



Isle of Man
Government

Reillys 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, 30th 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. 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 16th January 2023.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

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

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

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

8. Any other business

9. Next meeting of the Planning Committee

Set for 13th February 2023.

PLANNING COMMITTEE Meeting, 30th January 2023
Schedule of planning applications

<p>Item 5.1 Ballatiki Shore Road Ballaugh Isle Of Man IM7 5AZ</p> <p>PA22/01404/B Recommendation : Permitted</p>	<p>Erection of a dwelling to replace former dwelling, Ballatiki</p>
<p>Item 5.2 Field 324071 & 321618 Garth Road Crosby Isle Of Man IM4 2HB</p> <p>PA22/01158/B Recommendation : Permitted</p>	<p>Erection of a stable block within Field 324071 with hardstanding, creation of a new access Field 321618 and Change of Use of Field 324071 from agricultural to Equestrian use</p>
<p>Item 5.3 Car Park Farrants Way Castletown Isle Of Man</p> <p>PA22/00574/B Recommendation : Permitted</p>	<p>Change of use from public car park to contract car park including alterations to parking layout and the installation of entry and exit barriers</p>
<p>Item 5.4 Field 430575 (now 435235) Opposite Outbuildings Middle Cordeman St Marks Country Park Cordeman Road St Marks</p> <p>PA22/00782/A Recommendation : Refused</p>	<p>Approval in principle application for the erection of tourist and craft units and creation of motorhome overnight parking facility reserving siting, internal layout, drainage, design, means of access, landscaping and external appearance for future consideration</p>
<p>Item 5.5 Jack Frost Building Spring Valley Industrial Estate Douglas Isle Of Man IM2 2QU</p> <p>PA22/01482/B Recommendation : Permitted</p>	<p>Install a mezzanine floor level for use as a gymnasium into an existing building that has been granted a Change of Use at Ground Floor for use as a gymnasium</p>

PLANNING AUTHORITY AGENDA FOR 30th January 2023

Item 5.1

Proposal : **Erection of a dwelling to replace former dwelling, Ballatiki**
Site Address : **Ballatiki**
Shore Road
Ballaugh
Isle Of Man
IM7 5AZ
Applicant : **Mr Julian Wood**
Application No. : **22/01404/B**- click to view
Planning Officer : **Mr Toby Cowell**

RECOMMENDATION: **To APPROVE the application**

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. 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 all hardsurfacing, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 3. The visibility splay(s) identified on drwg. no. 03 shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050 mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

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 extension, enlargement or other alteration of the dwelling, and no garages or other free standing buildings shall be erected within the curtilage of the dwelling hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department. Likewise,

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

Reason for approval:

The proposed development is considered to be acceptable in principle by providing a modern dwelling of a high standard of design, which would successfully assimilate into the wider streetscene without detriment to the character of the wider streetscene or landscape setting. The proposals comprise a more efficient use of the site than the previous dwelling in situ,

whilst amounting to an environmental improvement through the use of modern buildings techniques, solar panels and an air source heat pump.

The development is considered to be provide suitable accommodation for future occupants, without detriment to the amenities of surrounding properties or giving rise to an adverse impact upon highway safety. The proposals are therefore deemed compliant with General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policy 14 of the Strategic Plan.

Interested Person Status – Additional Persons

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

Department of Infrastructure Highways Drainage

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

Sunsets, Shore Road, Ballaugh

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

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

Ballakinnag Cottage, Ballakinnag Road, Smeale, Ramsey
Shee, Shore Road, Ballaugh
The Gables, Shore Road, Ballaugh
Aalid Feie, Shore Road, Ballaugh
Thie Ollee, Bollyn Road, Ballaugh
Far Horizon, Shore Road, Ballaugh
Ballacanadia, Shore Road, Ballaugh
Clearview, Shore Road, Ballaugh
The Old School, Shore Road, Ballaugh
Reflections, Shore Road, Ballaugh
Dunlins, Shore Road, Ballaugh
69 Victoria Terrace, Bedlington, Northumbria, UK

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.

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site comprised until recently the residential curtilage of Ballatiki which was a single storey detached dwelling (demolished in 2021) located on the north-eastern side of Shore Road and northwest of The Cronk. Shore Road consists of a variety of dwellings to its eastern side. The Shore Road is a dead end leading to Ballaugh Beach.

1.2 The neighbouring property of Ballakinnag House to the east of the application site, which is a two storey detached dwelling, is within the same ownership. A large garage/workshop has been constructed in the north-eastern corner of the former curtilage in accordance with a previous grant of planning permission.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the erection of a single detached 1.5 storey dwellinghouse comprising a total of 4 bedrooms within the curtilage occupied by the former dwelling of Ballatiki. The dwelling would effectively be 'dog-legged' as it runs adjacent to the site's north-western flank boundary and turns the corner to mirror the shape of the plot adjacent to the residential curtilage associated with the neighbouring property of 'Sunsets'.

2.2 The dwelling would include a conventional dual-pitched roof with a moderate overhang on the south-western elevation closest to the streetscene, with first-floor accommodation primarily facilitated through a series of rooflights. A small dual-pitched gable is noted on the north-western elevation above the eaves with a reduced ridge height relative to the principle roof, and would include a small window serving an upper floor bedroom. A small balcony is also shown on the south-western elevation overlooking the streetscene enclosed by glass balustrades.

2.3 The property would be finished in natural stone for the exterior at ground-floor level, slate grey coloured woodgrain cladding for each gable end within the apex and anthracite coloured standing seam roofing from Catnic.

2.4 The existing vehicular access to the site would be retained and include the installation of a new drainage channel adjacent to the highway to collect any surface water run-off, with a parking area for vehicles directly behind adjacent to the dwelling's south-western elevation. An additional vehicular access will also be constructed leading to the garage/workshop in the site's north-east corner and run parallel to the flank elevation of Ballakinnag House. This access has already been granted planning permission in connection with PA20/00648/B for the garage/workshop.

2.5 The resultant site layout includes a turning head between the garage/workshop and north-eastern elevation of the proposed dwelling, with the remainder of the site to be laid to lawn. Furthermore, 2 no. soakaways are shown on the proposed site layout plan, one within the parking area and the other within the grassed area between the dwelling and the consented access leading to the garage/workshop. The latter soakaway would manage surface water run-off from the aforementioned access, with a new septic tank to be installed on site in a located to be agreed with Building Control should planning permission be forthcoming.

3.0 PLANNING HISTORY

3.1 A number of planning applications are associated with this site and neighbouring site (Ballakinnag House); however, only the following applications are considered relevant in the determination of the application;

3.2 A previous planning application PA20/00648/B and the subsequent Minor Changes application PA21/00193/MCH were granted for the "erection of detached garage/workshop with associated driveway and new vehicular access" and "Minor Changes application to PA20/00648/B involving relocation of approved garage (retrospective)."

3.3 It should be noted that between June and September 2021 the dwelling on the application site (Ballatiki) was demolished and the site was cleared. On this matter the applicants had stated:

"1.4 Ballatiki was demolished between June and September, 2021 in accordance with 21/00011/BCD and the site is essentially part of the curtilage of Ballakinnag House (see below for the most recent application on the site for the replacement of Ballatiki with a summer house). Planning approval was granted for the garage/shed under 20/00648/B but this did not necessitate the demolition of Ballatiki. The dwelling was demolished on the basis that the application for the proposed outbuilding showed the access to the new building very close to the side of Ballatiki which required a landscaping scheme to protect the living conditions of both properties from the impacts of the use of the driveway. A re-built, repositioned dwelling could provide better levels of amenity for both its occupants and those in Ballakinnag House.

1.5 It was the applicant's intention to upgrade Ballatiki to modern standards of thermal and energy efficient however, on looking into this more closely, it appeared that to do that, it would be beneficial economically, visually and energy wise, to replace the bungalow rather than refurbish it. The applicant then considered replacing the bungalow with a summer house/garden room which was the subject of 21/00712/B. This application was withdrawn before it was determined after the applicant changed his mind and decided that the best arrangement for their family was to redevelop Ballatiki as a dwelling in which his son could live on moving back to the Island. The dwelling, Ballatiki was demolished in anticipation of either its replacement with a new dwelling or its replacement with the summer house. The applicant was not aware of the planning implications of removing the dwelling before gaining planning approval for a replacement dwelling."

3.4 Subsequent to the grant of planning permission for the garage/workshop, approval in principle was sought for the erection of a new dwelling to replace the former property of Balltiki under PA21/01234/A. Permission was granted at planning committee on the basis that, whilst the previous dwelling had been demolished, its demolition had been very recent and done without knowledge of the potential planning implications should the applicants sought to erect a new dwelling in its place. Furthermore, the case officer for the previous application noted that the site had accommodated a dwelling for a number of decades with its existing access and curtilage still in place. It was therefore considered, from a reasonable and rational standpoint, to accept that the principle of development was established.

3.5 The permission was however subject to a number of conditions, the following of which are considered to be of particular relevance in the determination of the present application:

"C 4. The new dwelling shall be:

- the same as the previous dwelling (Ballatiki) in terms of siting, size and footprint, unless changes of siting or size would result in an overall environmental improvement;

- not more than 50% of greater than the floor area of the previous dwelling (Ballatiki) (floor areas should be measured externally and should not include attic space or outbuildings); and
- designed to either be in accordance with Policies 2- 7 of Planning Circular 3/91 or of an innovative, modern design which is of high quality and does not result in adverse visual impact.

Reason: In the interest of the visual amenities of the area and as any new/replacement dwelling on land not designated for development is required to comply with Housing Policy 14.

C 5. The dwelling hereby approved shall be no taller than 1.5 storey in height as set out in the e-mail of 21.01.22.

Reason: In the interest of the visual amenities of the area."

3.6 In light of the above requirements, it is understood that the present application the subject of this report has been submitted on the basis of requiring 'full planning permission', as opposed to a corresponding 'reserved matters' application, due to its non-conformity with the above referenced condition 4. Specifically, the proposed dwelling would comprise a total floor area of 365sqm, which represents an increase of 86% over and above the floor area of the previous dwelling which stood at 196sqm. Likewise, the new dwelling would not be sited in the same position as the previous property in order to maximise the optimum location of solar panels to generate thermal energy.

4.0 PLANNING POLICY

4.1 The application site is identified in the 1982 Development Plan as 'white land' within the countryside that is not zoned for development. The site is not within a Conservation Area but falls within an Area of High Landscape Value

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

Strategic Policy

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

Spatial Policy

- 5 Development only in countryside in accordance with General Policy 3

General Policy

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

Environment Policy

- 1 Protection of the countryside
- 2 Protection of Areas of High Landscape Value

Housing Policy

- 4 Exceptions to allowing new housing in the countryside
- 12 Replacement dwellings in the countryside

14 Siting, size and design of replacement dwellings in the countryside

Transport Policy

4 Highways safety

7 Parking provision

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

4.5 Residential Design Guide (2021)

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

5.0 REPRESENTATIONS (this report only contains summaries- full details can be read online)

5.1 Ballaugh Parish Commissioners - no comments received at the time of writing.

5.2 Highways Services - consider the proposals to have no significant negative impact upon highway safety, network functionality and /or parking (25.11.22)

5.3 Highways Drainage - Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads. The applicant must demonstrate compliance with the above conditions (18.11.22)

5.4 Environmental Protection Officer - request the following information be confirmed by the applicant;

- Foul infrastructure including discharge method for the effluent.

- Sewage treatment works or septic tank. Soak-away or discharge to a watercourse/drainage ditch

5.5 A total of 13 letters of representation have been received. 5 of the representations received either object to the scheme or raise concerns to the proposals, with a summary of their comments as follows:

- Design of the dwelling is out of character with existing properties;
- Scale and siting of building significantly different to the original dwelling;
- Development belongs in an urban environment and not a countryside location;
- Addition of extra storey will result in overlooking and loss of privacy to neighbouring properties;
- Unclear as to why applicant has made a new application and not approval of reserved matters;
- Questionable whether this is the correct course of action as proposals appear to be approval of reserved matters;
- Previous dwelling has been demolished and the site has lost its residential use;
- Proposed dwelling considerably larger than previous property and greater than 50% larger in floor area;
- Development would result in loss of light to front garden and patio area to adjacent property;

- Impact upon outward views to the east enjoyed by neighbouring property;
- Impact on privacy of adjacent property and direct view from upper floor window into sitting room and family room of adjacent property;
- Further overlooking from balcony on south-west elevation
- Potential impact on highway safety from re-siting of vehicular access and limited line of site for vehicles travelling to/from the beach.

A further 8 letters of representation received support the proposals, with a summary of their comments as follows:

- Previous dwelling was structurally unsafe and would welcome a new character bungalow in its place;
- Access is pre-existing and will be no more of a risk than those serving other dwellings within Shore Road;
- Proposed dwelling will improve the area in general and much better than previous old unsafe bungalow;
- Development would be a means of sustaining applicant's long-term committee to the area;
- There has never been an issue with cars with people generally respecting the residential nature of the road and the speed limit;
- All windows on side elevation at ground floor would be mitigated by existing fence, with all upper floor windows taking the form of rooflights. The single non-ensuite window at first floor would be sited greater than the 20m distance required in relation to overlooking, whilst not looking directly onto any neighbouring property;
- Development uses an exciting mix of traditional blended with modern materials that will tied traditional properties in the area with modern examples;
- Footprint is not disproportionate to previous property nor other properties in the area.

6.0 ASSESSMENT

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

- Principle of development (SP5, GD3, HP12)
- Design and visual impact (SP5, GP2, EP1, 2, HP14)
- Residential amenity (GP2, g, h)
- Highway safety and parking (TP4, 7)
- Other matters (RDG, CP7, 11 and IP5)

6.2 PRINCIPLE

6.2.1 The site falls within the open countryside and an area not zoned for development within the 1982 Development Plan. There is a general presumption against development in the countryside with development to be focussed towards defined settlements in accordance with Spatial Policy 5. Development will only be permitted in the countryside in accordance with the exceptions outlined in General Policy 3, one of which includes 'the replacement of existing rural dwellings'.

6.2.2 Environment Policy 1 advises that the countryside will be protected for its own sake, and development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms. Environment Policy 2 adds that when considering development in Areas of High Landscape Value (AHLV's), the protection of the character of the landscape will be the most important consideration, unless it can be shown that the development would not harm the character and quality of the landscape, or the location for the development is essential.

6.2.3 The proposals relate to the erection of a dwelling within the curtilage of the former dwelling of Ballatiki, which was demolished in 2021. Given the dwelling has already been demolished, the proposals do not amount to the erection of a replacement dwelling and therefore technically constitute a new dwelling in the countryside.

6.2.4 That being said, it was recognised by the case officer for the previous 'approval in principle' application that the property had only recently been demolished, and without an understanding by the applicants over the potential planning implications. Furthermore, the site still benefitted from a retained vehicular access with evidence of the recent residential use in site still in place. It was therefore considered reasonable to consider the proposals on the basis that they would in effect amount to a replacement dwelling, with the principle of development considered acceptable by the case officer and subsequently ratified by the planning committee.

6.2.5 Whilst the current proposals are not a 'reserved matters' application, the principle of development has been firmly established through the previous grant of planning permission in principle, which still remains live. The principle of development therefore remains acceptable in the context of the current application, subject to further consideration in relation to design, visual impact and impact of the development upon the amenities of surrounding properties.

6.3 DESIGN AND VISUAL IMPACT

6.3.1 The proposed dwelling, in terms of its design, built vernacular and materials palette, would not amount to a 'traditional styled' dwelling in accordance with the principles set out in Planning Circular 3/91. Indeed, the design is considered to amount to a modern take upon traditional built vernacular through the use of an uncomplicated roof form and natural stone for much of the exterior, together with a series of solar panels on the south-east facing roofslope.

6.3.2 Whilst there is a clear preference for replacement dwellings in the countryside to consist of a more traditional form in line with the principles of Planning Circular 3/91, Housing Policy 14 does make provision for buildings of an innovative, modern design where this would be of high quality and not result in an adverse visual impact. Indeed, further allowance for a modern design approach was stipulated in condition 4 of the 'approval of principle'.

6.3.3 The dwelling previously in situ was noted to have been of a poor form and design, and indeed had been condemned from an electrical standpoint in 2019. The new dwelling as proposed is considered to amount to a far greater quality of design, whilst not resulting in an adverse visual impact upon the wider streetscene, or indeed appearing intrusive within the wider landscape setting to the south-west.

6.3.4 It is recognised that the dwelling would not occupy the same or similar footprint to the previous dwelling on site, as typically required by Housing Policy 14. This policy does however make an allowance for a change in siting and size where such proposals would result in an environmental improvement. The previous dwelling on site was clearly not a property which boasted strong energy efficiency credential, with the current proposals incorporating a series of solar panels in the optimum location for thermal energy generation, together with an air source heat pump at the rear elevation of the property. The current proposals are considered to amount to a significant environmental improvement relative to the previous property on site. Moreover, the front (south-western) elevation of the property closest to the streetscene would be set in line with the adjacent property of Ballakinnag House, whilst affording a greater separation distance to the adjacent property than was evident in the case of the previous dwelling in situ; thereby improving the amenities of both resultant properties.

6.3.5 Turning to the issue of floor area, whilst it is recognised that the proposals would amount to an uplift in excess of 50% as required by Housing Policy 14 in relation to replacement dwellings in the countryside, this policy does make an allowance for larger properties 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.'

6.3.6 The current proposals, whilst not of a traditional style, are considered to amount to a significant visual improvement relative to the previous dwelling in situ which was of poor form and construction. Whilst the proposed dwelling would clearly appear more prominent in the context of the streetscene due to its siting and scale, the high standard of design and modern interpretation of traditional vernacular ensures the resultant dwelling would make a positive contribution to the visual amenities of the immediate streetscene. In particular, the development would add a greater degree of visual interest to compliment the adjacent (and more traditionally styled) property of Ballakinnag House, whilst ensuring greater continuity in terms of a more established front building line and relationship with the streetscene.

6.3.7 In light of the above, the proposed uplift in floor area in excess of 50%, together with a change in the property's siting relative to the previous dwelling, is considered to be acceptable in this instance by virtue of the property's high standard of design, positive visual impact and engagement with the immediate streetscene, together with its strong eco-credentials and thus an environmental improvement relative to the previous dwelling. The proposals are therefore considered to be acceptable from a design and visual impact perspective, in accordance with General Policy 2 (b) & (c), Environment Policies 1 and 2, and Housing Policy 14 of the Strategic Plan 2016.

6.4 RESIDENTIAL AMENITY

6.4.1 The proposed development would likely have the greatest potential material impact upon the amenities of the adjacent property of 'Sunsets' to the immediate north; a bungalow comprising a substantial footprint within a generous plot.

6.4.2 The proposed dwelling is noted as being sited within close proximity to the site's north-western and north-eastern boundaries. It is noted that new 1.8m high close boarded timber fencing has been erected along the aforementioned boundary, which would prevent outward views from ground-floor windows proposed in the north-west and north elevations of the proposed dwelling. Likewise, all upper floor windows beside one would consist of rooflights.

6.4.3 The single upper floor window with a direct view of the closest habitable window of 'Sunsets' would serve a bedroom, as opposed to a principle habitable room (i.e. lounge/family room) which would be occupied more frequently during the daytime. In any case, the separation distance between the window and the aforementioned rooms within the adjacent property would be approximately 21m. The Residential Design Guide (2021) advises that should the distance between habitable windows be in excess of 20m, then the issue of overlooking is unlikely to be a concern. The proposed relationship is therefore considered to be acceptable, without a severely detrimental impact upon privacy.

6.4.4 Noting comments received in relation to the balcony, this would be entirely enclosed within the roof overhang either side, with direct outward views only possible of the road itself and the wider landscape further west. This element of the proposals would therefore not give rise to any overlooking issues.

6.4.5 With respect to the impact of the development upon light levels and overshadowing, it is considered that the proposed separation distance as described above would be sufficient to

ensure that any impact would not be significantly adverse or to such an extent that should warrant the refusal of planning permission. Indeed, given the juxtaposition of the proposed dwelling in relation to the adjacent property, it is probable that only the southern portion of the parking area serving the property would be the most affected by additional overshadowing caused as a result of the development, with the outdoor seating area to the front sited a sufficient distance away to not be materially affected. Likewise, light levels entering into the closest habitable window in the southern elevation of the principle section of 'Sunsets' are unlikely to be demonstrably impeded, with the proposals therefore considered acceptable in this regard.

6.4.6 Issues relating to potential loss of outward views to the wider landscape are not a materially panning considered, and in any case are already realistically impeded by the presence of boundary fencing. Outward views to the west would not be affected.

6.4.7 Turning to the neighbouring property of 'Reflections' further north, this particular property is sited in excess of 50m from the application site with the adjacent property of 'Sunsets' providing an intervening presence. It is therefore not considered that the proposals would result in any material impact upon the amenities of this property.

6.4.8 Due to retained separation distance, the absence of upper floor windows and the proposed fencing to be constructed between both plots, no concerns are raised over the impact of the development upon the amenities of the adjacent property of Ballakinnag House. Given the above, the proposals are considered to be acceptable from a residential amenity standpoint, in compliance with General Policy 2 (g).

6.6 HIGHWAYS SAFETY AND PARKING

6.6.1 No objections have been raised by Highways Services over the current application, with no substantive changes proposed to the existing site access aside from the installation of a drainage channel. The additional access shown would principally serve the existing garage/workshop in the site's north-eastern corner, and has already been granted planning permission in any case. Sufficient space would also be evident within the site for in excess of 2 vehicles, in accordance with the adopted parking standards. The proposals are therefore compliant with Transport Policies 4 and 7. The proposals are therefore compliant with General Policy 2 (g) and (h).

6.7 OTHER MATTERS

6.7.1 No concerns are raised in relation to the design and layout from the perspective of criminal activity or the spread of fire. Whilst the development relates to the creation of a new dwelling at the site, it is not expected that the water usage associated with the development will be significant, and note that likely occupancy of the dwelling would be comparable to the previous dwelling in situ. With respect to drainage, it has been indicated that surface water run-off would be managed via soakaways and drainage channels, preventing any run-off onto the highway. Likewise, foul sewerage is noted on the application form as being disposed of via a septic tank, further details of which would be secured through the Building Regulations process in consultation with Building Control.

7.0 CONCLUSION

7.1 The proposed development is considered to be acceptable in principle by providing a modern dwelling of a high standard of design, which would successfully assimilate into the wider streetscene without detriment to the character of the wider streetscene or landscape setting. The proposals comprise a more efficient use of the site than the previous dwelling in situ, whilst amounting to an environmental improvement through the use of modern buildings techniques, solar panels and an air source heat pump.

7.2 The development is considered to be provide suitable accommodation for future occupants, without detriment to the amenities of surrounding properties or giving rise to an adverse impact upon highway safety. The proposals are therefore deemed compliant with General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policy 14 of the Strategic Plan, 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

PLANNING AUTHORITY AGENDA FOR 30th January 2023

Item 5.2

Proposal : **Erection of a stable block within Field 324071 with hardstanding, creation of a new access Field 321618 and Change of Use of Field 324071 from agricultural to Equestrian use**

Site Address : **Field 324071 & 321618
Garth Road
Crosby
Isle Of Man
IM4 2HB**

Applicant : **Mrs Sharon Maternaghan**

Application No. : **22/01158/B- [click to view](#)**

Planning Officer : **Mr Paul Visigah**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The building must be used only as a stable.

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 stables shall be for private use only and not for any commercial or private livery use.

Reason: In view of the location of the site in the countryside and the nature of the adjoining highway, the Planning Authority does not consider the site suitable for anything other than private use.

C 4. No approval is hereby given for the sand paddock shown on the Proposed Stable Site Plan (Drawing No.04), submitted as part of the application documents.

Reason: To ensure proper control of the development and to reflect the information provided in the application, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 5. The stable building hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for equestrian purposes.

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 6. The development hereby approved shall be carried out in strict accordance with the submitted mitigation scheme detailed in Section 3.0 of the Manx Wildlife Trust's Precautionary Working Method Statement (PWMS) for common lizard dated 16 December 2021, to provide appropriate mitigation for Common Lizards within the site and immediate locality.

Reason: To safeguard a statutorily protected species.

C 7. Prior to the commencement of the development hereby approved, details of proposed sod banks structures shown on Drawing No.04 shall be submitted to and approved in writing by the Department. The sod bank details shall include height, width and material composition.

Any new planting to be undertaken on the new sod banks must be done with native species.

The sod banks shall be created strictly in accordance with the approved details and shall thereafter be retained as such.

Reason: To protect the biodiversity and ecology of the site.

C 8. Within three months of this approval becoming final, details of the materials, including constitution of surface covering for the driveway and parking area (which shall enable plant growth) shall be submitted to and approved in writing by the Department. These areas shall not be covered in concrete or permanent bound materials. The access track and parking areas shall be provided strictly in accordance with the approved details and shall be permanently retained thereafter.

Reason: To ensure that there are no adverse visual impacts resulting from the creation of the hardstanding areas and to ensure the provision of an appropriate landscape setting to the development.

C 9. Prior to the use of the new access approved as part of the current proposal, the existing access which has been indicated on Drawing 04 to be removed, shall be closed up with the area made good. The affected grass and sod bank shall be restored, and any hard surfaced area introduced removed.

Reason: To ensure proper control of the development and to reflect the information provided in the application, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

Reason for approval:

In summary, whilst the location is not completely screened and allows distant views to the proposed stable, the existing and proposed screening within the scheme, the height which is only 3.1m, the proposed floor level which is relatively low compared to the surrounding area, the scale of the development, and the design and finishing of the stable would ensure that the development can be integrated into the surrounding landscape. The creation of the access, track and parking area would also not result in adverse visual impacts on the site and surrounding landscape due to the scale and finish which would ensure easy integration into the surrounding countryside. The proposal would also not have adverse impacts on ecology and the adjoining highway. Therefore, it is considered that the proposal would meet the requirements of Environment Policies 1, 19 and 21, and Transport Policy 4 of the

Strategic Plan, and would not be averse to the Landscape Character Assessment for Braaid (D10) within the Area Plan for the East and General Policy 3 of the Strategic Plan.

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:

IOM Constabulary

It is recommended that the owners/occupiers of 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 and are not mentioned in Article 4(2):

Upper Garth, Garth Road, Crosby, as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

It is recommended that the following properties/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):

Ballacallin Cottage, The Garth Cross Roads, Braaid;
The Isle of Man Natural History & Antiquarian Society;

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

Planning Officer's Report

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 324071 and 321618 which sits on the western side of Garth Road, Crosby, and about 140m to the north east of the A24 Foxdale road. The field slopes from a higher level at the south east boundary. The field is accessed from Garth Road via a field access situated to the northwest of the field.

1.2 The site which is currently laid to grass, is surrounded by open fields on all its boundaries, with the nearest property with buildings (Upper Garth Farm) situated directly adjacent the application site, whose access is positioned directly opposite this neighbour. The buildings on this neighbouring site are situated about 105m away at the nearest position. The site frontage which abuts Garth Road is lined with Manx sod hedging which rises to between about 1.8m to 2.5m along its entire stretch, only opening up at the field access.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Erection of a stable block within Field 324071 with hardstanding, creation of a new access to Field 321618 and Change of Use of Field 324071 from agricultural to Equestrian use.

2.2 The stable block would be an L-shaped stable block with timber clad finish and would provide 5 stables, and an undesignated room. The stable block would have a maximum ridge height of approximately 3.1m (2.4m to the eaves). The southwest elevation would be 16.3m long, while the northwest elevation would be 12.5m long. There would be an open corridor in front of the various entrances that would be approximately 1.2m wide, making the eaves in front project further than the other elevations. No details have been provided to indicate roof finish or material for doors.

2.3 The works would also involve the creation of an arena that would measure 44.1m x 25.9m on the south-western side of the stables. This arena would have timber stock fencing around its boundary opening up only on the southeast and northeast ends where 4m wide field gates provide access to the stables and yard, as well as the surrounding fields.

2.4 The site of the scheme is different to the one on the adjacent field refused under PA 21/00957/B. The design and material and material are also different as the previous application proposed metal framed industrial sized stable or a larger footprint.

2.5 The works would also involve:

i. Creation of a new site access by removing an area of the sod bank along the site frontage that would be about 4.5m wide. The access would be covered in stone to enable plant growth to soften the visual impact. The existing site access situated further south of the new field access would be closed up with a new sod bank.

ii. Creation of new stoned area to create stable parking area within site to enable movement of machinery and horse. No concrete hard standing area would be created as part of the scheme.

iii. Creating new Sod Hedge to provide additional screening, planted along the back of the stables, which would be higher than the existing sod banks so will establish and cover a lot quicker. The applicants have indicated that they would use the dugout soil to create a new bank in front of the stables to not only screen but encourage wildlife. This will result that the stables will be screened on three sides.

iv. Planting of new trees along the site frontage on the southern side of the site frontage to give additional screening when approaching the site from the south along Garth Road. These would, however, be outside the redline boundary, but within the blue line boundary.

v. Creating a new hedge that would run parallel to the sod bank on the southern end of the broader site area and be offset about 8.2m from the existing sod bank. Installing three new field gates and posts along open section around the new sod bank.

2.4 The applicants have also provided additional information on the application form which indicate that there would be change in site levels with the excavated top soil reused and re-graded within the field.

2.5 The applicants have also provided a Planning Statement which sets out the basis for the current application whilst drawing on the history of the site usage. The reference the prevailing equestrian use of the neighbouring site and the need to guarantee the health and safety of their remaining horses as justifications for the scheme. They also provided details of the health conditions of the various horses within their ownership. Other issues raised are:

- o The challenge of finding appropriate housing for their horses due to change of use of previous sites that housed their horses, the amount of accommodation required which is hard to source (for five horses), the difficulty of managing the health condition of their existing horses at a livery yard, and the restrictions to use of carriages to many livery yards.
- o They do not want to split the horses into various livery yards which has cost implications.
- o The need to stable their horses in the winter to protect them from the elements and to also make sure they are getting sufficient nutrition, so they maintain their weight and condition during the winter months.
- o All our horses are prone to Laminitis (again I will include The BHS info on this) and the only way this can be dealt with correctly, is by stabling and being able to control and monitor, what the horses are eating. This is usually Summer time routines.
- o There is need for storage for harness, carriages and equipment which are very expensive and deteriorate when left outside.

2.6 A Precautionary Working Method Statement (PWMS): Common Lizard (*Zootoca vivipara*), prepared by Manx Wildlife Trust Consultancy and dated 16 December 2021 was submitted with the application.

2.7 Noting there was reference to a 40 metres x 80 metres Sand Paddock as part of the annotation on the submitted plan (Drawing No.03), although no details were shown on the plan the applicants were contacted to confirm if the sand paddock is still part of the scheme. The confirmed via an email dated 15 November 2022 that no sand paddock is included as part of the application.

2.8 The applicants have also provided further correspondence dated 15 December 2022 to clarify elements of the scheme:

- o They state that they originally wanted to widen the gateway to the current location for the stable but because of sight lines and complaints received, they looked at creating a new entrance.
- o They note that after meeting with both the DOI and the Police it was agreed that the proposed access location was the safest and more sensible place for an entrance.
- o They state that the reasons for a new wider access is that agricultural machines have grown over the years and are unable to fit through the original sized gateways, the only way they can gain access to the land is to use upper Garth's driveway, which is not ideal.
- o They note that these machines need to access the land for fencing and maintenance, the making of hay and also feeding.
- o The new entrance is placed so there is as little disruption to wildlife as possible and also means that the hedges stay intact, as when asking to widen they would have had to remove and lower more or less the whole length of the field.
- o The sight lines of the new proposed access will enable them to exit the land on their horses safely, it also means this is safer for others as they will be able to see us.
- o They note that have asked for a stoned area so that they can park while seeing to their horses, as the area would be unsuitable without the stoned area, especially in the winter. The stoned area will also allow them to load and unload our horses safely.
- o The new entrance is positioned to have the least impact on any wildlife and also the sod hedges across their land.
- o They note that they have removed the concrete area as the hard standing was understood to be stoned not concreted.

3.0 PLANNING POLICIES

3.1 The site lies within an area designated on the Area Plan for the East as land not zoned for a particular purpose. The site is not within a Conservation Area or prone to flood risks. There are no registered trees on the site, and the site is not within a registered tree area.

3.2 The Following parts of the Area Plan for the East Written Statement are considered relevant in the determination of this application:

3.2.1 Landscape Character Assessment (D10) Braaid

"Landscape Strategy - Conserve and enhance:

- a) the character, quality and distinctiveness of the area, with its open large pastoral fields;
- b) its Manx hedges;
- c) its scattered farm houses fringed by trees;
- d) its sunken and enclosed rural road network and its numerous archaeological features.

Key Views: Extensive uninterrupted panoramic views from higher points over large open fields and Greeba Valley and the northern Uplands and eastwards to the built-up edge of Douglas. Some glimpsed views over fields from most sections of roads, which are enclosed by high grassed Manx hedgerows for the most part."

3.3 Given the nature of the application it is appropriate to consider the following policies within the Strategic Plan:

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

(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.3.2 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.

3.4 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, as follows:

3.4.1 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)."

3.4.2 Environment Policy 20 states: "There will be a presumption against large scale equestrian developments, which includes new buildings and external arenas, in areas of High Landscape or Coastal Value and Scenic Significance unless there are exceptional circumstances to override such a policy."

3.4.3 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."

3.4.4 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".

3.5 Other relevant policies within the strategic Plan include:

3.5.1 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.

3.5.2 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.

4.0 OTHER MATERIAL CONSIDERATION

4.1 IOM Biodiversity Strategy 2015 to 2025

4.1.1 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.

4.1.2 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."

5.0 PLANNING HISTORY

5.1 The application site has been the subject of a previous planning application for Erection of a stable block, creation of associated paddock / hard standing and widening of access under PA 21/00957/B. The application was refused on the following grounds:

R1: The department is not satisfied that there is sufficient justification for the proposed building to warrant setting aside the presumption against development outside areas zoned for development. Furthermore, the proposed size and isolated position within the countryside is not considered appropriate and would harm the character and quality of the landscape. As such, the proposal is concluded to represent unwarranted development that is detrimental to the amenity of the countryside contrary to the provisions of General Policy 3 and Environment Policies 1 and 21 of the Isle of Man Strategic Plan 2016.

R2: The proposed stables, hardstanding, earthworks and sand paddock all within an isolated and open position within the countryside, and within close proximity to the highway where it would be particularly prominent would have a detrimental impact upon the character and appearance of the countryside contrary to Environmental Policy 21 of the Isle of Man Strategic Plan.

6.0 REPRESENTATIONS

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

6.1 The Department of Infrastructure (DOI) Highways Division confirms that the proposal does not give rise to significant road safety or network functionality issues. Accordingly, the proposal is satisfactory in highway terms for HDC to raise no opposition subject to a condition for the access creation; closure and reinstatement of the existing redundant access, and internals to correspond to that shown on Drawing No. 03 (17 October 2022).

6.2 DEFA Fisheries have confirmed that they have no objections to this development from a fisheries perspective (17 October 2022).

6.3 DEFA Ecosystem Policy Team has made the following comments regarding the application (20 October 2022):

- o They note that there are multiple records of viviparous (common) lizard in this area, which are associated with the areas of sod bank.
- o They note that the applicants have included the Manx Wildlife Trust's Precautionary Working Method Statement (PWMS) for common lizard dated December 2021 with this application, which was originally submitted for PA 21/00957/B.
- o They confirm that the PWMS is still valid and therefore request that a condition is secured for the works to be undertaken in line with the MWT's PWMS for common lizards dated December 2021.
- o They also request that a condition is secured for the new sod hedging to be created as per the Proposed Stables Site Plan, in order to provide mitigation for the area of sod bank to be removed to create the new site entrance.
- o They advise that if any new planting is to be undertaken on the new sod banks, then this must be done with native species.

6.4 IOM Constabulary have indicated that they support the application (21 October 2022). They also note that the new entrance has better visibility than the previous application and that it also provides better access.

6.5 Marown Parish commissioners object to the application on the following grounds (20 October 2022):

- o The issues with the location has not been addressed satisfactorily or at all.
- o In the Strategic Plan, there is a presumption against Equestrian development in the countryside. The site is in the open countryside and the proposed building will not be close to any other buildings.
- o The development is an unwarranted intrusion into the open countryside given that the proposed building is not close to other nearby buildings creating a visual intrusion.

6.6 Owner/Occupier of Upper Garth, Garth Road, Crosby, object to the application on the following grounds (28 October 2022):

- o Impact of the development on the character of the landscape.
- o Overlooking/loss of privacy/over-shadowing concerns.
- o Increased traffic on the narrow stretch of road.
- o Increased noise and disturbance.
- o Concerns with outlook/Limited levels of screening proposed.
- o Incorrect details regarding proximity to watercourse. A watercourse abuts the site frontage.
- o They refer to a recent appeal decision at a nearby field under PA 21/00682/B.

6.7 The Owners/Occupiers of Ballacallin Cottage, The Garth Cross Roads, Braaid, support the application on the following grounds (06 November 2022):

- o The proposed would not create a loss of amenity in the countryside. The applicants are taking considerable steps to mitigate views of the proposed structure from the public highway in all directions.
- o They concur with the suggestion in the applicants planning statement that the application site will be glimpsed for a matter of seconds from the roadside. No significant medium or long range views from the road will be affected.
- o Whilst we appreciate the comments made by the owners of the property closest to the proposed development and sympathise with their situation, a change to their view does not automatically translate into a loss of amenity to the area;
- o They refer to the appeal for 21/00682/B and made suggestions as to how the current application can be successfully distinguished from the considerations on appeal under 21/00682/B.

6.8 Following comments from the Marown Commissioners and Upper Garth, the applicants have provided correspondence dated 6 November 2022 which seeks to address the concerns raised by these commentators.

6.9 The Isle of Man History and Antiquarian Society has made the following comments regarding the application (26 November 2022):

- o The Society presume that the applicants do in fact have the horses stabled somewhere else at present and would query why this site is suddenly needed for horse stabling.
- o The Society also notes that carriage driving is still mentioned in this application. They state that this does not appear to match up with the need to provide stabling for older horses some with health problems.
- o In terms of the physical structures proposed the Society notes that the stable block minus the shed for storage of carriages is moved downhill from that previously proposed but separately there is an access showing a large, presumably horsebox, vehicle, and an area of hardstanding. The assumption could be made that the horsebox or equivalent is to be permanently parked on the hardstanding. The combination of the stables and the separate hardstanding and the latter's possible use as a permanent parking area for large vehicles, in the opinion of the Society still constitutes an unjustified and unacceptable development in the open countryside, unrelated to other built development, the latter being a criterion for the siting of new agricultural buildings.
- o They state that because there are road signs indicating that the locality is used for horse riding, is not a justification for permitting stabling and hardstanding.
- o They maintain and reiterate their objections to the development, on the grounds of the visibility of the proposed development and adverse impact on the landscape.
- o The Society would respectfully point out that it is not just a case of what is visible from a moving vehicle. The Garth Road, past the site, is Part of the Millennium Way and regularly walked.

7.0 ASSESSMENT

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

- a. The principle (GP3, EP 1, EP 19 and EP21);
- b. Visual Impact (EP 21 and Landscape Character Assessment (D10) Braaid - TAPE);
- c. Highway Impacts (EP 19 and TP 4);
- d. Impact on Local Amenity (EP19);
- e. Impact on Ecology (EP1)

7.2 THE PRINCIPLE

7.2.1 There is a general presumption against new development in the countryside, as indicated in Environment Policy 1 and General Policy 3 of the Strategic Plan. However, Eps 19 and 21 make it clear that equestrian related development can be considered acceptable subject to certain conditions. Paragraph 7.15.1 of the Strategic Plan is also clear that equestrian buildings are considered to be a part of the countryside setting and notes that "equestrian activities are becoming increasingly popular in rural areas and on the fringes of our towns and villages." Considering equestrian schemes are now an established element of the countryside provided they meet other policy criteria in terms of impact on the countryside, the principle of setting up the stable at the current location which is within the countryside would be acceptable.

7.2.2 In terms of justification of need, it is considered that the applicants have provided details of their existing stock of horses, the health challenges of keeping the horses in their current location and the need to provide suitable housing for horses in a location that can be easily assessed, and on land owned by them. Therefore, it is considered that there is sufficient justification for the development of this scale in the current location which is within the countryside.

7.2.2 The acceptability of the current proposal would, however, be hinged on the proposal meeting certain criteria that has been highlighted within Environment Policies 19 and 21, as well as Environment Policy 14 which is referenced in Environment Policy 19.

7.3 VISUAL IMPACT/IMPACT ON LANDSCAPE

7.2.3 In assessing the visual impact of the proposal, it is considered that EP 21 is the most relevant planning policy as it sets out the measures for determining acceptability of proposed stables. This considers siting, design, size or finish as key measures to be assessed.

7.3.2 Siting

7.3.2.1 With regard to the siting, it is considered that the new location for the stable would be set approximately 46.8m north of the previously proposed position, adjacent a dip section of Garth Road, and by a bend along the road where views can only be achievable when positioned about 30m south along Garth road and when directly in front of the site if approaching from the north of Garth Road (Due to the height of the sod bank and considerably lower position of the road. Granting there would still be distant views achievable, Its position would ensure that these distant views would only be of a small section of its roof which would be read in the context of the built form and vegetation at Upper Garth.

7.3.2.2 As well, the undulating topography which rises as you look from the application fields towards Foxdale Road, the sod banks which line these field boundaries would ensure the 3.1m high structure is not prominent when viewed from the surrounding landscape and from vantage points to the south. Likewise, the thick cluster of trees within the nursery positioned northeast of the site which runs about 177m along the entire southwest boundary of this neighbouring site ensures there is no blot on the landscape when viewed from the north.

7.3.2.3 Another improvement over the previous scheme is the fact that the stable would be closer to the building group (including private riding ménage) at Upper Garth at about 47m. It should be noted that the previous position was about 136m away from Upper Garth.

7.3.2.4 Moreover, the additional planting proposed within this scheme in the form of new sod banks being created and planting over the existing sodbanks along the site boundary would further serve to screen the site and make the location less conspicuous.

7.3.2.5 In assessing the visual impact of the new access, track and parking area, it is considered that whilst it would have been more acceptable to have the stable and

access/parking area within the same field to reduce the spread of development across the countryside, the applicants have provided reasons for their choice of access and parking of equipment on the adjacent field, whilst noting that they intend to use stones to create the new track and parking area within the field and set it up such that it would allow plant growth (See Paragraph 2.8 of Report); which would ensure these areas are not particularly noticeable when viewed from the surrounding landscape. Additionally, the position by the existing sod banks would further serve to screen the development.

7.3.2.6 Given the above, it is considered that although distant views of the stable would be achievable from parts of the surrounding landscape, the scale of the proposed development which is comparatively small, the proposed planting around the perimeter, and the depressed land level relative to the surrounding sodbanks and proposed planting would ensure that any impacts resulting from its siting on the landscape would be minimal and not sufficient to warrant refusal of the scheme. The finishing of the track and parking areas would also ensure there are not noticeable when viewed from the surrounding landscape.

7.3.3 Design

7.3.3.1 In terms of design, it is considered that the new design takes the common stable form being L-shaped and only 3.1m high. It is also designed in such a manner that it could easily be removed when no longer required. As well, the large areas of hardstanding previously proposed and which would have been noticeable alterations to the landscape have been removed from the proposal. Additionally, the large 40 metres x 80 metres Sand Paddock has been excluded from the scheme.

7.3.3.2 It is also considered that the new driveway and parking provision within the field would not be concrete but be made of stones which would allow plant growth and blend into the appearance of the surrounding landscape. Given the above, it is considered that the design complies with EP21.

7.3.3.3 As the details for the material finish have not been clearly detailed within the submission, a condition has been imposed to ensure that the track and parking areas are finished in materials that would allow plant growth and ensure easy integration with the vegetated layout of the surrounding area.

7.3.4 Size

7.3.4.1 With regard to size, the current scheme would have a footprint measuring about 97sqm, a significant reduction in footprint over the previous submission which had a floor area measuring about 149.8sqm (35.2% reduction in footprint). The height is set at 3.1m (1.3m lower than the previous at 4.4m), while the floor dimensions of the individual stables are within acceptable sizes as stipulated by the British Horse Society.

7.3.4.2 The size and scale of the proposed track and parking area to support the operations of the stable and maintenance of the field are also such that would result in minimal impacts on the character of the area.

7.3.5 Finish

7.3.5.1 The external finish of the stable would be in timber which reflects the standard finish of most private stables. This timber finish would weather out and make the building less prominent, and as such considered to be appropriate for the location, and an improvement over the previously refused stable which was to be finished in Olive Green UPVC galvanised panels similar to an industrial style building.

7.3.5.2 Likewise, the finish of the proposed track and parking area will also be in material that would make it less apparent when viewed from the surrounding area. There would be no concrete hardstanding or use of bound surfaces which limit plant growth and poercoalation.

7.3.6 Overall the design, size, finish and colour of the stable will help reduce any visual impact from distanced views which would be achievable at some positions from the surrounding landscape. The proposed track and parking area would also not result in adverse visual impacts for the reasons that have been articulated within this report. Accordingly, it is considered that whilst the location would not be completely concealed, it is not considered that the proposal would have adverse visual impacts on the character or quality of the landscape for the reasons that have been stated above. Therefore, it is considered that the proposal would comply with the criteria stipulated in Environment policies 1 and 21, and character of D10 Braaid, where it is expected that the character, quality and distinctiveness of the area, with its open large pastoral fields and Manx hedges should be conserved and enhanced.

7.4 HIGHWAY IMPACTS

7.4.1 Environment Policy 19 requires that equestrian activities and buildings will only be accepted in the countryside where the local highway network can satisfactorily accommodate any increase in traffic. These requirements are also echoed by Transport Policy 4 as a requirement for new development. In this case, it is considered that the proposed development would be for private use (with no commercial element), as such, the traffic generated would be considerably low and be easily accommodated by the existing highway serving the site.

7.4.2 Also of relevance is the fact that the application has been assessed by DOI Highways who consider the proposal to be satisfactory in highway terms. They have, however, asked for condition be imposed to ensure assess matters accord with Drawing No. 03 submitted with the application.

7.4.3 Likewise the IOM Constabulary, who had initially raised concerns with the previous scheme have indicated support for the scheme noting that the new entrance has better visibility than the previous application and that it also provides better access.

7.5 LOCAL AMENITY IMPACTS

7.5.1 In reviewing the proposal for potential impact on local amenity, it is considered that the current position would not result in adverse impact on local amenity in terms of noise generated, creating safety hazards, or any other private amenity impacts in terms of overlooking, overbearing impacts or loss of light.

7.5.2 The scale, size and position of the development relative to the nearest property at Upper Garth would not result in adverse impacts. Whilst it is noted that the stable would be closer to the riding ménage at this neighbouring property, the activities would be complimentary with the partly concealed positions of both structures ensuring there are no conflicts in usage.

7.5.3 It is also not considered that the frequency of use of the new access which would be closer to this neighbour would create concerns as the comings and goings of vehicles would not be considerably increased over the current situation given that the horses would be kept on site and there would be limited need for travels of the horse carriages from the site which could impact on other users of Garth Road which is not particularly broad.

7.6 IMPACT ON AGRICULTURAL SOILS

7.6.1 The site in terms of soil classification is Class 3 and therefore the proposal would not result in the loss of high quality agricultural land and therefore in this respect complies with Environment Policy 19. Whilst the above is not a reason to allow development that would deplete available agricultural land on the island given that majority of the agricultural soils on the Island (80.26%) fall within Class 3 soils, the scheme does not propose to completely remove the land from agricultural production. Besides, the nature and scale of the build is such that land could still retain its agricultural potential for grazing, or restored to full agricultural use should the equestrian activities be discontinued.

7.7 ECOLOGICAL IMPACT

7.7.1 The key concern with ecology relates mainly to the removal of the sod bank and the level changes the buildings site. It should, however, be noted that the application has been supported by A Precautionary Working Method Statement (PWMS): Common Lizard (*Zootoca vivipara*), prepared by Manx Wildlife Trust Consultancy and dated 16 December 2021, which has been assessed by the DEFA Ecosystem Policy Team which have considered that the Method Statement is acceptable and should be secured by a condition to ensure appropriate protection and mitigation measures detailed in the statement become integral to the development.

7.7.2 It is also vital to note that the new sod bank creation and additional planting over the existing sod bank, as well as tree planting would ensure there is no net loss of biodiversity within the scheme.

8.0 CONCLUSION

8.1 Overall, it is considered that whilst the siting is such that would still allow distant views to the proposed stable, the planning application has been designed to ensure its siting and appearance has limited impact on the character of this site and the wider countryside, and as such the scheme 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 in Article 4(2) 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.

PLANNING AUTHORITY AGENDA FOR 30th January 2023

Item 5.3

Proposal : Change of use from public car park to contract car park including alterations to parking layout and the installation of entry and exit barriers

Site Address : Car Park
Farrants Way
Castletown
Isle Of Man

Applicant : David Humphrey

Application No. : 22/00574/B- [click to view](#)

Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

N 1. The applicant is to be reminded of their obligations under the Highway Act 1986 in respect of surface water not entering a highway.

Reason for approval:

By reason of its acceptable visual and highway safety impact, and the nature of the new use working in conjunction with the parking strategies indicated by the Local Commissioners it is considered that the application is acceptable and accords with Strategic Policy 1, Environment Policy 35, General Policy 2 (b, c, g, h and i) and Appendix 7 of the Strategic Plan, and with the general principles of paragraphs 3.9.2, and at 7.3.5 of the Area Plan for the South 2013.

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 Highway Drainage

It is recommended that the owners/occupiers of 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 and are not mentioned in Article 4(2):

- The owner of 37 Castle Court Apartments - as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

Planning Officer's Report

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

1.0 SITE

1.1 The application site relates to an existing car park on the southern side of Farrants Way and alongside Castle Court Apartments, Castletown.

1.2 The car park has 64 spaces split into three bays all access from a single shared route off Farrants Way which also provides access into parking for the apartments.

2.0 PROPOSAL

2.1 The current application proposes a rearrangement of the car parking layout and its change of use to contract car parking.

2.2 The works include a layout change to provide a one way 'in and out' system and with the installation of a traffic barrier and fob reader at the entrance into the car park, and a new barrier at the exit.

2.3 Layout changes will result in a reduction of 6 car parking spaces to 58 spaces to allow the new layout to be installed.

3.0 PLANNING HISTORY

3.1 The site was originally approved under PA 03/00520/B and later approved for window changes under PA 06/01655/B. There was then a further application approved for surface changes to the public car park approved under PA 07/01583/B.

4.0 PLANNING POLICY

4.1 The site is designated on the Area Plan for the South 2016 as 'Car Park', the site is also within the Castletown Conservation Area. The site is not recognised as being at any flood risk.

4.2 The Area Plan for the South 2013 written statement specifically references the car park at paragraphs 3.9.2, and at 7.3.5 it recognises that some of the older, more central parts of the larger settlements suffer parking difficulties from time to time, and whilst there are public car parks available they are often subject to different management arrangements and this can affect their availability.

4.3 The Strategic Plan 2016 Appendix 7 covers car parking standards and A.7.4 states that most established shopping centres do not have on-site parking and many are pedestrianised (including Castletown). It indicates that it is essential that servicing and access is made to these shops for things like deliveries and that there are sufficient areas of public car parking either in car parks or on street for staff and customers and that adequate controls are in place for these to be available to those who need them. A.7.5 and A.7.5.1 indicate that the control of public parking provision is an important element in any overall parking strategy and may include measures outside of planning control such as parking charges and improved enforcement measures, and planning conditions and Section 13 agreements could assist in effective management and availability of the spaces. Environment Policy 35 seeks development in Conservation Areas to preserve or enhance, whilst General Policy 2 covers the

general standards towards acceptable development. Strategic Policy 1 seeks to make best use of sites and existing infrastructure.

4.4 Area Plan for the South 2013:

4.4.1 Paragraph 3.9.2: In terms of office space, Castletown has the third largest amount of office accommodation on the Island, providing not only local employment, but also support for shops, restaurants, and Public Houses in the Town. New retail space has recently been created at Callows Yard, and a car-park has been constructed on Farrant's Way, but, in the absence of opportunities for larger shops, specialist shops are likely to remain important. The Castle, the other Manx National Heritage sites, and the Steam Railway bring many visitors to the Town, again providing support for shops and restaurants.

4.4.2 Paragraphs 7.3.5: In terms of parking, it is not necessary to include specific requirements for the South. The Isle of Man Strategic Plan is relied upon for guidance on parking standards to be applied to new development and these standards are applicable across the Island. It is recognised that some of the older, more central parts of the larger settlements suffer parking difficulties from time to time. Whilst there are public car parks available in most town and village centres, they are often subject to different management arrangements and this can affect their availability.

4.5 The Strategic Plan 2016 - Appendix 7:

4.5.1 Paragraphs A.7.4: Most shopping facilities in established centres do not have on-site parking provided due to the intensive form of development and their location off the main highway, often in pedestrianised streets (Peel, Castletown, Douglas and Ramsey in particular). In most of these cases, provision is made for servicing outside trading hours from relaxation of the access regulations and the use of de-mountable bollards and rear access lanes. It is impracticable to require on site car parking for either staff or customers in such locations although it must be feasible for retail developments to be serviced. It is equally essential that there are available sufficient areas of public car parking either in car parks or on street, and that adequate controls are in place for these spaces to be available to those who need them.

4.5.2 Paragraph A.7.5: Encouraging greater use of public transport may involve a range of parking management measures and not just the relaxation of parking standards for new development. The control of public parking provision is an important element in any overall parking strategy, and may include the use of measures which are outside planning control such as parking charges and improved enforcement measures. Traffic management measures can however, play a role in the management of newly created public car parks, for example by conditioning a planning approval to ensure the effective management of the available space.

4.5.3 Paragraph A.7.5.1: Under the provisions of section 13 of the 1999 Town and Country Planning Act the Department may seek to link planning permissions with Planning Agreements where problems cannot be overcome by the use of planning conditions. These agreements may, inter alia, require payments to be made to the Department either in a single sum or periodically, in particular as commuted sums for open space or parking provision.

5.0 REPRESENTATIONS

5.1 Castletown Commissioners - prior to receiving formal comments the Dept. was copied into email correspondence between the Commissioners and a local resident dated 20/07/2022 and 12/07/2022. These emails indicated that the Commissioners had written to existing residential contract parking holders to advise that they are minded to cease the parking provision given that many of these spaces are empty during periods of peak demand, and that the long term plan of the Commissioners was always to consolidate contract parking

provision. The demand for contract parking exists and provided that rates were realistic the Commissioners would support the applicant's proposals as part of their wider parking strategy.

5.1.1 The local resident raised concern as to the lack of detail about whether this car park will remain available for public use and there is no detail as to the type of payment system to be installed, and if this becomes contract parking it would have a knock on effect for visitors to Castletown. The Commissioners respond stating that they regret for net loss of car parking spaces, but are not unsupportive of the proposal if it results in a pro-actively managed car park as opposed to a dumping ground of untaxed vehicles. The Commissioners have long considered this car park playing a key role in the wider parking solutions but the proposals to acquire the site have not been supported by central government. Whilst it is understood to be a public car park there appears to be a lack of clarity regarding the exact condition. There is significant demand for contract car parking and there have been discussions of consolidating contract car parking to this site thus freeing up more short stay parking elsewhere in the town. There was an extended trial to refund 2 hours parking in the pay and display but no takers. The Commissioners will seek clarification as to the fob access and there doesn't seem to be any reason why the car park cannot fulfil both roles.

5.1.2 Following the above the Commissioners provided formal comments dated 16.01.2023 - NO OBJECTION. These comments stated that they are disappointed with the potential loss of parking spaces as a result of the layout changes and fitting the new apparatus, and in an ideal world they would like to see the car park providing public parking free of charge at the point of use, or a mix of both, they are not naïve enough to believe that this is an option without dedicated enforcement.

5.1.3 Castle Court car park plays a key part in the future parking strategy of Castletown, however this car park is outwith their control and until this is determined it is difficult to bring forward a wider plan to achieve a balance for competing demand with their own car parks.

5.1.4 They indicate there is a demand for contract parking in Castletown which exceeds what they are able to supply particularly from corporate users. There is also a problem with vehicle owners abusing short term parking restrictions. They provided photographs to support this, stating that they imagine a large percentage being long stay and untaxed being moved out of the Commissioner car parks.

5.1.5 The Commissioners close by stating that they had previously sought to acquire the car park with the intention to consolidate their corporate contract parking, but this was not supported by DOI.

5.2 DOI Highway Services - Do not oppose (01/06/2022) - no significant negative impact upon highway safety, network functionality and /or parking. The Applicant should consider installing bicycle parking and electric vehicle charging points to at least 10% of the total amount of spaces and ducting to the remainder to aid net zero objectives.

5.3 DOI Highway Drainage - comments (20/12/2022) - there are no details of interphase of surface water run-off provided, and allowing surface water run off onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the manual for Manx Roads.

5.4 The owner of 37 Castle Court Apartments - objection (29/05/2022) People already park in the pay and display public car park without paying and also in the private car park of the apartments. The proposal will indeed prevent non-paying but there is concern that the proposal will result in increased trespass nuisance on their private car parking area. As a result of nuisance car parkers in the private resident spots this has resulted in residents

having to park in the pay and display until the trespass vehicles has gone. The proposal will likely increase this knock on effect.

6.0 ASSESSMENT

Planning History of Site

6.1 The apartments and car park were originally approved at appeal under 03/00520/B and as part of that approval two conditions were added specifically relating to the car park being 'public' and stating:

6.1.1 C11. Prior to the commencement of the development, a scheme to indicate the adoption and management of the public car parking must be submitted for consideration and approval by the Planning Authority.

6.1.2 C13. The public car parking area must be formally laid out and available for use prior to the occupation of the penultimate apartment.

6.2 As part of the appeal process for 03/00520/B closing comments by the Commissioners indicated that something had to be done with the entire vacant site and they accepted that it could not be exclusively used for public car parking, but as much as possible of that site should be used for that purpose as well as the apartments.

6.3 The assessment by the Inspector states that a previous refusal on the site had no public car parking and so the proposal for 64 spaces was more in keeping with the local plan zoning, even if the Commissioners argued that there was a requirement to provide 90-100 public car parking spaces. The availability of the site for parking by the land owner could be terminated at any time, and that its use was influenced by the fact that it was free and with no time limits. Taking into account the various factors the Inspector concluded that the provision of 64 spaces represents a reasonable and acceptable level of provision and a significant gain for those wishing to park whilst visiting Castletown.

6.4 In 2007 approval was granted under PA 07/01583/B for 'change of surface of public car parking from previously approved paviers to tarmac' the applicants reason to change the surface was to make the public car parking more identifiable to public users compared to the paved private car park of the apartments, and would help to minimise maintenance costs if and when the public spaces are adopted.

6.5 It is clear from planning history and from the current arrangement that the car park has always been intended for and available for use as a public car park since its original approval as part of 03/00520/B, including as a pay and display car park up until the payment machine broke and users began parking without limitation and for free.

Assessment of Current Proposal

6.6 The proposal now seeks to reduce the number of car parking spaces to 58 and to reconfigure the layout to allow the installation of barrier controlled entrance and exit. There are three key issues to consider as part of the application i) amenity and highway impacts as a result of the loss of parking spaces, ii) the visual and amenity impacts of the new barriers and car park layout changes, and iii) whether there are any implications on the intended future use of the site being contract parking only.

i) the reduction of parking spaces

6.7 In terms of the reduced number of spaces, the car park has always been intended for public use and has not been specifically associated with any development requiring parking

standards to be met, and this still remains the case. So whilst the reduction to spaces would be a loss to the Castletown area, it is not considered wholly unacceptable in its own right nor to result in any increased or adverse highway safety issues compared to the existing arrangement and use.

6.8 It is noted that the existing car park does not have any disabled spaces, no EV charging points nor any cycling parking. While it is disappointing that the applicant is not seeking to include these facilities moving forward, it is perhaps not a reason for refusal on these grounds alone given the existing situation not having these facilities.

ii) the installation of barriers and layout changes

6.9 The physical works associated with the introduction of the barriers is not considered to be unacceptable. The site is not within the conservation area and the nature of the works is not considered to be so out of keeping with the appearance of this side of the road and surrounding context as to create and visual harm.

6.10 A comment from DOI Drainage has been received in respect of surface water however the car park already exists and it is not felt that the proposal would increase the impact on surface water beyond the existing arrangement, also minded that there is separate legislation which covers surface water entering the highway (Highway Act 1986). A note will be added to remind the application of this obligation.

iii) intended future use of the site.

6.11 Where concern lies is in the future implication of the 'public' availability of the car park as a result of barriers being installed, also minded that we have no detailed information on how these barriers will operate.

6.12 The applicant disputes that contract car parking is still for 'public' use (email 22/07/2022), however from the Commissioners comments and from the local constituent comments, there appears to be a difference between the interpretations of 'public' use and 'contract' parking use. The latter likely being more akin to a private use and less readily available to general members of the public and visitors to Castletown.

6.13 It is recognised that this site is privately owned and always has been, but that planning history, previous conditions and on-going public use with or without the payment machines reinforces this long established use by the public. It's availability for such use required as part of the 2003 planning conditions.

6.14 The Commissioners have clearly indicated that this car park plays a key role in the wider Castletown parking solution and that there is a significant demand for contract parking in Castletown particularly for corporate users and the consolidation of this contract parking to this site would free up more short stay spaces in their own car parks for visitors and overnight parking.

6.15 In response to a query regarding public and contacting parking use, the Commissioners state that there does not seem to be any reason why the car park cannot fulfil both roles, but that they do not believe this to be achievable without dedicated enforcement.

6.16 The difficulty here is that the original intentions of the car park were for it to remain for public use and managed accordingly. It is clear that over time there have been attempts to keep this car park available to the public albeit as a pay and display rather than free. It seems that from 2010 google street view images and aerial image that when operating as pay and display car park it was underused with people likely opting to park in free disc zone car parks or on street spaces.

6.17 The complications here are that the land is privately owned and not owned by the Commissioners and so understandable that the owners would like to see the site make some revenue. The car park is designated as a car park in the area plan for the south, but there is no specific detail in the supporting written statement to clarify this use be private or public. The Commissioners have stated that their intentions were to buy this car park and consolidate their contract spaces here. They have specifically stated that they have no objections to the application and DOI have indicated that they do not oppose. On balance it is felt that the installation of the entry and exit barriers and the nature of its use change to a contract parking area would align with the Commissioners indicated strategy for the parking situation in Castletown and it is expected that in the long term their car parks would become less congested with contract parking and allowing a more free flow of parking spaces for visitors to Castletown.

7.0 CONCLUSION

7.1 The physical works to the car park including the arrangement layout and installation of barriers would not be considered to have any adverse visual impact nor create any highway safety impacts. Whilst restricting the free flow of 'public' car parking at this specific site, the Commissioners have indicated a view in favour of the proposal giving them opportunity to redirect their contract spaces to a consolidated site and allowing them to utilise their car parks for more short term friendly visitor parking.

7.2 On this basis, it is considered that the application is acceptable and to comply with Strategic Policy 1, Environment Policy 35, General Policy 2 (b, c, g, h and i) and with the principles of Appendix 7 of the Isle of Man Strategic Plan, and with the general principles of those at paragraphs 3.9.2, and at 7.3.5 of the Area Plan for the South 2013.

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 : Approval in principle application for the erection of tourist and craft units and creation of motorhome overnight parking facility reserving siting, internal layout, drainage, design, means of access, landscaping and external appearance for future consideration

Site Address : Field 430575 (now 435235)
Opposite Outbuildings
Middle Cordeman
St Marks Country Park
Cordeman Road
St Marks
IM3 3AJ

Applicant : JR Creer Ltd
Application No. : 22/00782/A- click to view
Planning Officer : Mr Richard Boyt

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The proposed development of tourism accommodation and facilities in an unzoned, countryside location will unacceptably harm the rural character of the local landscape and place an unsustainable reliance on the use of the private motor vehicle for accessing the location. The proposals are not one of the exceptional types of development listed in Policy GP3 of the Isle of Man Strategic Plan 2016 and are contrary to Policies BP11, BP12, BP13, BP14 and BP15 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

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

Drainage (DOI)
Tourism (DFE)

It is recommended that the following should not 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:

Thalloo, Cordeman Road, St Marks

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

Planning Officer's Report

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

1.0 THE SITE

1.1 Site

The application site is a hardstanding area and part of a field on the southern side of Middle Cordeman Farm, now called St Marks Country Park. The Park consists of several buildings including a house, barns, a former farm shop which is now a café/hub and various small 'farm park' attractions.

The public access road to the Country Park is from Cordeman Road to the south east of the farm around 1 km north of the hamlet of St Marks. The venue hosts parties and events and has 3 tholton holiday cottages remotely situated around the fields.

1.2 Surroundings

The application site is situated in remote open countryside in the central southern part of the island, with the Stoney Mountain plantation to the north and a scattering of relatively small pastoral farms and houses in the locality with no larger settlements nearby.

The land has no special ecological or landscape designations and can be characterised as open incised slopes (D14 in the Landscape Character Assessment). The locality has a low level of scattered human habitation, some equestrian activity and primarily pastoral farming.

2.0 THE PROPOSAL

2.1 The proposal is in principle for increasing the tourism activities at St Marks Country Park by developing 6 tourism chalets, motorhome parking for around 6 vehicles, camping and 4 or 5 craft studios. An indicative plan provides a potential layout and shows the chalets as being 2no one bedroom units and 4no two bedroom units. However, the planning statement with the application states these might be 2, 3 and 4 bedroom units.

The wider aims of the proposal are stated in the planning statement to be to make St Marks Country Park a top tourist attraction within the island to rival and compete with similar sites in the UK.

3.0 PLANNING HISTORY

3.1

04/02285/B - Farm shop - permitted on review

06/00303/B - Agricultural building - approved

06/00830/B - two farmhouses - refused

06/01320/B - farmhouse - allowed at appeal

07/00770/B - amendments to farmhouse - approved

08/01139/B - agricultural building - approved

10/00714/B - barn - approved

11/00909/B - 2nd farmhouse - approved

12/00841/B - Farm shop to café and alterations - approved

15/00113/B - Extension to barn - approved

16/00125/B - visitor centre, tourism uses, 3 tholtions and alterations - approved

16/01258/B - craft workshop and alterations - approved

18/00471/B - erection of hut, positioning of portacabins (retro) - approved

19/01144/B - changes to barn (retrospective) - approved

4.0 DEVELOPMENT PLAN POLICIES

4.1 General Policy 3 - Development outside of areas zoned for development - with criteria for what types of development may be acceptable in the countryside

4.2 Business Policy 11: Tourism development must be in accordance with the sustainable development objectives of this plan; policies and designations which seek to protect the countryside from development will be applied to tourist development with as much weight as they are to other types of development. Within the rural areas there may be situations where existing rural buildings could be used for tourist use and Environment Policy 16 sets out the circumstances where this may be permitted.

4.3 Business Policy 12: Permission will generally be given for the conversion of redundant buildings in the countryside to tourist use providing that the development complies with the policies set out in paragraph 8.10.

4.4 Business Policy 13: Permission will generally be given for the use of private residential properties as tourist accommodation providing that it can be demonstrated that such use would not compromise the amenities of neighbouring residents.

4.5 Business Policy 14: Tourism development may be permitted in rural areas provided that it complies with the policies in the Plan. Farmhouse accommodation or quality self-catering units in barn conversions and making use of rural activities will be encouraged but must comply with General Policy 3 and Business Policies 11 and 12. Other forms of quality accommodation in rural areas will be considered, including the provision of hostels and similar accommodation suitable for walkers but must comply with General Policy 3 and Business Policies 11 and 12.

4.6 Business Policy 15: In new Area Plans, the Department will seek to identify buildings and sites which are redundant for tourist use, and will propose new uses therefor.

5.0 REPRESENTATIONS

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

5.1 Malew Commissioners - no objections

5.2 Department of Infrastructure Highway Services - no significant negative impact subject to cycle parking and EV points being included.

5.3 DOI Drainage - no drainage to the public highway

5.4 Visit Isle of Man Agency - comments that they have a tourism accommodation growth objective to 2032, but have too little information to comment in detail.

5.5 One letter of objection from a resident on Cordeman Road to the east objects on the grounds of increased traffic and congestion at changeovers.

6.0 ASSESSMENT

6.1 Background

Middle Cordeman Farm, now known as St Marks Country Park has been incrementally developed by the applicant over the last 20 years with about one planning application a year being submitted, some relating to retrospective proposals.

Officers have visited the Park and did not witness any substantial farm operations taking place, although surrounding fields appeared to be grazed. Most of the buildings on site now are in use for the operation of the Country Park, which is essentially a farm park open to the public around summer weekends. The former farm shop is now a café hub at the centre of the farm park and there are pet animals in the buildings and rare breed farm animals (sheep, geese, donkeys, goats etc) in the field.

It is not known if the farm animals are part of a commercial agricultural operation (ie the production of food), but there was no evidence of commercial farming during the site inspection aside from haylage feed and a couple of tractors.

Since 2016, there has been permission for tholtons and other tourism accommodation, albeit these are located away from the central farm building grouping. These have been visited and appear ready for tourism rentals, although no one was staying when they were visited. It is apparent that these rental units are very new.

The farm park has evolved in increments over time and at present is a very small-scale and occasional attraction to visitors that is closed in the winter and open at limited hours in the summer. There is no explicit planning permission granted for a change of use from an agricultural use to a leisure use, but with various earlier permissions, the change of use is not considered of great concern. There is one farmhouse on site which is understood to have an extant farm worker tie condition which must be complied with.

This outline proposal is for a sizeable expansion of the site to what might be described as a holiday park. It relates to land directly south of the main group of former farm buildings and would inevitably end any opportunity for neighbourly farming operations in the main buildings and yard.

There are plans for access by campervans and potentially 4 bedroom holiday dwellings on the land, which would be of substantial size, perhaps larger than the term chalet suggests.

6.2 Principle of Development

The Isle of Man Strategic Plan 2016 is very clear in policy BP11 that the protection of the unzoned countryside from built development applies to tourism as much as any other type of development. The preferred method of providing new tourism away from the main settlements will be provided in traditional building conversions or the diversification of farmhouses and other rural dwellings. New built development in the countryside threatens the rural landscape which is the very reason that the Isle of Man is such an attractive tourism destination in the first place.

Whilst the proposals are situated adjacent to a farm building grouping, St Marks Country Park is in an isolated landscape position, visible in long distance views and largely inaccessible without using a private vehicle. It is not close to any nearby villages and it is not close to many other tourism attractions, pubs or shops who might economically benefit from the new visitors. Indeed future visitors could turn up on the ferry with a load of food in hand and spend largely nothing aside from the holiday rental fee.

The proposals for new tourism accommodation, craft workshops and camping activity do not meet any of the encouraged types of rural accommodation laid out in Business Policies 11 to 15 of the Strategic Plan and as such are contrary to Development Plan policy.

The Visit the Isle of Man Agency highlight that they are seeking 500 new non-serviced, distinctive, eco-friendly accommodation units in the next ten years, but these proposals do not meet that standard and even if they did, planning policy is such that such new

developments would be expected in sustainable locations. St Marks Country Park is not considered a sustainable location as it relies on the use of private vehicles, places built development in the open countryside and provides little connection or benefit to other nearby attractions or tourism related businesses.

The proposals would result in rural development of a holiday accommodation park based around existing activities at the property which would be in conflict with the tourism policies of the Isle of Man Strategic Plan which protect the countryside for its own sake and encourage sustainable patterns of human activity.

6.3 Other material considerations

The proposals are made in principle, so matters of design and amenity are of diminished relevance. As has already been stated, the building of chalets and craft studios and the introduction of campervans and tents would have a negative impact on the rural character of the area and would adversely affect the landscape. In terms of local residential amenity, being a remote site means that holidaymakers could stay at the farm park without harming local living standards, although there is a derelict farmhouse directly to the east of the application site which could experience significant disturbance if reoccupied.

Access to the park is on quiet rural roads which have plenty of capacity and no safety concerns. The Department of Infrastructure do not raise objections on highway matters.

The site has little ecological value and no substantial vegetation such as trees. The applicant suggests that large amounts of landscape planting would be made, but this would be detailed consideration later. This does not overcome the objections raised about landscape impact.

7.0 CONCLUSION

7.1 The proposals relate to new built development which would transform St Marks Country Park into a small holiday park. The application site is in the countryside and not zoned for development and therefore Policy GP3 of the Isle of Man Strategic Plan 2016 applies that sets out exceptional criteria where development may be permitted. The proposals do not meet any of these criteria and are therefore contrary to this policy. The applicant's representative have informally argued that the development should be recognised as of overriding national need (criteria (g) of GP3), however there is no recognition that small scale new build tourism chalets, craft cabins and camping are of national need.

In terms of Strategic Plan tourism policies, there is a specific reference to avoiding permitting new tourism accommodation in the countryside. These proposals are clearly at odds with planning policy in this regard.

The proposals are considered to be inappropriate development in the countryside, with an over reliance on the private car and would denigrate the rural character of the landscape. The proposals do not accord with the controls on rural development set out in Policy GP3 and are at odds with the sustainable objectives set out Policies BP11 to BP15 which provide guidelines of what type of tourism accommodation will be supported.

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.

PLANNING AUTHORITY AGENDA FOR 30th January 2023

Item 5.5

Proposal : Install a mezzanine floor level for use as a gymnasium into an existing building that has been granted a Change of Use at Ground Floor for use as a gymnasium

Site Address : Jack Frost Building
Spring Valley Industrial Estate
Douglas
Isle Of Man
IM2 2QU

Applicant : Coomer Properties Limited

Application No. : 22/01482/B- [click to view](#)

Planning Officer : Mrs Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

Whilst the land is not designated for the proposed use it will provide facilities which are generally encouraged within the Strategic Plan, and given the reasonable size of the unit and the other non-residential uses in the immediate surroundings, the change of use to a gym is not considered to be unacceptable or to adversely impact general or residential amenity in the area. Highway issues are also expected to be minimal given the location and the availability of parking either at the site or in nearby area. For these reasons the application and proposal is recommended for approval.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSED USE IS CONTRARY TO THE DEVELOPMENT PLAN

THE SITE

1.1 The application site is within the curtilage of a unit currently called the Jack Frost Building which is situated to the North East of Spring Valley Industrial Estate, Douglas.

PROPOSAL

2.1 The application seeks approval for the creation and use of a first floor level within the existing building. The unit measures approximately 31.340m by 19.177m resulting in a total additional floor area of approximately 601 square metres.

2.2 The proposed opening times of the first floor level will match the existing gym times of;
Monday to Friday - 06:00 to 21:00
Saturday - 08:00 to 17:00
Sunday - 09:00 to 16:00

2.3 The car parking has been changed from the previous application (PA22/01128/C), to 44 spaces, of which 38 car parking spaces are easily accessible. Within the information provided there are several additional car parking spaces available to the site including 15 spaces at Units 31-33 Spring Valley Industrial Estate, 15 spaces at 7-9 Spring Valley Industrial Estate and 15 spaces at the Robinsons Site which is a short distance away from the site.

PLANNING HISTORY

3.1 There is one previous application which is relevant to the assessment of this application PA22/01128/C, which was for "Conversion of existing industrial unit into a gymnasium and the installation of replacement curtain wall glazing to existing roller shutter door" and was permitted at Planning Committee with the following relevant conditions,

3.2 This approval relates to the ground floor use only.

REASON: The application has been assessed on the use of the ground floor area only

3.3 Prior to commencement of this approval, details of the measures to prevent access to the first floor needs to be submitted and agreed in writing by the Department and retained as such thereafter.

REASON: the application has been assessed on the ground floor use area only and in consultation with the agent.

PLANNING POLICY

4.1 The site lies within an area zoned as "Industrial" on the Area Plan for the South, Map 4 - Douglas.

4.2 Generally there are no policies within the Isle of Man Strategic Plan for the proposal, the proposed use will be a departure from the authorised use of the site, as well as the Area Plan designation.

4.3 Whilst the above is the case, General Policy 2 which sets of "development standards" and Transport Policy 7 in connection with Appendix 7 which sets out parking standards, are relevant Strategic Policies due to the proposed alterations to the frontage, the proposed use and the available parking on site, including Chapter 10 of the Isle of Man Strategic Plan (paragraphs 10.1.1 and 10.3.34) which discusses the positive impact of new recreation or sporting facilities on the Island.

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, "- - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The submitted Parking Statement makes a justified case." (14.12.22)

5.3 Braddan Commissioners have considered the proposal and state they have no objection. (19.12.22)

ASSESSMENT

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

- principle (GP2)
- highway safety (TP7)

6.2 PRINCIPLE

6.2 When looking at the proposed principle of the use, whilst it is noted that the site itself is not designated for recreation or leisure purposes, the previous application PA22/01128/C deemed that a gym within this site is acceptable, as stating, "On balance, whilst not in full accordance with the Development Plan, when assessed against the broader principles of General Policy 2, a change of use to a private gym would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses of the Spring Valley. Given the ability to alter the use within Class 4.4 of the 2019 Use Class Order, of those uses listed (assembly and leisure) few of those would cause a conflict of use on this estate, however it could place additional pressure on parking in the area. In this case it would be appropriate to limit the use of the proposal by a condition to that as per the application and prevent any subsequent change of uses without seeking planning consent."

6.3 HIGHWAY SERVICES

6.3.1 As per the previous application, the main issue arising from such an application is whether the proposal would impact parking or traffic journeys, hence why Conditions were attached to the previous application to limit the gym to the ground floor level.

6.3.2 Transport Policy 7 in accordance with Appendix 7 of the Isle of Man Strategic Plan, states that the proposal will need 1 space per 15sqm, having measured each level of the site at approximately 600sqm, this means there is a requirement of 80 spaces for the site.

6.4.3 The site itself has 38 car parking spaces, easily accessible which is almost a shortfall of over 40 space. Whilst this is the case, the site is close to a bus network and within walking distance of a concentration of population. The industrial estate generates a variety of different businesses to the site, with the traffic being generally day time and week day traffic, as such there is likely to be capacity on the roadways and adjacent parking areas to accommodate any vehicles which cannot be accommodated on the site such that there will not be an adverse impact on the highway network in the vicinity of the site.

6.4.4 It is also relevant to note that the applicants have provided a car parking statement with letters of support to having accessible parking within Spring Valley Estate for the peak times, which will help alleviate any parking on the site.

6.4.5 On balance, the proposal is considered to have provided with sufficient parking, including the surrounding sites and thus not expected to result in any adverse highway safety impacts on the area.

CONCLUSION

7.1 As it has been demonstrated, there are many examples of gyms located in industrial areas and as such it is considered that what is proposed, whilst not in full accordance with the Development Plan, would not impact on the wider character and appearance of the area, nor would it conflict with adjacent uses.

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