 12: Employment Proposal 1

"Tromode & Ballafletcher: Site BE016g

3.3 The Strategic Plan also contains the following policies and texts that are considered relevant to the application:

3.3.1 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".

3.3.2 Business Policy 7:

"New office floor space should be located within town and village centres on land which is zoned for the purpose on the appropriate area plan; exceptionally, permission may be given for new office space

(a) on approved Business Parks for Corporate Headquarters which do not involve day to day callers; or

(b) in buildings of acknowledged architectural or historic interest for which office use represents the only or most appropriate practicable and economic way of securing future use, renovation and maintenance".

3.3.3 Development which is in accordance with the prevailing land use should accord with the principles of General Policy 2 as follows:

(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;

(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.

3.3.4 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.

3.3.5 Strategic Policy 7: Undeveloped land which is zoned in Local or Area Plans for industrial, office, or retail purposes will be retained and protected for such uses, except where those uses would be inappropriate or incompatible with adjoining uses.

3.3.6 Strategic Policy 10:

New development should be located and designed such as to promote a more integrated transport network with the aim to: minimise journeys, especially by private car; make best

use of public transport; not adversely affect highway safety for all users, and encourage pedestrian movement.

### 3.3.7 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.

### 3.3.8 Transport Policy 7

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.

\* General industrial - 1 space per 50 square metres gross floor space.\*

\* Storage and distribution - 1 space per 100 square metres gross floor space.\*

\* Out of town offices - 1 space for every 15 square metres of nett floor space\*

3.3.8.1 There are no parking standards within the Strategic Plan for out of town retail.

3.4 Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Strategic Policy 5, Environment Policies 42, Infrastructure Policy 5, Community Policy 11, Community Policy 7 and Community Policy 10.

## 4.0 OTHER MATERIAL CONSIDERATIONS

### 4.1 The Isle of Man's First Biodiversity Strategy 2015-2025

#### 4.1.1 Habitat loss

"Biodiversity is being lost around the world despite the CBD target to halt biodiversity loss by 2010. Monitoring of indicators is required to quantify biodiversity losses, confirm the main causes and enable targeted action to halt this trend.

Our knowledge of Manx terrestrial habitats and land use is based on maps made between 1991 and 1996. This urgently needs revising in order to quantify habitat changes, understand the reasons and address the causes. Loss is caused not just by active destruction, but also lack of effective management and natural changes such as scrub invasion. Wildlife legislation on the Isle of Man is designed to prevent habitat loss".

#### 4.1.2 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.

22. By the end of 2015 complete a land use and terrestrial habitat assessment to understand rates of habitat loss, use this information to help prioritise habitat and species conservation, through Biodiversity Action Plans, and consider how to monitor success".

4.2 Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

## 5.0 PLANNING HISTORY

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

- o PA 87/00531/B for Alterations and extensions to enlarge cutting room and form additional packing and cold store facilities - Approved.
- o PA 99/01848/C for Change of use to steel fabrication premises - Withdrawn.
- o PA 00/00239/B for Erection of lairage - Approved
- o PA 13/00248/B for Creation of a vehicular access - Withdrawn.

## 6.0 REPRESENTATIONS

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

6.1 DOI Highways initially requested further information/alterations (9 December 2021/16 November 2022). Further to the submission of a Revised Proposed Site Plans from the applicants on 30 October 2022, no further comments have been received from DOI Highways.

6.2 DOI Flood Risk Management initially stated that their input has been deferred pending further information (2 December 2021/21 January 2022). Further to receiving additional documents from the applicants, the DOI Flood risk management team have requested that the revised drainage plans received Oct 2022 are conditioned to the application (19 December 2022).

6.3 DEFA Biodiversity have made the following comments regarding the application (2 December 2021):

- o They have no objection to the proposed plans.
- o They request a condition on approval for details of the native/well established planting to be provided to Planning for written approval.
- o They note that there are opportunities to include wildlife enhancements on site via the installations of bat and bird bricks/ boxes on the new buildings.
- o They recommend that a mixture of crevice and cavity boxes are installed high up on the eastern, northern and southern elevations of units 1- 8 or around units 9 and 10 but away from openable windows, as the site is located approximately 40m to the west of the Tromode Dam and River Glass Wildlife Site (One of the reasons for the designation of this site was as an observed feeding area of significance for bats, and therefore it is known that there are good bat numbers in the area).
- o They advise that a variety of bird boxes could be installed, including ones suitable for house sparrow, starling and swift (if the units are at least 5m high) high up on the eastern or northern elevations, either integrated bricks or external boxes would both be suitable.
- o They note that external house martin 'cup' nest boxes would also work well on the northern elevation of units 9 and 10 underneath the overhang.

6.4 Manx Utilities Drainage have confirmed that the drainage proposals for the development are acceptable from a foul and surface water perspective (11 October 2022).

6.5 Braddan Commissioners have no objection to the application (6 December 2021/18 November 2022).

6.6 Douglas Borough Council object to the application on the following grounds (13 December 2021):

- o The Council believes that the application fails to comply with the following policies and objective from the Isle of Man Strategic Plan 2016:
  - o Business Policy 7 - New office floor space should be located within town and village centres on land that is zoned for the purpose on the appropriate area plan.
  - o 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.
  - o Strategic Objectives 3.4 Economy (d) - To maintain and enhance the viability and vitality of town centres by controlling the location and nature of new retail and commercial development.
  - o It is believed that if the application was wholly for the creation of industrial/storage units the Council may not have made comment on the proposals however as the application includes an element for the creation of a modern office/hot desk unit and there being no mechanism to separate the different parts of the application the Council would kindly ask that the Planning Authority refuses the application on the grounds highlighted above.

6.7 No comments have been received from neighbouring properties.



## 7.0 ASSESSMENT

- 7.1 The fundamental issues to consider in the assessment of this planning application are;
- a. The principle of the proposal (BP 4, STP 7 & BP2; and Employment Proposal 1 of the Area Plan for the East);
  - b. Provision of employment opportunities (BP 1 & STP 6);
  - c. Visual impact/impact on the wider environment (EP 42 and GP2 b, c & f);
  - d. Impact on the neighbouring amenity (GP2g);
  - e. Impact on the highways & parking (TP7, GP2 h & i, SP10);
  - f. Flooding/Drainage Issues (EP 13 & GP 2l); and
  - g. Ecological Impacts (EP4, EP5 & GP 2d)

## 7.2 PRINCIPLE OF THE DEVELOPMENT

7.2.1 The site is designated for industrial purposes so the principle of the development of industrial units here is acceptable. In addition, Employment Proposal 1 of the Area Plan for the East also support the creation of the industrial units by stating that the development of existing industrial land will be supported for manufacturing, warehousing and distribution. Therefore, it is considered that the use of Units 1 - 8 for industrial purposes (which includes general industrial and storage and distribution) clearly aligns with the provisions of Business Policy 4 and Strategic Policy 7 of the Strategic Plan, as well as Employment Proposal 1 of the Area Plan for the East.

7.2.2 With regard to the use of units 9 and 10 for retail and office use respectively, it is considered that there is support within Employment Proposal 1 of the Area Plan for the East for office accommodation (subject to compliance with Strategic Plan Business Policy 7), and retail outlets (subject to compliance with Strategic Plan Business Policy 5).

7.2.3 In the case of the office accommodation, Business Policy 7 is clear that exceptionally, approval may be granted for new office space where the application site is (a) on approved Business Parks for Corporate Headquarters which do not involve day to day callers; or (b) in buildings of acknowledged architectural or historic interest for which office use represents the only or most appropriate practicable and economic way of securing future use, renovation and maintenance". Whilst the proposed office accommodation within the scheme would not meet any of these exceptions, it can be seen that the area contains a number of uses that would not necessarily be considered truly industrial (including offices that are not headquarters and training centres). As well, the nature of the office use proposed by the applicant is not such that would require daily customer visits as the building would be used mainly for sole business owners or start-ups which are demonstrably different to an office use such as a legal practice, etc. In this respect, the proposed use is not dissimilar to the operation of other office accommodation allowable in industrial areas. On that basis it is concluded that the proposed use is acceptable.

7.2.4 Besides, the need to provide modular office accommodation in this part of Douglas which supports mixed office/hot desk facilities to enable multiple local professionals to have a place of work away from home, whilst enabling small scale or start up business to build important social networks cannot be discounted.

7.2.5 Therefore, although the provision of the office accommodation within this scheme would not comply fully with the requirements of Business Policy 7 of the Strategic Plan (as required by Employment Proposal 1 of the Area Plan for the East), it is not considered that the scale, type of office accommodation on offer, and location within the locality (in its current form with existing uses) would warrant refusal of the scheme.

7.2.6 In assessing the principle of the proposed retail use within the scheme, it is considered that this element of the scheme would not comply fully with the requirements of Business Policy 5 as it would not comply fully with the exceptions offered by this policy. However, the likelihood is that a number of workers within this industrial zone would not have sufficient time in which to travel regularly to Douglas town centre during their lunch hour. It,

therefore, seems that the limited number of people that would be served by the proposed retail food business could not be considered as being of such a scale as to result in an unduly harmful impact on Douglas' town centre vitality or viability.

7.2.7 Furthermore, the likelihood is that people who do not work in the Tromode & Ballafletcher industrial area will not view this location as one to choose to travel to instead of Douglas, given its detached location from the main thoroughfare serving the surrounding area. Besides, the Douglas town centre offers a much larger variety of businesses and therefore offers wider choice / experiences than does the proposed site - with or without the class 1.3 - food and drink and class 1.4 - hot foot takeaway. Moreover, the need to restrict out of town retail uses within town centre locations is not at variance with the intention to provide nearby workers with an alternative hot food and drink option.

### 7.3 Provision of Employment Opportunities

7.3.1 The proposed scheme would align with Strategic Policy 6 which takes into account the need for employment generating developments to be sited on land for which they are zoned for (as identified on the Area Plans), given that the site is zoned for industrial use with the majority of the units being used for industrial use. The sites location within a major employment area on the Island (Douglas), where there would be easy access to labour, with the location also benefiting from an integrated transport network would further ensure the use is in accordance with SP6. As the proposal could potentially offer employment opportunities to this area, this aspect would further be compliant through BP1 and BP2, and is encouraged.

### 7.4 Visual Impact/impact on the wider environment

7.4.1 With regard to the visual impacts of the development on the site and surrounding area, it is considered that the proposed development would feature a modern building (with several units) designed specifically for its proposed use. The scale of the development would be proportionate to the site and the individual units have been designed to serve that specific purpose in terms of size, height and appearance. Additionally, the design of the buildings are such that would be considered to be of high quality and functional; ensuring that the proposal would be appropriate for the site context without appearing as an incongruous feature.

7.4.2 The positioning of the buildings and layout of the site area is considered to be an enhancement to the character and appearance of the site over and above the present context (which is undeveloped), making a positive contribution to the wider environment in accordance with SP5. Moreover, the scheme is also deemed to be an acceptable form of development when considered in the light of General policy 2 (b & c) as the works would improve the appearance of the site area and ensure it is in keeping with the broader industrial area.

7.4.3 It is also important to note that the trees on the boundary of the broader site area would be retained, with new planting of additional trees and shrub/hedge, added to the existing trees on site; thus improving the general appearance of the site and area.

### 7.5 Impact on adjacent properties (GP2g and k, and EP 22)

7.5.1 With regard to impact on nearby properties, it is considered that the proposed building on site nearest the existing industrial buildings in the vicinity at Cronkbourn Business Park to the east would be Units 1-8 which only have ground floor level. As such, it is not considered that there would be any detrimental impacts on these properties in terms of overlooking and overbearing impacts. Whilst the level difference between the application site and these neighbouring industrial units is obvious, the difference is not such that would result in overshadowing for these units which have no windows at the rear elevation which backs onto the proposed industrial units within the current scheme.

7.5.3 Overall, it is concluded that the proposed development would not result in harm to neighbouring amenity through overlooking, leading to a loss of privacy or loss of light through

the building having an overbearing impact. As well, there would be no harm resulting from the buildings general appearance on the nearby properties, given the intermediate distances, design, scale and massing of the building which is considered compliant with those sections of General Policy 2(g).

## 7.6 Impact on the Highways and Access

7.6.1 In terms of highway impacts, a key concern relates to the provision of appropriate parking to meet the Strategic Plan parking standards. From reviewing the application details, it is considered that the proposed parking provisions would be sufficient for the number of units and uses proposed for the site.

7.6.2 With regard to general industrial use, the standard stipulates that one parking space be provided per 50 square metres gross floor space. As the eight block industrial units would amount to 720sqm of industrial floor space, 14.4 spaces (15 approx.) would be required. Therefore, the 50 parking provisions provided within the site would be more than adequate.

7.6.3 Conversely, if the units (Units 1-8) were used solely for storage and distribution which requires one space per 100 square metres gross floor space, then the 720sqm of floor space will require approximately 7.2 parking spaces (7 approx.), with the parking provisions available more than appropriate.

7.6.4 In assessing the parking demand for the office spaces which would be classed as 'Out of town offices' the requirement is that 1 space be provided for every 15 square metres of nett floor space. As the office spaces measures about 265sqm a total of 17.6 spaces (18 Approx.) would be required. There is no standard stipulated for out of town retail uses. However, given that the units are not particularly designated for any specific use, it is noted that there would be a mix of the uses at various proportions or combinations for which the 50 spaces provided on the site would still be appropriate (As the highest combination of spaces general industrial (15) plus office (18) would amount to 33 spaces with 17 spaces still left to cater for the retail parking requirements. As such, it is considered that the available parking provided would be more than sufficient for the proposed development, ensuring that the development complies with Transport Policy 7 and General Policy 2 (h).

7.6.5 It is also considered that the proposal is unlikely to give rise to significant negative impacts on the adjoining network in terms of highway safety or network efficiency with the site traffic being accommodated onto the existing network via the Ballafletcher Farm Road. This element of the development is therefore considered to be compliant with Transport Policy 7 and GP2 h & i, and Strategic Policy P10.

## 7.7 Flooding/Drainage Issues

7.7.1 In respect of site drainage and potential for flooding, it is noted that the scheme is supported by a drainage details which includes Drainage Plans and attenuation details which have been considered by Manx Utilities Drainage and DOI Flood Risk Management who have both confirmed that the submitted information satisfies their concerns. However, a condition would be imposed to ensure that the submitted drainage details are integral to the development of the site.

## 7.8 Impacts on Ecology

7.8 In terms of the ecological impacts of the proposed development, it is considered that the application details have been considered by DEFA Ecosystems Officer who notes that they have no objection to the application save for the provision of some ecological mitigation through the provision of details of the native/well established planting to be provided as part of the scheme, and the inclusion of wildlife enhancements on site via the installations of bat and bird bricks/ boxes on the new buildings. Thus, it is considered that the application would satisfy the principles of Environment Policy 4 and 5. As such, Conditions would be imposed to ensure that the required mitigation measures are implemented.

## 8.0 CONCLUSION

8.1 For the above reasons, it is concluded that the planning application would comply with the relevant Strategic Plan Policies, and would have no adverse impact on the visual amenities of the site or surrounding area, or harm the use and enjoyment of neighbouring properties or the highway network, and would comply with the relevant sections of the Area Plan for the East, and is recommended for approval.

## 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 5.5**

**Proposal :** Removal of existing detached building and erection of storage barn and stables and installation of hard standing (Retrospective)

**Site Address :** Ballacreg  
Dreemskerry Hill  
Dreemskerry  
Ramsey  
Isle Of Man  
IM7 1BE

**Applicant :** Mrs Laura Sayle

**Application No. :** 22/00174/B- [click to view](#)

**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

C 1. In the event that the building hereby approved is not used or required for agricultural or equestrian purposes for a period exceeding 12 months, the building hereby approved shall be removed and the ground restored to its former condition within 18 months of its last use.

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

C 2. This approval relates to the use of the proposed buildings for the keeping of horses and related feed and equipment only.

Reason: The countryside is protected from development and an exception is being made on the basis of equestrian need. As such the building must be used for the purposes for which it is approved.

C 3. The structure hereby approved must be used only for private equestrian purposes in association with the residential dwelling "Ballacreg," Dreemskerry Road and not for any commercial or private livery use.

Reason: The countryside is protected from development and an exception is being made on the basis of equestrian/agricultural need. As such the building must be used for the purposes for which it is approved.

Reason for approval:

In summary, the proposal broadly accords with General Policy 3, and satisfies the requirements of Environment Policies 1, 2, 14, 19, 20 and 21 of the Strategic Plan.

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**Interested Person Status – Additional Persons**

None

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## **Planning Officer's Report**

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNING OFFICER

### THE APPLICATION SITE

1.1 The application site is situated within the curtilage of Ballacreg, Dreemskerry Hill, Dreemskerry which is a detached two storey house with a hipped roof and a single storey garage/stone extension to the side elevation. The dwelling is situated within substantial mature gardens (approximately 8 acres).

1.2 The site as a whole is situated to the South end of Dreemskerry Hill down a short driveway, where the structure as per this application is situated to the North West of the driveway. To the rear (South West) of the site is the Manx Electric Railway.

1.3 Whilst generally screened from roads the immediately adjacent to the site, the topography of the land and the presence of mature vegetation along the road sides also means that any wider views of the property are restricted. However, views from Maughold Road (west of Maughold Village) are achievable of the site.

### THE PROPOSAL

2.1 The current planning application seeks approval for the retrospective erection of a structure which is to measure 13.5m by 10.3m with an overall height of between 4.17m and 5.35m, which is to have three stables situated to the Northern end and the rest of the structure is to be used for storage.

2.2 The stable block and store is clad in timber and has a green corrugated roof. During the site visit it could be seen that the lower part of the structure below floor level was blockwork, whilst the drawing shows this as timber. It is unsure on which material will be the final material.

2.3 Having requested additional information from the applicant regarding justification, the following was received, "We own approx. 19 acres at Ballacreg, We own two horses and one pony, We have a compact tractor, rhino quad, small trailers and various small garden equipment."

### PLANNING HISTORY

3.1 There have been several applications recently upon the site, for the property and a florist studio, whilst this is the case these applications are not relevant in the assessment of this application.

### PLANNING POLICY

4.1 The site lies within an area zoned as an "Area of High Landscape or Coastal Value and Scenic Significance" within an "Area of Private Woodland or Parkland" on the 1982 Development Plan - North Map. The property is not within a Conservation Area or a Flood Risk Zone.

4.2 There is a general presumption against any kind of development within the countryside and in areas of High Landscape or Coastal Value and Scenic Significance as outlined in established policies within the Isle of Man Strategic Plan 2016 (Environment Policy 1 & 2, and General Policy 3). However, there are a number of paragraphs and policies that specifically relate to and offer support to the development of new equestrian-related development

(Paragraph 7.15.1, Environment Policy 19, 20 and 21), so long as they do not result in the loss of high quality agricultural land, harm highway safety or by reason of their design, be detrimental to the character, appearance and quality of the countryside.

4.3 Furthermore consideration shall also be given to Environment Policy 3 which seeks that development would not result in an unacceptable loss of or damage to woodland areas, Environment Policy 14 which seeks that development will not result in the permanent loss of important and versatile agricultural land, Transport Policy 4 which seeks that new development must be capable of accommodating vehicle and pedestrian journeys in a safe and appropriate manner, Community Policies 7 and 11 in respect of reducing outbreak of fire and preventing criminal activity and Infrastructure Policy 5 in respect of water conservation.

## REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summary;

5.2 Highway Services have considered the proposal and state they do not oppose. (03.03.22 & 18.10.22)

5.3 Garff Commissioners have considered the proposal and state they have no objection. "however, Members expressed disappointment that the application was 'retrospective' and questioned if the applicant had been advised by an architect that planning permission would be required prior to the works taking place." (9.03.22)

5.4 DEFA Fisheries have considered the proposal and have no objections. (7.03.22)

5.5 DEFA Forestry have considered the proposal and whilst they point out that the works have undermined an adjacent tree, the tree is subject to a removal licence as such they have no objections. (10.03.22)

## ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application are:

- Principle; (SP5; GP3f, Paragraph 7.15.1);
- Character and Appearance (STP5; EP's 1, 2, and 21);
- Loss of agricultural land (EP 14 and 19);
- Neighbouring amenities (EP 23);
- Impacts on Highway Safety (GP2 & EP 19);

### 6.2 PRINCIPLE OF DEVELOPMENT

6.2.1 A starting point when assessing application such as the proposal here, is to acknowledge the planning policies as set out in part 4 of this assessment, in connection with the site designation. When looking at the site, it can clearly be seen as within an area not designated for development which means that there is a general presumption against development as set out by General Policy 3 and Environment Policy 1 of the Isle of Man Strategic Plan 2016.

6.2.2 Whilst this is the case, the proposal is for equestrian purposes which there is an exception (Environment Policies 19, 20 & 21) which make it clear that equestrian related development is acceptable as long as it can be considered acceptable subject to certain conditions and ensuring that the style, design and finish of the building is appropriate for its use. It is also noted that equestrian development, by virtue of its requirement for land, is generally located within rural areas. However the main consideration from a planning perspective is whether the development would have an unacceptable impact upon the character and amenities of the countryside where it would be situated.

6.2.3 Based on the foregoing, it is considered that whilst there is support for equestrian development in the countryside, the acceptability of the current scheme would be consequent on the assessment of further material planning matters as indicated previously which need to be considered to determine if the proposed scheme on the site is appropriate.

### 6.3 CHARACTER AND APPEARANCE

6.3.1 In assessing the visual impact of the proposal upon the site, surroundings and the broader countryside, the starting point here is Environment Policy 21 which notes the important aspects to be considered such as siting, design, size and finish, as well as form and material.

6.3.2 The siting of the proposed structure means that it is situated within an area which is unlikely to be seen from a public vantage point and if seen, with views from the roads directly outside the property being very well screened, given the distance, topography and surrounding mature landscape.

6.3.3 However, it should be noted that views of the dwelling and gardens are awarded from further afield on Maughold Road, whilst this is the case due to the materials used (timber and green cladded roof) the structure will be acceptable within its environment, with the structure not being an uncommon feature within the countryside.

6.3.4 Initially when looking at the proposal, due to the internals given, there was a high likelihood that the proposed structure would be used for stabling. Especially when noting the stable sizes and the door widths given. Whilst this is the case, a site visit was conducted and it could be seen that the internals and externals are different to the one received initially. A further drawing was received which altered the external appearance but kept the internal arrangement.

6.3.5 The site visit brought forward the fact that the structure was indeed being used for the housing of horses and their feed, as such whilst the internal arrangement is still the same as previously given and not what is existing, it is considered that the proposal would satisfy the key tests of Environment Policies 1, 2, and 21, and Strategic Policy 5 of the Strategic Plan. However, a condition requiring the building's removal and the land returned to its original condition would be imposed, should the building cease to be used for the approved use.

### 6.4 LOSS OF AGRICULTURAL LAND

6.4.1 With regard to the potential loss of agricultural land, the IoM soils maps (Figure 4) gives a broad indication of the areas and soil classification. The application site is defined within an area with Class 3/4 soils which can be summarised as land with moderate limitations which restrict the choice of crops and/or demand careful management, and which are not afforded the highest level of protection. Therefore, the proposal would not result in the loss of high quality agricultural land and therefore in this respect complies with Environment Policies 14 and 19.

### 6.5 IMPACT ON NEIGHBOURING AMENITIES

6.5.1 Turning towards the possible impact upon existing neighbouring properties, situated to the North East of the site is "Ballakilly Beg" which is approximately 54m away from the proposed structure and to the North West is "Dreemskerry Cottage" which is approximately 32m away from the proposed structure.

6.5.2 Given the distances between the buildings, the existing topography and mature trees and hedging, it is not considered that the proposal would adversely or significantly affect the amenities of any neighbouring property to warrant a refusal. The proposal is, therefore, considered to comply with Environment Policy 23 in terms of impacts on neighbours.



## 6.6 HIGHWAY SAFETY

6.6.1 It is also noted that Highway Services have considered the merits of the access to and from the application site from the main highways serving the broader site area and indicated that there is no highway interest which confirms that they have no concern with the scheme. Given the above, it is considered that the proposal would not have any adverse impact on the existing highway or upon those users entering and exiting the site, and are considered to align with the principles of Gp2 (h&i) and EP 19.

## CONCLUSION

7.1 The proposal is considered to comply with General Policy 2, General Policy 3, Environment Policy 1, Environment Policy 2 and Environment Policy 19, 20 and 21 of the Strategic Plan. Therefore, it is recommended for an approval.

## INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

**Item 5.6**

**Proposal :** Variation of Condition 2 to PA 21/01316/B to retain spectator facilities in situ for the interim period between the Isle of Man TT races and the Isle of Man Festival of Motorcycling and to extend, from one week to two weeks respectively, the periods in which the facilities are erected and dismantled

**Site Address :** Land Adjacent To Glen Moar Mill And Field 315139  
Glen Helen Road  
Laurel Bank  
St Johns  
Isle Of Man  
IM4 3NN

**Applicant :** Rockfell Limited

**Application No. :** 22/00757/B- [click to view](#)

**Planning Officer :** Mr Richard Boyt

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The four containers, associated supports, platforms, scaffolding and spectator seating may be erected no sooner than two weeks before the first practice of TT and may remain until two weeks after the last race of the Festival of Motorcycling in the same calendar year. The land shall be cleared of all paraphernalia outside of race periods and in a condition suitable for agriculture.

Reason: To protect the appearance of the countryside.

C 3. The use for food and drink purposes shall be restricted to two containers only and may only be available for use no sooner than one day before the first practice associated with the TT races and up to one day after the last race in that event, and no sooner than one day before the first practice of the Festival of Motorcycling and up to one day after the last race in that event. No approval is granted for any food and drink purposes for the period in between the two events.

Reason: To clarify the extent of the planning approval and in the interest of the protection of the countryside.

C 4. For the avoidance of doubt, the four containers, associated supports, platforms, scaffolding and spectator seating shall not be stored anywhere outside on the site when not in use, unless otherwise agreed in writing by the Department.

Reason: in the interest of visual amenity, and such storage would need to form part of a separate planning application.

C 5. The site highway layout, access and egress shall be carried out in full accordance with drawing number 100.02 Rev B and retained as such thereafter and visibility splays kept permanently clear of obstruction above 1.05m.

Reason: In the interest of highway safety.

C 6. Prior to the first coming into use the permanent and accessible car parking spaces shall be marked out on site and retained thereafter.

Reason: in the interest of highway safety and parking provision.

C 7. The access lane (between the hardstanding and field) shall be surface finished in a bound material for the first 6m from the edge of the highway and retained as such thereafter.

Reason: In the interest of highway safety and to avoid loose material from entering the road.

Reason for approval:

The proposal is considered acceptable on a temporary basis through the summer during the Isle of Man motorcycle racing periods and suitably worded conditions will ensure no permanent or long term retention of any structures so as to protect the character and quality of the countryside and area of high landscape value in accordance with Environment Policies 1 and 2.

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

None

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

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

PRE-AMBLE

0.1 The original application 21/01316/B was deferred by the Committee at the meeting of 11th April 2022, to allow the applicant time to consider amending the application. At the Committee meeting of 25th April 2022, members unanimously approved the amended application, verbally thanking the applicant for taking on board their concerns and one member suggested the structures could stay between race meetings. This application is a response to that suggestion as it requests that Condition 2 be reworded for that purpose.

0.2 The original application sought permanent siting of four containers, fill and raised platforms within the countryside, and the temporary siting of bleacher seating and scaffolding for watching the races during TT and Festival of Motorcycling (FOM) race periods and for this seating and scaffold to remain up during summer months between racing so as to reduce dismantling times.

0.3 This application was assessed by the case officer, although there could be some imminent need for the proposed developments during the race periods only, there was no overriding national need or exceptional circumstances to warrant the permanency of the four containers, fill and platforms on this site, nor to warrant the long-lasting impacts of the proposals on the countryside and AHLV. The application was also lacking in detail for the proposed imported fill and potential flood risk and so was recommended for refusal contrary to EP1 and EP2, EP 7 and 10.

0.4 Following the preparation of the PC agenda and the refusal recommendation, the applicant sought to amend the scheme to propose the four containers, platforms, scaffold and seating structures for only the race periods, seeking their erection one week before each race period and their removal one week after each race periods, and the structures were not to be retained over the summer period. They also sought to remove the imported fill and provide information to overcome and demonstrate no flood risk.

0.5 Committee members considered that the cumulative changes went too far beyond the original submission and so deferred the application until the next meeting to allow for amended drawings and information to be formally submitted, time for the Commissioners to comment should they wish and time for the officer to prepare condition wording if to be approved.

## THE SITE

1.1 The site is a grassy field and hardstanding area forming part of the larger Glen Moar Mill complex situated on the south-eastern side of the Glen Helen Road part way between Ballig Bridge and Glen Helen, St Johns. Previously the site has been used as a car sales and filling station.

1.2 The site includes the old mill building (currently concealed under scaffolding) and the large area of hardstanding which abuts the main road. Alongside the mill is an existing traditional dwelling and some outbuildings recently converted into residential accommodation.

1.3 The grassy field sits to the west of the buildings and hardstanding with an access path running between them. The field and path slope down from the road and towards the rear. Running along the rear boundary is the River Neb.

## THE PROPOSAL

2.1 The main approval 21/01316/B is for the temporary siting of four containers and associated supports, scaffolding and platforms and the installation of bleacher seating for the IOM TT races and the IOM Festival of Motorcycling races. All the containers, associated structures and seating were to be erected one week before each race period and dismantled and taken off site one week after each race period.

2.2 The containers, associated structures and seating are now proposed to be retained between race periods and erected and dismantled two weeks before and after the events each year, as opposed to one week before and after. This will be done by variation of Condition 2 of 21/01316/B.

2.3 Parking for the proposal is to be on the existing hardstanding area. The supporting statement indicates that there is capacity for 116 bikes, 8 cars and there is a shared minibus/coach area to encourage shared travel. The proposal also includes the use of two of the containers for food and drink purposes during the race periods, and the containers are shown as being on supporting jacks and scaffold.

## PLANNING HISTORY

3.1 The site has been subject to a number of application over recent years, including alterations and conversions to the existing house and outbuildings to provide new residential accommodation with additional tourist use and the extension and conversion of the existing mill into a new residential dwelling with similar tourist use (summary bullet pointed below).

3.2 Application 22/00198/B sought approval for a further extension to the existing converted outbuildings to provide race marshal facilities and the creation of a roof terrace viewing platform. This application has been refused.

3.3 Summary of recent applications approved at the site;

- o 21/00151/B - Installation of stone cladding and patio doors - approved
- o 20/00937/C - Additional use of residential (class 3.3) as tourist living accommodation (class 3.6) - approved
- o 19/01057/B - Conversion and extension of Mill - approved
- o 15/01387/B - Conversion of tearooms to create two dwellings and siting of a gas storage tank - Approved
- o PA08/00966/B - conversion of the tea rooms into two dwellings and siting of a gas storage tank - Approved

3.4 There was also an application withdrawn in 2017 under PA 17/00354/B for the conversion of garage to one-bedroom tourist accommodation and creation of race day steward facility with viewing platform over. This was withdrawn due to the garage to be converted not actually existing and concerns expressed for the proposed extensions and viewing facilities.

#### PLANNING POLICY

4.1 The application site is identified on the 1982 Development Order as being within an area of High Landscape or Coastal Value and Scenic Significance (AHLV), the site is also adjacent to land covered by water (River Neb) and close to Eairy Beg Plantation. Flood maps identify part of the site as being at high river flooding risk and some surface water flooding.

4.2 The land is not zoned for development therefore General Policy 3 of the IOM Strategic Plan 2016 is applicable which sets out a general presumption against any kind of development in the countryside. It is also relevant to consider Strategic Policies 1 and 2 which seeks to make best use of existing sites and resources and directing all new development to town centres and designated sites, Strategic Policies 4 and 5 requires development to protect the landscape and to make a positive contribution to the Island, Environment Policies 1 and 2 that seek to protect the countryside for its own sake and protect AHLV's from harm, Environment Policies 4, 7 and 10 in the protection of habitats, watercourses and risk from flood, Transport Policies 4 and 7 in relation to highway safety and Business Policies 11 in respect of tourist uses being assessed no differently to any other types of development in the countryside. Also relevant are the general development standards set out in General Policy 2.

#### REPRESENTATIONS

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

- 5.1 German Parish Commissioners - objection
- 5.2 Department of Infrastructure Highway Services - no objection

#### ASSESSMENT

6.1 The grandstand, containers and food trailers have been approved since the 25th April committee meeting. The proposal here is to simply amend Condition 2 of that approval 21/01316/B to allow all these spectator facilities to be installed 2 weeks before the TT and retained on site until 2 weeks after the Festival of Motorcycling each year.

6.2 The original scheme was recommended for refusal but deferred at committee for revisions.

6.3 The revised proposal then sought to amend the scheme omitting the imported fill and had the four containers assembled on supporting jacks and only having the structures, platforms and bleacher seating for the racing periods only and its removal in-between.

6.4 The proposal being considered in this application is that the time period for presence on the land is from 2 weeks prior to the TT, all through the summer and then removed 2 weeks after the Festival of Motorcycling. The applicant justifies this due to the difficulty in

obtaining plant to carry out the erection and dismantling of the stands on the precise dates required. It is clearly a lot of effort to dismantle and erect the stand again every summer.

6.5 The planning question is whether leaving the stand, containers and food huts on site all summer and for the addition two weeks is so harmful to the appearance of the area that it warrants refusal.

6.6 It is considered that the location is a very sensitive one, being an Area of High Landscape Value and simply a pleasant riverside location. But the effort and indeed energy required to remove and reinstate the stand for a two month break is disproportionate to the level of landscape harm caused. As such, it is considered that the stand and facilities can be retained for that period. Condition 2 can be altered to reflect this position.

6.7 Retaining the facilities will have an immaterial impact on flood risk amenity and highway safety for the interim period and may in fact improve highway safety as the physical works and associated highway movements will occur less frequently every year.

## CONCLUSION

7.1 The annual removal of the spectator facilities were required by planning condition following the approval of this development in April 2022. Members of the committee stated at that time that they might look favourably on keeping the stand and facilities in place throughout the summer between the TT and the Festival of Motorcycling.

7.2 The applicant argues that the effort of removing these structures every summer is unsustainable. That effort has been weighed against the landscape impact of keeping the facilities in place for the summer season and it is concluded that the effort is not worthwhile, therefore it is acceptable for Condition 2 to be varied to allow additional weeks at either end of the annual cycle and for the facilities to stay in place for the summer.

7.3 Condition 2 should be varied from:

The four containers, associated supports, platforms, scaffolding and spectator seating may be erected no sooner than one week before the first practice of TT and may remain until one week after the last race in that event, and no sooner than one week before the first practice of the Festival of Motorcycling and may remain until one week after the last race of that event. No approval is granted to the retention of the structures for the period in between the two events.

To:

The four containers, associated supports, platforms, scaffolding and spectator seating may be erected no sooner than two weeks before the first practice of TT and may remain until two weeks after the last race of the Festival of Motorcycling in the same calendar year. The land shall be cleared of all paraphernalia outside of race periods and in a condition suitable for agriculture.

## INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

**Item 5.7**

**Proposal :** Alterations and extensions to existing agricultural building for housing of animals and storage of feed and equipment  
**Site Address :** Field 314584  
Ballaneven Farm  
Poortown Road  
Peel  
Isle Of Man  
**Applicant :** Mr Richard Kneen  
**Application No. :** 22/01117/B- [click to view](#)  
**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. For the avoidance of doubt the existing building and the proposed extensions shall only be used for the keeping and care of horses and agricultural animals, and for any agricultural feed or equipment associated with the keeping and care of those horses or animals.

Reason: Taking into account the original approval of the building under 98/01196/B and the proposed agricultural use of the extensions as part of this application.

C 3. In the event that the extension hereby approved is no longer used or required for the keeping and care of agricultural animals and for any associated agricultural feed or equipment storage, the extension hereby approved shall be removed and the ground restored to its former condition, within 6 months of the date the use ceased.

Reason: The extension has been exceptionally approved solely to meet the specific agricultural use based on the information provided, and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 4. The new hardstanding area hereby approved, and the existing hardstanding area indicated to be re-surfaced (not including the existing access lane and turning area to the building) on 'Site Layout Plan SL01' shall both be finished in a permeable surface and retained thereafter.

Reason: In the interest of reducing surface water run-off.

C 5. The new sod banks hereby approved shall be fully installed within 12 months of the existing sod banks being removed. The new sod banks shall be installed in full accordance with those details shown on 'Site layout Plan SL01' and 'Sod Bank Section BAFSB01' and retained thereafter.

Reason: In the interest of visual amenity and bio-diversity.



C 6. All landscape planting detailed within the submitted 'landscape plan' and 'supporting statement' shall be carried out in the first planting season following the completion of the development or the occupation of the approved agricultural extension, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: In the interest of visual amenity and bio-diversity.

N 1. The applicant is to be advised that there should be no vegetation or scrub removal between 1st March - 31st August in any year to avoid nesting birds. The applicant is to be reminded that it is an offence under the Wildlife Act 1990 to harm nesting birds.

N 2. The applicant is to be advised sod bank should not be removed between 1st October - 31st March in any year. When removing any sod banks during the active lizard season the bank should be removed from the middle first and working outwards to allow lizards time to relocate. The applicant is to be reminded that it is an offence under the Wildlife Act 1990 to harm a protected species which includes lizards.

Reason for approval:

Subject to conditions and notes in respect of the buildings approved use, landscaping and hardstanding works and sod bank replacement the extension and alterations works to the existing building and sod bank works are considered to have an acceptable visual and amenity impact and not to result in any adverse harm or loss to woodland area or harm to known habitats in accordance with EP1, EP2, EP3, EP4, EP15, EP27 and GP3(f) of the Isle of Man Strategic Plan 2016.

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

None

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

THE APPLICATION IS BEFORE THE COMMITTEE AS THE APPLICANT IS A MEMBER OF THE DEPARTMENT.

THE APPLICATION SITE

1.1 The application site relates to an existing agricultural building and part of its immediate surroundings sitting on the western side of the Poortown Road nearest its junction with the A3 at Ballig Bridge.

1.2 The site forms part of a much larger farm holding and fields sitting on this side of the road (edged blue in the submitted plans).

1.3 The existing building is 'L' shaped and measures at its biggest 9.3m wide x 12.2m long. The building is low level with a mono-pitch roof measuring 3m at its tallest point.

1.4 The building sits back a short distance from the road in a small clearing. There are trees dotted along the bank of the roadside boundary and a cluster of vegetation and trees further northwards.

1.5 South of the building and running along the other side of the access track is a sod bank. This measures approx. 2m wide and 1.3m tall and runs around 66m upwards towards field 314583.

## THE PROPOSAL

2.1 The current application seeks approval for a number of works, including extensions and alterations to the existing agricultural building, removal of the sod bank and reclamation of land into agricultural use, creation of additional hardstanding area nearest the agricultural building and the creation of new replacement sod banking measuring approx. 52m.

2.2 The proposed works seek to increase the building by 10.8m wide x 15.8m wide and keeping the 'L' shape arrangement. The building is proposed to be finished in timber, with a green coloured shallow pitched roof with a central ridge measuring 3m tall. Three field gates will be installed on the southern gable ends.

## PLANNING HISTORY

3.1 PA 98/01996/B was approved for stables subject to 3 conditions, one relating to the colour and roof materials, one stating that it must not result in the felling of any trees and one stating "the building may be used only for the keeping and care of horses and the site, by virtue of this approval may be used for the keeping and grazing of agricultural animals and horses."

## PLANNING POLICY

4.1 Part of the application site is within an area designated as 'woodland' on the 1982 Plan, and part is not designated for development. All of it sits within an AHLV. The site is not recognised as being at any flood risk on recent maps nor. Given the nature of the proposal is it relevant to consider the following policies:

- o General Policy 3(f) which sets out exceptions to development in the countryside including operations essential for conduct of agriculture,
- o Environment Policy 15 which outlines the general design criteria for agricultural buildings being positioned as close to existing buildings as possible and being of appropriate scale and sympathetic to the landscape.
- o Environment Policies 1 and 2 which ultimately seeks to protect the countryside for its own sake and from harmful and unwarranted development
- o Environment Policy 3 which seeks to avoid loss of or damage to woodland areas
- o Environment Policy 27 also seeks to enhance the natural environment
- o Environment Policy 4 seeks to protect habitats. General Policy 2 also contains a number of general standards towards acceptable development.

4.2 The Town and Country Planning Act 1999 states "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly."

## REPRESENTATIONS

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

5.1 German Commissioners - no objections (23/09/2022)

5.2 Department of Infrastructure Highway Services - do not oppose (15/09/2022 and 06/12/2022).

5.3 DEFA Ecosystems - do not oppose subject to conditions (08/12/2022) - although initially raising concerns for lack of sufficient justification for the sod bank removal and lack of

ecological mitigation, following discussions with the applicant and the submission of additional information, DEFA Ecosystems confirmed that the proposed replacement sod bank works and the planting would provide appropriate mitigation for the loss of the scrub area and banks. As such the landscaping should be secured by condition including conditions for vegetation works being undertaken outside of nesting bird season (March - August inclusive) and sod bank removal during the lizard active season (April-Sept) starting from the middle outwards to allow lizards to relocate.

5.4 DEFA Forestry - no objections (09/01/2023) - due to the existing hardstanding around the trees, it is unlikely that it would have an indirect impact to the retained trees.

## ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application are;

- o The principles of the development
- o The visual or amenity impacts on the character and appearance of the countryside and AHLV
- o Impact on trees
- o Impact on habitats

### Principle

6.2 There is a general presumption against new development in the countryside as set out in Environment Policy 1 and General Policy 3 of the Strategic Plan, however there are exceptions to this with respect to agricultural buildings as covered in GP3(f), and EP15 further requires there to be a satisfactory agricultural or horticultural need for new buildings so as to sufficiently outweigh the general policies against development. In this case there is already an existing building on the site which has been used alongside the agricultural operation of the land. The proposal is now for extensions to the existing building to help support the continued growth of the holding and provide additional shelter, lambing space and associated agricultural storage of equipment and feed, and to allow an increased area of manoeuvring of farm vehicles and yard area to support the holding.

### Works to existing building

6.3 In line with EP15, the extensions physically join the existing building and keep the spread of development to a minimum and within the existing clearing of the trees. Most of the works are to the rear although some parts of the extension may be visible from the highway through gaps in the roadside boundary. The new roof remains low level and no taller than the existing building, and the overall works are not expected to result in any significant changes to the overall appearance of the site and not to result in any new or adverse harm to the wider countryside or AHLV.

### Works to sod banks

6.4 The proposal will see a considerable length of sod banking and vegetation being removed, but its reformation in different parts of the site. Whilst there will be an overall loss of around 14m of sod bank, the works will make way for an increased area of land being reclaimed and used for agricultural purpose and farmed. The siting of the new sod banking will ensure continued habitat provision in the future whilst parts of the lower sod banking will also help to screen an increased area of hardstanding nearest the building and soften views towards the building too. Both areas of new sod banking should be secured by condition.

### Trees and Habitats

6.5 The existing building sits within a clearance in the trees and its extension and alteration is not expected to result in any harm to these trees. Similarly the location of the sod banks is mostly in the field and outside of the registered tree area and so there is no harm or loss to be expected. DEFA Forestry also confirmed no objections.

6.6 The submitted plans includes new surfacing in the extended area and resurfacing of the existing hardstanding area which sits closer to the trees yet there is no detail to specify

what the proposed finish. On discussion with the applicant, they stated that these areas are to be resurfaced in a similar loose aggregate material, and permeable. For the avoidance of doubt this is to be added by condition to ensure no new harm to the trees beyond the existing arrangement and to limit any potential surface water run-off.

6.7 Comments were received from Ecosystems in concern to the loss of the sod bank, however following site visits and additional information being submitted by the applicant detailing native planting for the banks and areas set aside for the planting of any tree whips found during the clearance of the existing sod banks and vegetation, DEFA Ecosystems confirmed that they were content with the level of information and detail provided and request that this be secured by condition.

## CONCLUSION

7.1 On review of the application and the additional information provided, it is considered that subject to conditions relating to the landscaping and planting, timing of works for replacement sod bank, hardstanding surface finish details, and that the existing building and its extensions remain only for their approved use and the extension removal should it no longer be required for its approved use, that the works to the building and sod banks are considered to have an acceptable visual and amenity impact and not to result in any adverse harm or loss to woodland area of habitats in accordance with EP1, EP2, EP3, EP4, EP15, EP27 and GP3(f) of the Isle of Man Strategic Plan 2016. Two notes shall be added in respect of vegetation and sod bank removal to advise the applicant that removal outside of these times could impact nesting birds or lizards which would be an offence under the Wildlife Act 1990.

## INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

**Item 5.8**

**Proposal :**                   **Erection of a cycle shelter for public use**  
**Site Address :**               **East Quay**  
                                      **Peel**  
                                      **Isle Of Man**  
**Applicant :**                   **Department Of Infrastructure**  
**Application No. :**           **22/01313/B- click to view**  
**Planning Officer :**         **Mrs Vanessa Porter**

**RECOMMENDATION:**   **To APPROVE the application**

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

Reason for approval:

The proposal complies with Section 18(4) of the Town and Country Act (1999) and Environment Policy 35 of the Isle of Man Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

Department for Infrastructure's Flood Risk Management Team should be afforded interested person status as they are a Government Department which has raised material planning considerations.

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**Planning Officer's Report**

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE GIVEN AN OBJECTION FROM THE LOCAL AUTHORITY WHERE THE APPLICATION IS RECOMMENDED FOR AN APPROVAL

THE APPLICATION SITE

1.1 The application site is within the curtilage of the Pier situated to the East of Peel Promenade.

THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a canopy style cycle shelter for public use measuring approximately 4.12m by 2m by 2.36m in height, coloured black.

PLANNING HISTORY

3.1 The previous applications upon East Quay are not relevant in the assessment of this application.

## PLANNING POLICY

4.1 The site lies within an area zoned as "Mixed Use" under the Peel Local Plan 1989. The site is within a Flood Risk Zone and within a Conservation Area.

4.2 Given the nature of the of the land designation and the property being within a Conservation Area, Section 18(4) of the Town and Country Planning Act (1999) is the most relevant in the assessment of this application. Followed by paragraph 7.29.2 and Environment Policy 35 of the Isle of Man Strategic Plan, which set out development in Conservation Areas will only be permitted where they preserve or enhance the character and appearance of the area.

## REPRESENTATIONS

5.1 The following representations can be found in full online;

5.2 Highway Services have considered the proposal and state "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking." (17.11.22)

5.3 Peel Town Commissioners have considered the application and wish to object to the proposal on the basis of the removal of car parking from the quayside. (23.11.22)

5.4 DEFA Fisheries have considered the application and have no concerns. (23.11.22)

5.5 DOI Flood Risk Management Division have considered the application and Do not Oppose. (14.11.22)

## ASSESSMENT

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

- Section 18(4) test
- character and appearance (GP2, b,c)
- highway impact

### 6.2 SECTION 18(4) TEST

6.2.1 Due to the proposed works being in a Conservation Area it is necessary to test the application under section 18(4) of the Town and Country Act (1999), see section 4.2 of this report, on whether the works preserve or enhance the Conservation Area.

6.2.2 Whilst the proposal is within a very public vantage point, the proposal is for a modest structure which will not impact the overall streetscene or Conservation Area as a whole.

6.2.4 With the above in mind the works will pass the Section 18(4) test by preserving the Conservation Area.

### 6.3 CHARACTER AND APPEARANCE

6.3.1 When looking at the character and appearance of the proposed works on the surrounding area, the main impact would be making sure that the works preserve or enhance the Conservation Area. Having discussed the application with the Principle Registered Buildings Control Officer, as stated above the proposal is for a modest cycle storage which will ultimately preserve the Conservation Area as a whole.

## 6.4 HIGHWAY IMPACT

6.4.1 An objection has been received with regards to the removal of car parking spaces for the installation of the cycle storage, whilst the proposal will be removing car parking on site, it is relevant to note that this has been outweighed by the proposal which creates space for up to 10 bikes.

## CONCLUSION

7.1 The proposed cycle storage is deemed acceptable in terms of its form, mass and design which preserves the overall Conservation Area and as such complies with Section 18(4) of the Town and Country Act (1999) and Environment Policy 35 of the Isle of Man Strategic Plan 2016.

## INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

**Item 5.9**

**Proposal :** Re positioning of a farm gate access  
**Site Address :** Field 134403  
Glentramman Abbey Farm  
Lezayre Road  
Ramsey  
IM7 2AR  
**Applicant :** Mr Darren Cunningham  
**Application No. :** 22/01391/B- click to view  
**Planning Officer :** Mr Peiran Shen

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. Prior to the new access being brought into use the existing access as shown on drawing no. GTAF4A, received on 8th December 2022, shall be closed up in accordance with details to be submitted and agreed in writing by the Department. The agreed measures shall thereafter be retained.

Reason: in the interest of highway safety and preserving character of the area.

Reason for approval:

This approval is considered to comply with General Policy 2, General Policy 3, Environment Policy 1, and Environment Policy 2 of the Strategic Plan.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE GIVEN AN OBJECTION FROM THE LOCAL AUTHORITY CONTRARY TO THE RECOMMENDATION

1.0 THE SITE

1.1 The application site is Field 134403, Glentramman Abbey Farm, Lezayre Road, Ramsey. It is on the west end of Lezayre Road, close to its junction with Lezayre Church Road and the east end of Glen Tramman. There is an access at the northwest corner of the site.

2.0 THE PROPOSAL



2.1 The proposed is relocation of the existing access eastward, setting it further back from the road and widening it to 4m.

### 3.0 PLANNING HISTORY

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

### 4.0 PLANNING POLICY

4.1 The site is within an area designated as private woodland in the 1982 Development Plan, meaning it is considered part of the countryside.

4.2 The site is also within an area of High Landscape or Costal Value and Scenic Significance (AHLV's).

4.3 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 General Policy 2 (b), (c), (d), (f), (g), (i)
- o General Policy 3 (f)
- o Environment Policy 1, 2

### 5.0 OTHER MATERIAL CONSIDERATIONS

#### Strategy and Guidance

5.1 There is no strategy or guidance considered materially relevant to this application.

### 6.0 REPRESENTATIONS

6.1 Lezayre Parish Commissioners objects to this application (07.12.2022). The comment states that the application is retrospective, which was not stated in the application, and the existing trees had been removed at the time of the application. The comment also suggests alternative locations for accessing the field.

6.2 DoI Highway Services does not oppose this application (22.12.2022) after the gate is further setback from the highway. The comment states that the visibility splay is acceptable and the additional setback would safeguard highway safety. The comment also states that the existing access is to be closed off and a surface water drainage solution should be provided.

### 7.0 ASSESSMENT

7.1 The main concern for this application is its impact on the character of the area, on wildlife and on highway safety.

7.2 The proposed timber gate and fences are in keeping with the surroundings. Therefore, the impact on the character of the area is considered acceptable.

7.3 As Highway Services has no objection, its impact is considered acceptable. In the meantime, a condition will be attached to ensure that the existing access is closed off.

7.4 While the Commissioners has questions about the retrospective status of the proposal and the possible better location for this access, the former would not have a material impact on the assessment of the application and the latter is not a material reason for recommending refusal. The removal of vegetation alone, even if unlawfully, does not fall under the jurisdiction of planning and therefore is not a material consideration.

### 8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2, General Policy 3, Environment Policy 1, and Environment Policy 2 of the Strategic Plan. Therefore, it is recommended for an approval.

### 9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4)), the following persons are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
- (c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
- (d) Highway Services Division of Department of Infrastructure and
- (e) The local authority in whose district the land which the subject of the application is situated.

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 in Article 6(4) who should be given Interested Person Status.

**Item 5.10**

**Proposal :**                   **Erection of a dwelling in Area A and creation of a public open space and microwood in Area B.**  
**Site Address :**               **Plot Of Land At**  
                                      **St Stephens Meadow**  
                                      **Sulby**  
                                      **Isle Of Man**  
**Applicant :**                   **Hartford Homes**  
**Application No. :**           **22/01191/B- click to view**  
**Planning Officer :**         **Mr Toby Cowell**

**RECOMMENDATION: To APPROVE the application**

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. All planting, seeding or turfing comprised in the approved details of landscaping, including those detailed in the Ecological Technical Note (Manx Wildlife Trust, August 2022), must 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 within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: the landscaping of the site is an integral part of the scheme and must be implemented as approved.

C 3. Prior to the commencement of development, further details of additional tree planting within the site shall be submitted for approved by the Department in line with the Tree Officer's recommendations. All planting shall be carried out in strict accordance with the approved details, and must be carried out in the first planting season following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: in order to mitigate the loss of potential tree coverage and in the interests of visual amenity.

C 4. Prior to the occupation of the development hereby permitted, the approved access, parking and visibility splays shall be constructed in accordance with i-Transport's drawing no. ITB18281-GA-001 and Hartford Homes drawing 02A, and retained thereafter in perpetuity.

Reason: to ensure the development is served by a suitable access and in the interests of highway safety.

C 5. Prior to the commencement of development, full details of all hardsurfacing within the site and surface water drainage shall be submitted to the Department for approval. The development shall be constructed in strict accordance with the approved details and retained as such thereafter in perpetuity.

Reason: to ensure the development incorporates appropriate surface water drainage measures and to prevent surface water run-off onto the highway.

Reason for approval:

The proposed development is considered to constitute a high standard of design, whilst ensuring the most efficient use of the site by providing an additional dwelling. The proposals would further enhance the existing informal amenity area through additional planting, whilst ensuring that the maintenance requirements of this area would be reduced. The proposals are not considered to result in a detrimental impact upon the amenities of surrounding residential properties, whilst providing sufficient on-site parking to serve the resultant dwelling. The proposals are therefore deemed compliant with General Policy 2 (b), (c) & (g) and Environment Policy 42 of the Strategic Plan (2016).

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

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

10 St. Stephen's Meadow, Sulby  
21 St. Stephen's Meadow, Sulby

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

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO NON-COMPLIANCE WITH THE SULBY LOCAL PLAN AND PREVIOUS PLANNING HISTORY OF MATERIAL RELEVANCE TO THE DEVELOPMENT

#### 1.0 THE SITE

1.1 The application site relates to a corner plot of undeveloped informal amenity land (Area A) adjacent to Nos. 9 (west) and 10 (north) St. Stephen's Meadow, Sulby. The site also includes an additional area of informal amenity land and woodland (Areas B and C) between St. Stephen's Meadow to the north and the Main Road (A3) to the south. Both portions of the application falls within an area zoned as 'predominantly residential' and specifically with Development Area 2 in the Sulby Local Plan 1998.

1.2 It is further noteworthy that the portion of the application site denoted in the submission as Areas B and C have been allocated as 'Open Space' within the Draft Area Plan for the North and West, however the area corresponding to Area A (i.e. location of the proposed dwelling), has not. The site falls entirely within Sulby's defined settlement boundary.

#### 2.0 THE PROPOSAL

2.1 Planning permission is sought for the erection of a single detached 3-bedroom L-shaped bungalow within Area A, incorporating a dual hipped roof finished in painted render, a

natural stone plinth and artificial slate. The proposals further include the erection of a detached dual pitched single garage in the north-western corner of the site, and the creation of a new vehicular access onto the road. Existing mature trees within the site are to be retained, with a new hedgerow planted immediately in front between the dwelling and garage with a corresponding 1.5m high timber fence behind. Existing hedgerows forming the site's northern and western boundaries would be removed and replaced with a hornbeam hedge, with the existing boundary fence repaired and replaced where required.

2.2 Within Area B to the immediate south-west, additional tree planting is proposed whilst leaving a 4m clearance zone from the existing pumping main leading to the pumping station serving the wider residential development.

2.3 With respect to Area C, the existing grass will be removed and replaced with species rich grass and wildflowers, thus reducing maintenance requirements, and include additional thicket planting. A 3m clearance radius will be provided around each of the 3 existing soakaways in this area, and a new boulder circle is to be placed at the western end of Area C. All additional planting works are to be undertaken with input from Manx Wildlife Trust.

### 3.0 PLANNING HISTORY

3.1 04/00832/B - Creation of an additional plot and dwelling on approved Residential Development (00/00259B and 01/02383B) - Refused

3.2 01/02383/B - Erection of dwellings (substitution of approved house types), plots 1, 2, 6, 7, 10-21, new residential development - Permitted

3.3 00/00259/B - Residential development comprising 21 dwellings, roads, plots and sewers - Approved at appeal

3.4 98/00390/A - Approval in principle for residential development comprising 21 dwellings - Approved at appeal

### 4.0 PLANNING POLICY

4.1 The application site is identified on the Sulby Local Plan (1998) as land zoned for 'predominantly residential' purposes, is not within a Conservation Area nor identified as being at risk of flooding.

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

#### Strategic Policy

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

#### Spatial Policy

- 4 Development in Remaining Villages

#### General Policy

- 2b,c,g General Development Considerations

#### Environment Policy

- 42 Designed to respect the character and identity of the locality

#### Housing Policy

- 4 New Housing to defined existing towns

#### Transport Policy

- 4 Highways safety
- 7 Parking

#### Infrastructure Policy

- 5 Water conservation and management

#### Community Policy

- 7 Designing out criminal and anti-social behaviour
- 11 Prevention for the outbreak and spread of fire

#### 4.3 Residential Design Guide (2021)

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

#### 5.0 REPRESENTATIONS

5.1 Lezayre Parish Commissioners - Unanimous approval, but make the following points (11.11.22):

- Building should be sited back in the plot towards the garage;
- Note existing hedge to be maintained which has been allowed to grow out of control. Request that hedge be removed and replaced with a more manageable hedge, as per comments from adjacent properties

5.2 Highways Services - No objection subject to conditions, including providing detail of hardsurfacing and surface drainage details. The Applicant is also advised of the need for a s109(A) Highway Agreement after grant of planning consent (17.10.22).

All previous comments remain valid upon submission of amended drawing, aside from change in reference to amended drawing as part of condition (14.12.22)

5.3 Highways Drainage - No details provided indicating the difference in levels from the site to the highway or indication of surface water flow and control (28.11.22).

5.4 Manx Utilities Authority - Request deferral until site visit undertaken and area of proposed microwood to be examined given its proximity to the pumping main for the development (18.11.22).

No objection upon submission of additional information (14.12.22)

5.5 DEFA Biodiversity - No objection, request condition be attached securing planting and mitigation as per details within MWT's Technical Note (20.10.22)

5.6 Tree Officer - No indication provided as to how existing trees within the site will be retained. Due to close proximity of new dwelling to the trees, it is unlikely adequate protection will be achievable and will likely be detrimentally impacted by construction. Trees are however of a low arboricultural value and therefore their removal would not be objected to subject to mitigation of their loss through additional trees being planted in adjacent microwood. Such planting could be secured through condition (08.12.22).

5.7 Two letters of representation have been received from residential properties adjoining the application site, which include the following comments:

- Concern over the state of the hedge bordering Area A, which has not been properly maintained and is significantly overgrown;
- Request the thicket hedge is removed and replanted by a slow growing hedge and maintained at a sensible height;
- Principle of turning Area B into area of public open space supported;

- This area is however overgrown and only limited detail is provided on how this would be planted and maintained;
- Hope that this area will be properly maintained, particularly given the lack of willingness of the Local Authority to adopt and maintain these areas;
- Support proposals for Area C which would enhance this area and reduce maintenance requirements.

## 6.0 ASSESSMENT

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

- Principle of development (SP4)
- Design and visual impact (STP5, GP2, EP42)
- Impact upon neighbouring amenity (GP2, g)
- Highways and parking (TP4, 7)
- Other matters (RDG, EP22, CP7, 11 and IP5)

## 6.2 PRINCIPLE

6.2.1 The site falls within the settlement boundary of Sulby and an area zoned as 'predominantly residential' in the Local Plan, where there is general support for new dwellings in accordance with Spatial Policy 4 of the Strategic Plan provided such development would maintain the existing settlement character and be of an appropriate scale to meet local needs for housing.

6.2.2 The site further forms part of Development Area 2 in the Sulby Local Plan, the development brief for which states that a maximum of 21 dwellings may be permitted. Such development has already been granted planning permission and constructed up to the maximum of 21 dwellings as per the planning history for the site. It is further noted that an application for the creation of a further residential plot contiguous with the present application site was refused in 2004 on the grounds of being contrary to the abovementioned development brief, whilst reducing the level of open space provision within the approved development, to the detriment of residential amenity.

6.2.3 Notwithstanding this however, the site forms part of the defined village of Sulby, classified as one of the 'remaining villages' in the Strategic Plan, with no such stipulations on the number of dwellings which could or may be permitted within areas zoned for 'predominantly residential' purposes as per Spatial Policy 4 of the Strategic Plan. Indeed, it has been common practice in recent years for a greater number of dwellings to be permitted on sites covered by development briefs with specific maximum unit thresholds in Local Plans where the design, layout, form and density of proposals would be appropriate in the context of surrounding development. This approach stems from the commentary provided within Strategic Policy 1, which requires development to make the best use of resources, which includes optimising unused land and ensuring the most efficient use of sites.

6.2.4 Given the above therefore, and whilst recognising that the Sulby Local Plan remains part of the adopted Development Plan for the site, the erection of a dwelling on a presently unused parcel of land adjacent to existing residential properties is considered to gain support in principle from the Strategic Plan; the latest iteration of which was adopted 18 years after the Sulby Local Plan. Matters relating to design, layout and loss of present open amenity space as a result of the development are covered in the following sections of this report.

## 6.3 DESIGN AND VISUAL IMPACT

6.3.1 The principal element of the proposals relate to the erection of a detached bungalow and corresponding detached single garage. The bungalow is considered to be of a reasonably traditional and uncomplicated form, utilising a combination of render and traditional stonework with artificial slate for the roof. Such design and materials palette are entirely in keeping with surrounding properties forming part of the original development for the site.

6.3.2 It is recognised that all dwellings within the cul-de-sac are both detached and conventional two-storey properties, with the proposed development comprising an exception as the only bungalow on the estate. It is evident that the development of a bungalow has been chosen on this site due to the close proximity of Nos. 10 and 11 to the immediate north and north-west, and therefore a two-storey dwelling in this location would likely give rise to a detrimental impact upon the privacy of the aforementioned properties into the rear gardens and primary rear windows.

6.3.3 From a visual perspective, the development of a bungalow on this site is not objected to, and indeed whilst differing in scale to surrounding properties, is located on a section of the streetscene which bends round to the north and therefore sits within a plot that is largely unique. The resultant bungalow would not be immediately clearly read within the context of surrounding properties or appear incongruous when compared to if the property were to be sited in between two-storey dwellings, for example. In any case, the development of a two-storey dwelling in this location would not be appropriate for reasons already outlined, and the erection of a bungalow amounts to the most efficient use of the site without an undue level of harm to the visual amenities of the streetscene.

6.3.4 It is noted from comments received by the Local Authority of a preference for the dwelling to be more centrally located within the site and shifted to the west. Whilst it is noted that the proposed dwelling would be located in greater proximity to the streetscene than most other properties on the estate, it should be recognised that the dwelling is only single storey and therefore its prominence in this context would be reduced. Likewise, were the dwelling to be shifted further to the west within the plot, this would result in increased pressures to retained mature trees within the site by impinging their root protection areas and canopy cover. Furthermore, the rear garden area afforded for the dwelling would also be reduced significantly to the detriment of the amenities of future occupants. Consequently, whilst the Local Authority's comments are recognised and sympathised with, it is considered that on balance the current siting of the dwelling as proposed represents the optimum solution in the context of all relevant material considerations.

6.3.5 The proposals are therefore considered to be acceptable from a visual impact perspective in the context of the immediate streetscene, whilst representing good quality design, in compliance with General Policy 2 (b) & (c) and Environment Policy 42 of the Strategic Plan.

#### 6.4 NEIGHBOURING AMENITY

6.4.1 It is noted that the proposed dwelling would be sited in relative proximity to No. 10 to the north (12.8m) and No. 11 to the north-west (12.73m), with the upper sections of the dwelling (roof) to be visible from their respective rear gardens. However, due to the modest scale of the bungalow which only living accommodation and corresponding fenestration included on the ground floor, the proposals would not give rise to a materially harmful impact upon the amenities of such properties in respect of loss of light, overshadowing, overdominance or loss of privacy. Likewise, given the above considerations and noting the retained distance of 17.71m between the rear of the new dwelling and No. 9 to the west; the proposals would not give rise to a materially harmful impact upon the amenities of this neighbouring property either.

6.4.2 Following comments received from neighbouring properties over the state and fast growing nature of the existing boundary hedgerow, the application has been amended by way of removing the existing hedging along the northern and western site boundaries, and replacement with a new, slower growing Hornbeam hedge. The existing close boarded timber fence behind would be repaired and replaced in sections where required. The retention of the fencing and new hedging would ensure that the privacy of future occupants and surrounding properties would not be compromised. The proposals are therefore deemed compliant with General Policy 2 (g) of the Strategic Plan.



## 6.5 HIGHWAYS AND PARKING

6.5.1 No objections have been raised by Highways Services with respect to the proposals, but have requested that further details provided with respect to hardsurfacing and drainage in relation to the adjacent highway. Further information was also requested by Highways Drainage with respect to drainage. The applicant has since provided confirmation that drainage channels will be installed at the end of the driveway and footpath adjacent to the pavement to prevent any surface water run-off onto the highway. Full details with respect to confirmation of hardsurfacing and drainage can be suitably controlled by condition.

## 6.6 OTHER MATTERS

6.6.1 The proposed works comprise a single additional dwelling, and are not considered to pose any issues with respect to criminal activity or spread of fire. The proposed dwelling would connect to the existing public sewer servicing the wider estate with respect to surface water and foul water drainage, which is considered to be acceptable. Given the proposals relate to a single dwelling of a moderate footprint and level of accommodation, it is not considered that the development would pose a material impact upon capacity.

6.6.2 Following comments received from the Tree Officer regarding the request for additional tree planting, the applicant has confirmed they would be willing to plant an additional 5 trees as requested. Such details, together with the measures and recommendations contained within the report provided by Manx Wildlife Trust, can be suitably controlled by condition/s.

## 7.0 CONCLUSION

7.1 The proposed development is considered to constitute a high standard of design, whilst ensuring the most efficient use of the site by providing an additional dwelling. The proposals would further enhance the existing informal amenity area through additional planting, whilst ensuring that the maintenance requirements of this area would be reduced. The proposals are not considered to result in a detrimental impact upon the amenities of surrounding residential properties, whilst providing sufficient on-site parking to serve the resultant dwelling. The proposals are therefore deemed compliant with General Policy 2 (b), (c) & (g) and Environment Policy 42 of the Strategic Plan (2016), and 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.

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

**Item 5.11**

**Proposal :** Demolition of existing building and replacement with changing rooms to current English Football Association standards

**Site Address :** Pulrose Pavilion  
Springfield Road,  
Pulrose,  
Douglas  
IM2 1AX

**Applicant :** Douglas Borough Council

**Application No. :** 22/01456/B- [click to view](#)

**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The building hereby approved shall not be used other than for sport and leisure purposes in connection with the adjacent playing fields, or such other use/s which shall first have been agreed in writing by the Department.

Reason: In the interest of residential amenities, parking provision and as the application has been judged on the grounds that the building will only be used as a changing rooms for use in connection with the adjacent playing fields and for no other purpose.

Reason for approval:

The proposed clubhouse would represent a visual improvement over the existing situation and be beneficial to the visual impact to the site and the area, while providing an improvement public facility. Further the proposal has no significant adverse impact upon public or private amenities and complies with General Policy 2 of the IOM Strategic Plan 2016 and Area Plan for the East 2020 and is recommended for an approval.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

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

1.0 APPLICATION SITE

1.1 The application site is located to the south east corner of the playing fields on Springfield Road, Douglas. It comprises part of the playing field and a clubhouse. The

existing clubhouse which was constructed about 20+ years ago and is clad in timber panels with a felt roof. It is single storey and measures 19 metres long, by 9 metres wide, and is 3.6 metres high. This has been condemned by Douglas Borough Council due to its poor condition.

## 2.0 THE PROPOSAL

2.1 The application seeks planning permission for the demolition of existing building and replacement with changing rooms to current English Football Association standards. The proposal would be single storey and measures 18.9 metres long, by 10.6 metres wide, and a roof ridge height of 4 metres. The external finishes will be a two tone (red & yellow) coloured brick and a colour coated steel with tile profile in colour mid grey.). The proposal would accommodate 4 changing rooms, two officials changing room and a number of toilets.

2.2 The applicants have indicated that;

"Due to the unsafe nature of the existing wooden cabin changing facilities at Spring Valley playing fields in Pulrose, the building was condemned by the Council and the only viable option is to demolish the existing structure. This planning application is to replace the existing facilities in line with the English Football Associations Football Foundation (FF) step 7 changing room requirements. The Council have been working with the FF to ensure the new changing facility meets the current FF step 7 standards for changing facilities. With the changing facility meeting the FF requirements the project has access to significant grant funding from the FF. This FF grant funding currently makes the project financially viable for the Council."

2.3 Further they comment;

"The site currently has three teams that play at the venue Pulrose United Football Club, Douglas Athletic Football Club and Douglas and District Football Club. All have a long history of using and hiring facilities at the site. Each team have their own football pitch at the site. Pulrose United Football Club, and Douglas Athletic Football Club play within the playing fields that incorporated the existing changing rooms. In the past this playing field has incorporated three football pitches and one junior or seven a side pitch. Douglas and District football club are using the pitch within field No. 524801 on the other side of Springfield Road.

Currently the three clubs who play at the venue hire the pitch and the changing rooms from the Council for football matches only. The hire of the pitches and changing room is predominantly over the weekend providing football matches for men's, women's and junior football teams. The clubs also use the site for training for all age groups and teams in the evenings and weekends"

## 3.0 PLANNING HISTORY

3.1 Erection of replacement temporary changing facility, toilets and storage shed (Part retrospective) - 22/01058/B - APPROVED

3.1 Erection of a replacement building to provide changing facilities - 18/00732/B - APPROVED (expired 18.09.2022).

3.2 Erection of a replacement club house - 13/00510/B - APPROVED

3.3 Siting of a temporary mobile unit to provide changing facilities - 10/01143/B - APPROVED

3.4 Construction of changing accommodation - 90/01988/B - APPROVED

3.5 Approval in principle for construction of changing accommodation - 90/01372/A - APPROVED

3.6 12/00664/B - permission granted in October 2012 for construction of 38 sheltered housing apartments and ancillary accommodation, parking and public open space. The open space and emergency access is where the existing car park is located.

#### 4.0 PLANNING POLICY

4.1 The Area Plan for the East 2020 identifies the site as being within an area of "Open Space - Sports Pitches". The site is not within a Conservation Area.

4.2 Since the application relates to the loss of "Open Space" given its footprint and associated building would be installed on this land, it could be argued that the proposal is not in accordance with the zoning of the site. However, the proposals would be used in association with the "Sports Fields" and are a requirement for such facilities, therefore it is considered the principle of the works do comply with land use zoning.

4.3 Accordingly General Policy 2 should be considered 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."

4.5 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.'

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

4.7 Recreation Policy 2 - "Development which would adversely affect, or result in the loss of Open Space or a recreational facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:

- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and
- (b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area."

## 5.0 REPRESENTATIONS

### 5.1 Highways Services comment (14.12.2022);

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking."

### 5.2 Douglas Borough Council do no object (13.12.20922).

## 6.0 ASSESSMENT

The effect of the proposal on the character and appearance of the area

6.1 The proposed building is similar in form to the original clubhouse although it would be a little larger and taller. The new building would be constructed from different materials to the existing, albeit the red/yellow brick finish would be more in keeping with the recently constructed dwelling/shelter housing complex in the area. And therefore it is felt that these finishes would be in keeping with the area. The proposal is also very similar to the previously approved clubhouse (18/00732/B) on the site, which was larger in size, but had the same finishes and overall design.

6.2 The new building would be a visual improvement over the existing. The impact of the new building would not be appreciably different to the existing clubhouse and, overall, it is felt that the character and appearance of the area would be preserved.

The effect on neighbour amenity

6.3 The site is situated on the edge of a built up residential area and use of the building has the potential to give rise to noise and conflict with residential neighbours. However, the new changing rooms are small (smaller than existing) and the impact is likely to be similar to the previous changing room use near the site to the east. It is therefore concluded that the proposal raises no new issues of impact on neighbour amenity.

Access and parking

6.4 There is limited parking available on site and this was the case for the last approved applications 13/00510/B and 18/00732/B. Until the re-development of the housing in the area, there was a greater area of hardstanding for parking to the south-east of the site; however, the majority of this area was lost to provide open space and emergency access. Accordingly, as accepted under the last approved application which was larger (18/00732/B), it is understood that the majority of the people who play for Pulrose AFC, and spectators, live within walking distance of the football pitch. Further the applicants have also previously commented that it is normally visiting teams and spectators who require car parking and they generally park alongside Springfield Road as there are no yellow lines restricting parking in the area. It should also be noted that this only occurs when football matches are actually being played, usually for a couple of hours on a Saturday afternoon or Sunday morning, during the football season.

6.5 The amount of changing rooms proposed is not increasing and therefore the same number of teams who would use the changing rooms would remain as is. Accordingly, given there is no increase in traffic generation, it is again considered the proposal should not cause parking or access issues over and above the existing situation.

## 7.0 CONCLUSION

7.1 The proposed clubhouse would represent a visual improvement over the existing situation and be beneficial to the visual impact to the site and the area, while providing an improvement public facility. Further the proposal has no significant adverse impact upon public or private amenities and complies with General Policy 2 of the IOM Strategic Plan 2016 and Area Plan for the East 2020 and is recommended for an approval.

## 8.0 INTEREST PERSON STATUS

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

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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
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