



Isle of Man
Government

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

Agenda for a meeting of the Planning Committee, 11th April 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 27th March 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 24th April 2023.

PLANNING COMMITTEE Meeting, 11th April 2023
Schedule of planning applications

<p>Item 5.1 Plot 1 South Part Of Field 435252 Scarlett Farm Scarlett Castletown Isle Of Man IM9 1TB</p> <p>PA22/00332/REM Recommendation : Permitted</p>	<p>Reserved Matters application to PA 20/00995/A for the erection of an agricultural farm workers dwelling</p>
<p>Item 5.2 Land NorthEast Of Garage And Part Field 230387 Main Road Kirk Michael Isle Of Man IM6 2HD</p> <p>PA22/00596/B Recommendation : Permitted</p>	<p>Creation of bus layby with associated bus shelter and formation of field access</p>
<p>Item 5.3 Former Prison Site Victoria Road Douglas Isle Of Man</p> <p>PA23/00287/B Recommendation : Permitted</p>	<p>Temporary TT Accommodation and associated facilities for 2023 and 2024 only</p>
<p>Item 5.4 Carmodil Beg Glen Road Ballaugh Isle Of Man IM75JD</p> <p>PA22/01306/B Recommendation : Permitted</p>	<p>Proposed extension to garage block to create Ancillary Disability Accessible Granny Flat / Self Catering Unit</p>
<p>Item 5.5 Ballacosney House Baldhoon Road Laxey Isle Of Man IM4 7QH</p> <p>PA22/01415/B Recommendation : Permitted</p>	<p>Proposed garage with a private yoga studio above & renovation and conversion of an existing cottage and garage for solely tourist accommodation</p>
<p>Item 5.6 Land At Woodland Heights Ashley Road Onchan Isle Of Man IM4 5BB</p> <p>PA22/01560/B Recommendation : Permitted</p>	<p>Erection of garden cabins for use as tourist accommodation (class 3.6) and therapy business and a covered structure (retrospective)</p>

PLANNING AUTHORITY AGENDA FOR 11th April 2023

Item 5.1

Proposal : Reserved Matters application to PA 20/00995/A for the erection of an agricultural farm workers dwelling

Site Address : Plot 1 South Part Of Field 435252
Scarlett Farm
Scarlett
Castletown
Isle Of Man
IM9 1TB

Applicant : Mr Robert Henry John Watterson

Application No. : [22/00332/REM](#) - 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. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 3. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 4. 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 within the site, 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 5. Prior to the occupation of the dwelling the Swift brick bird nesting boxes as shown on drwg. no. 300 Rev D shall be installed and ready for use and retained thereafter.

Reason: In the interest of biodiversity on site.

C 6. All planting, seeding or turfing comprised in the approved details of landscaping drawing 001 Rev C must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the hereby approved dwelling, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. The hard landscaping works shall be completed in full accordance with the approved details as shown on drawing 001 Rev C prior to the first use of the dwelling.

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

C 7. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and cycle parking, and shall be retained available for such use.

Reason: To provide adequate off-street parking and cycle provision.

Reason for approval:

The proposed development is considered to constitute a high standard of design which would be in keeping with the site's rural location in the countryside. The proposals would not result in a demonstrably harmful impact upon the wider landscape, whilst being read in the context of the existing group of farm buildings. The development would further provide future occupants with a spacious and functional dwelling, particularly in the context of the wider agricultural holding. The proposals are considered to be compliant with Strategic Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policies 9 and 10 of the Strategic Plan (2016).

Interested Person Status – Additional Persons

None.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE DUE TO THE SITE'S PREVIOUS HISTORY AND ON THE ADVICE OF THE HEAD OF PLANNING AND BUILDING CONTROL

1.0 THE SITE

1.1 The application site identified in red forms comprises the south-eastern corner of an agricultural field (field no. 435252 - 2.87 acres) adjacent to the existing farm buildings of the larger holding to the immediate west. The land is associated with Scarlett Farm, Castletown which is an agricultural holding of 220 acres (194 owned and 26 leased). The site is accessed from the highway of Scarlett Road which connects onto a farm track, initially serving the property "Sea Mount" at its junction and continues to the north-west for 230m to the main farm buildings.

1.2 The proposals, subject to the previous approval in principle, include an extension to the track along the south-eastern perimeter of the cluster of farm buildings to the location of the proposed dwelling. The site further include a row of mature trees along its south-eastern boundary.

2.0 THE PROPOSAL

2.1 The application seeks approval for the Reserved Matters following the initial Approval in Principle for an agricultural workers dwelling allowed at appeal (PA 20/00995/B).

2.2 The detailed proposals the subject of this application relate to the erection of a two-storey dwellinghouse which is, from a design perspective, largely reflective of a traditional Manx farmhouse incorporating the principles of Planning Circular 3/91, albeit with some more contemporary design approaches.

2.3 In particular, the dwelling includes enlarged chimney stacks at either gable end, front fenestration of 3 first-floor windows with a further 2 at ground floor either side of a centrally located front entrance, concrete/art stone copings along the ridge and gable ends from the eaves to the flank of the chimney stacks. The dwelling would however be finished in painted sand/cement render, slate roof tiles with solar panels on the front (south facing) elevation, and a wide gable-fronted entrance porch, finished in tiered natural stone cladding.

2.4 The proposals further include the erection of a dual-pitched detached double garage using matching render and slate roof tiles. The proposed driveway upon entry would extend from the east to the south-west towards the dwelling and sited just off-centre to the west within the site. The garage would be sited immediately adjacent to the west of the dwelling and in close proximity to adjacent farm buildings off site.

2.5 From a landscaping perspective, the existing trees along the site's south-eastern boundary would be retained and protected during construction, with no trees required for removal to facilitate the new access. The remainder of the site would be largely laid to lawn, aside from the creation of a small vegetable garden adjacent to the dwelling. The north-western and south-eastern site boundaries would be delineated by the creation of a new sod bank and hedging. Indicative details of a new drainage field and soakaway have also been provided on the proposed site layout plan.

3.0 PLANNING HISTORY

3.1 An approval in principle for the erection of an agricultural workers dwelling (PA 20/00995/A) was previously allowed at appeal following refusal by the planning committee (contrary to the officer's recommendation for approval). The decision notice for the approval included the following conditions:

C 1. The development hereby approved shall be begun either before the expiration of four years from the date of this approval or before the expiration of two years from the date of approval of the last of the reserved matters.

Reason: To comply with article 12 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Application for approval of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To avoid the accumulation of unimplemented planning approvals.

C 3. Approval of the details of design, external appearance of the dwelling, internal layout, landscaping of the site (reserved matters) shall be obtained from the Department in writing before any development is commenced.

Reason: To comply with the Town and Country Planning (Development Procedure) Order 2019.

C 4. Prior to the occupation of the dwelling the driveway and means of vehicular access identified on Site Location Plan shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction.

Reason: To ensure the provision of proper access

C 5. Any future Reserved Matters Application is required to include details of appropriate and proportionate ecological mitigation measures such as replacement Manx native planting and the integration of bird boxes, a tree survey and tree protection plan, which will result in no net loss for biodiversity on site.

Reason: To ensure no net loss for biodiversity on site.

C 6. Any future Reserved Matters application shall, where applicable, include details of: parking provision in accordance with the adopted standard, turning area and bicycle parking.

Reason: In the interests of highway safety.

C 7. The occupation of the dwelling hereby approved shall be limited to a person engaged or last engaged solely in agriculture on the Isle of Man, or a widow or widower of such a person, or any resident dependants.

Reason: The site is in an area where new dwellings are not normally approved except where an agricultural need has been established and accepted by the Department.

4.0 PLANNING POLICY

4.1 The application site falls within the open countryside and is not zoned for any specific development in the Area Plan for the South. The site falls within an Area of High Landscape Value in accordance with the 1982 Development Plan.

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

Strategic Policy

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

Spatial Policy

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

General Policy

- 2b,c,g General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

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

Housing Policy

- 4 Exceptions to allowing new housing in the countryside

- 7 New agricultural dwellings
- 8 Restrictive conditions for agricultural dwellings
- 9 Siting of new agricultural dwellings
- 10 Design of new agricultural dwellings in accordance with circular 3/91

Transport Policy

- 4 Highways safety
 - 7 Parking

Infrastructure Policy

- 5 Water conservation and management

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.

4.6 Planning Circular 3/91 (1991)

This document provides guidance on the design of new residential development in the countryside and remains a material consideration in the determination of applications for dwellings on land not zoned for development (i.e. in the countryside). This document is also specifically referenced throughout the Isle of Man Strategic Plan 2016, including with Housing Policy 10 which specifically relates to the design of new agricultural dwellings.

5.0 REPRESENTATIONS

5.1 Castletown Commissioners - no response received at the time of writing.

5.2 Highways Services - Development would have no significant negative impact upon highway safety, network functionality and /or parking. It is believed that this application is wrongly assigned and described. It appears to be a reserve matters or a full application for approval after appeal for PA 20/00955/A. Should this not be the case please re-consult. Notwithstanding, the details submitted satisfy the pedestrian and vehicle related requirements. It considers bicycle parking but does not install a storage facility which is somewhat disappointing. It is acknowledged that this is not a requirement of policy or a condition. The Applicant should consider installing an electric vehicle charging point. (08.04.22).

Highways Development Control notes the changed description and suffix advertised on 22 April 2022 and continues to raise no opposition to this proposal. The Applicant is advised to consider the installation of bicycle parking storage at one space per bedroom and an electric vehicle charging point to assist with Active Travel and Net Zero objectives. (27.04.22)

Highways Development Control notes the amendments uploaded on 28 February 2023 and continues to not oppose this proposal. As mentioned previously, the Applicant is advised to consider the installation of bicycle parking storage at one space per bedroom and an electric vehicle charging point to assist with Active Travel and Net Zero objectives. (02.03.23)

Highways Development Control notes the amendments uploaded on 23 March 2023 and continues to not oppose this proposal and has no further comment to make to those in its 2 March 2023 response. (24.03.23).

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 should investigate details of the drive to its junction with the highway to demonstrate compliance with the above clauses (06.03.23)

5.4 Forestry Officer - No objection, subject to attachment of a pre-commencement condition requiring the provision of tree protection details to establish a construction exclusion zone.

[officer note: this information has since been provided as part of the application and considered acceptable by the Forestry Officer]

5.5 Ecosystems Policy Officer - The Proposed Plans and Elevations (Drawing No. 100) make reference to the installation of swift nest boxes as part of the ecological mitigation for the development. The Ecosystem Policy Team request that a condition is secured on approval for swift nest bricks to be installed within each of the gable ends of the new property which are maintained in-situ thereafter. Each brick should be installed as high up as possible under the eaves, and not above windows and doors. (15.09.22)

6.0 ASSESSMENT

6.1 The principle of development has already been established through the previous grant of an Approval in Principle. The main issues to consider in the assessment of this planning application solely relate to reserved matters identified within the decision notice for the approval in principle, which include the following:

- Design, visual impact, landscaping and ecology (STP5, GP2, EP1, 2, HP9, 10)
- Residential amenity (GP2, g, h)
- Highways and parking (TP4, 7)
- Other matters (RDG, EP22, CP7, 11 and IP5)

6.2 DESIGN, VISUAL IMPACT, LANDSCAPING AND ECOLOGY

6.2.1 As already noted in this report, the design, form and architectural vernacular of the dwelling largely follows the principles of Planning Circular 3/91 as required by Housing Policy 10 of the Strategic Plan. Likewise, the dwelling and its corresponding ancillary garage would be located within close proximity to the existing core of adjacent farm buildings to the south-west, whilst not being within close proximity to a public highway and approached via the existing farm access; all of which are requirements of Housing Policy 9 in relation to the development of new agricultural dwellings.

6.2.2 The proposals, through utilising the principles of Planning Circular 3/91, are considered to be of a sympathetic design that would sit appropriately in this countryside location. The new dwelling and garage would, from a visual standpoint and particularly from longer distance views to the north, further be read within the context of the existing cluster of agricultural buildings and therefore not give rise to a detrimental level of visual intrusion upon the wider landscape. Moreover, the visual impact of the proposals would be further mitigated by the creation of sod banks and hedging along the site's north-eastern and north-western boundaries. Such treatment would not disguise or shield the development from view, however it would succeed in aiding the integration of the proposals into the wider landscape, particularly by limiting the perceived domestication arising from the creation of a residential plot in this location.

6.2.3 The remainder of the site being laid to lawn, with the addition of a vegetable garden, is considered to be appropriate. Likewise, the retention of existing trees along the site's south-eastern boundary and protection during construction is noted, with the level of information submitted on this matter considered acceptable by the Forestry Officer, without the need for additional information to be supplied by condition/s.

6.2.4 Furthermore, the proposals further include the use of swift bricks for bird nesting which has been welcomed by the Ecosystems Policy Officer to aid in the site's biodiversity credentials.

6.2.5 In light of the above, the proposed development is considered to be acceptable with respect to its design, scale and layout within the site, together with its subsequent visual impact upon the wider locality and in particular longer distance views across within the wider landscape to the north. The proposals are therefore in compliance with General Policy 2, Environment Policies 1 and 2, and Housing Policies 9 and 10 of the Strategic Plan. Furthermore, the level of information submitted is considered to meet the requirements of Condition 5 of the Approval in Principle (20/00995/A) with respect to ecological and arboricultural requirements.

6.3 RESIDENTIAL AMENITY

6.3.1 The site is located a sufficient distance from the closest residential property of Sea Mount to the south-east to ensure the development would pose no material impact upon their amenities. The proposals represent a high-quality design incorporating a spacious and functional dwelling in the context of the wider agricultural holding, thereby affording future occupants a high standard of living. The proposals are therefore compliant with General Policy 2 (g) & (h) of the Strategic Plan.

6.4 HIGHWAYS AND PARKING

6.4.1 No objections have been raised by Highways Services with respect to the proposals, which would incorporate on-site parking provision for in excess of 2 dwellings, with clear space for vehicles to safely manoeuvre within the site. Likewise, clear space for the parking of bicycles would be possible within the detached garage. The application therefore meets the requirements of Condition 6 of the Approval in Principle (20/00995/A).

6.5 OTHER MATTERS

6.5.1 The proposed works comprise a single dwelling, and are not considered to pose any issues with respect to respect of criminal activity or spread of fire. The new dwelling would be served by a soakaway for the disposal of surface water and a Klargester biodisc and drainage field for foul sewerage, which is considered to be acceptable. It is further not expected that the water usage of the proposed dwelling will be materially significant, and therefore no concerns are raised in this regard.

7.0 CONCLUSION

7.1 The proposed development is considered to constitute a high standard of design which would be in keeping with the site's rural location in the countryside. The proposals would not result in a demonstrably harmful impact upon the wider landscape, whilst being read in the context of the existing group of farm buildings. The development would further provide future occupants with a spacious and functional dwelling, particularly in the context of the wider agricultural holding. The proposals are considered to be compliant with Strategic Policy 5, General Policies 2 and 3, Environment Policies 1 and 2, and Housing Policies 9 and 10 of the Strategic Plan (2016), and therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 11th April 2023

Item 5.2

Proposal : Creation of bus layby with associated bus shelter and formation of field access

Site Address : Land NorthEast Of Garage
And Part Field 230387
Main Road
Kirk Michael
Isle Of Man
IM6 2HD

Applicant : Highway Services

Application No. : 22/00596/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.

C 2. All planting, seeding or turfing comprised in the approved details of landscaping on drawing P003 Rev A must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the development, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. The hard landscaping works (i.e. footpaths etc.) shall be completed in full accordance with the approved details prior to the first operation/occupation of the development thereby permitted.

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

Reason for approval:

The proposal complies with General Policy 2 of the Isle of Man Strategic Plan 2016 and in turn the Residential Design Guidance 2021.

Interested Person Status – Additional Persons

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

Planning Officer's Report

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

THE APPLICATION SITE

1.1 The application site is within the curtilage of Field 230387, which is a field situated to the North East of Main Road, opposite the Garage.

1.2 There is an existing bus shelter which is situated within the hedge of Field 230387, opposite the entrance into Glebe Farm, with the entrance into the existing field situated to the most South West of the field, directly next to the roadside.

THE PROPOSAL

2.1 The current planning application seeks approval for alterations to the field which include but are not limited to;

- moving the bus shelter approximately 15m to the North of the site,
- creation of bus layby
- removal and rebuilding of a sod bank
- removal of existing farm entrance and installation of new farm entrance with hardstanding to the front by approximately 71m.
- installation of stockproof fencing

2.2 The information provided within the application states that the reasoning for the works are, "The overriding objective of the project is to improve the safety of bus users and residents in order to provide some measure of compliance with the provisions of the equality act. Giving them adequate infrastructure to safety use public transport will assist with this."

PLANNING HISTORY

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

PLANNING POLICY

4.1 The site lies within an area zoned as "not for development" on the Kirk Michael Local Plan 1994. The site is not within a Conservation Area but part of the field is within a Flood Risk Zone area.

4.2 There is one policy from the Kirk Michael Local Plan 1994, Written Statement which is relevant in the assessment of this application, Policy 12.4 which states, "With the exception of areas already proposed for development use, no areas of open space should be released for development."

4.2 Given the nature of the proposal and the land designation the most relevant Strategic Policies are General Policy 3 which sets out the criteria of development within areas not zoned and General Policy 2 which sets out general development standards.

4.3 These two policies are then followed by Strategic Policy 10 which seeks that new development is designed to promote more integrated transport network, Environment Policy 1 which seeks that the countryside is protected for its own sake and Transport Policy 4 which seeks that new development should be designed to accommodate vehicle and pedestrian journeys.

REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state in part with regards to the bus layby, "The proposal will see the improvement of existing bus facilities rather than creating a new stopping location" and do not have any object to the field access. (08.06.22)

5.3 Michael Commissioners have considered the application and have raised no objections. (09.03.23)

5.4 DEFA Ecosystems have considered the proposal and state they are happy with the revised drawing (drawing no. P0003A) and would like to request that a condition is attached to any approval. (02.03.23)

5.5 DEFA Forestry have written in and stated that if the planting is conditioned as per Drawing No. P003, they have no concerns. (17.08.22)

5.6 DOI Flood Management have written in to state that they do not have concerns arising from the removal of the existing entrance/bus shelter and the replacement of the entrance/bus shelter. (05.12.22)

ASSESSMENT

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

- principle
- character and appearance
- highway safety
- flood risk

6.2 PRINCIPLE

6.2.1 When looking at sections 4 of this report, we can see that the field in question is situated within an area not zoned for development, having looked at the proposal, it can be separated into two parts firstly the proposed bus layby and secondly the proposed new field entrance.

6.2.2 When looking at the proposed principle of the bus layby, whilst this initially would not fit within the exceptions within General Policy 3, whilst this is the case there have been many applications which have been recommended approval against the Development Plan due to there being a need for the works, in the area that they are proposed.

6.2.3 It is clear from the information provided that the existing bus shelter is not acceptable for today's society with the shelter being hidden behind the existing sod bank and there being a minimal amount of accessibility, such as the pavement and access, as such, whilst the existing bus shelter is usable by some users it is not fit for purpose.

6.2.4 Taking the above into account, the principle of a new fit for purpose bus shelter is deemed acceptable.

6.2.5 Turning towards the field entrance, which due to its proposed use would fit within part (f) of General Policy 3, "building and engineering operations which are essential for the conduct of agriculture or forestry," as such the overall principle of the proposed field entrance is acceptable.

6.2.6 Whilst it is deemed that the overall principle is deemed acceptable it is necessary to assess whether the proposed works would impact the overall streetscene and whether there would be an impact to Highway Safety, due to the proposed works.

6.3 CHARACTER AND APPEARANCE

6.3.1 When looking at the proposed bus layby and alterations, there is no doubt that it will be noticeable within the overall streetscene, whilst this is the case, the proposal is situated to the end of the recognised Kirk Michael settlement, with there being a slight industrial feel from the Petrol Station opposite the proposal.

6.3.2 When assessing whether the proposal will have an impact whether within the streetscene or due to the proposed works being upon the TT course, and how they might alter this, it is necessary to note that most of the impact of the works will be balanced with the overriding need for a more safe, accessible bus layby, which the majority of users from Kirk Michael can use.

6.3.3 Overall the impact of the proposal is outweighed by the safety mentioned above and the environmental benefits, which align with the current policies in place.

6.3.4 Turning towards the character and appearance of the proposed field entrance, firstly it is noted that the existing field entrance due to its location directly next to "Bem-Te-Vi," which is situated to the South West of the field, fits within the overall streetscene and is very unobtrusive. It is recognised that the proposed moving of the entrance is due to the works given, whilst this is the case, the proposed entrance gate is deemed acceptable for the agricultural use and provides suitable visibility which might not have been awarded within its previous position.

6.3.5 It is noted that whilst the proposal states the gate is to be constructed out of timber, there are no details provided regarding sizing, height or even design, as such a condition should be attached for this information to be received.

6.4 HIGHWAY SAFETY

6.4.1 Turning towards highway safety, due to the majority of the works being done for a user and Highway Safety reasoning, it is necessary to assess whether the proposal is acceptable.

6.4.2 Firstly with regards to the bus layby, Highway Services state that it will be an improvement upon the existing facilities and as such ultimately does not cause any significant road safety issues. Whilst this is the case it is noted that reference is made to the lack of tactile paving which is required due to there being not dropped curb on the eastern end of the site, as such a condition should be attached for tactile paving to be installed.

6.4.3 Secondly with regards to the field access, Highway Services have no issue with regards to this and state that it is adequate for the proposed use and suitable enough for a large vehicle to turn into the area in front of the gate to allow vehicles to pass safely.

6.4.4 Overall from a Highways Services point of view the proposal is deemed acceptable.

6.5 FLOOD RISK

6.5.1 Turning towards the proposal being within a Flood Risk Area, comments were requested from the DOI Flood Risk Management Team, on whether the proposal would create any issues as a Flood Risk Assessment was not received as part of the application.

6.5.2 The overall assessment of the potential flood risk, was stated that the proposal should reduce any possible flooding onto the road/layby with any potential flood being situated behind the proposed new sod bank, as such it is deemed acceptable in this regard.

CONCLUSION

7.1 Overall, whilst the site is not designated for development, the proposed works are improving the existing bus layby, firstly in terms of assisting more customers to being able to

access the public service safely and secondly by creating a safer layby in which vehicles can pass safely.

7.2 The above means that the proposal whilst creating an impact to the overall streetscene is deemed acceptable for safety and environment aspects and recommended for approval with conditions for hawthorns to be planted and for the installation of tactile paving.

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 11th April 2023

Item 5.3

Proposal : Temporary TT Accommodation and associated facilities for 2023 and 2024 only

Site Address : Former Prison Site
Victoria Road
Douglas
Isle Of Man

Applicant : Department Of Enterprise

Application No. : 23/00287/B- [click to view](#)

Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. 2023 - The temporary building/s hereby approved on this site shall not be in situ before the 12th May 2023 and shall be removed from the site by the 17th June 2023. The use hereby approved shall not be in operation before the 26th May 2023 or after the 12th June 2023. The site shall be restored to its former condition within 5 days of the temporary building/s being removed.

2024 - Prior to the occupation/use of the land for the temporary TT Accommodation and associated facilities as for the 2024 TT, dates shall be submitted to and approved in writing by the Department for the 2024 TT periods which outline the setup, operation and take down periods/dates. These agreed dates shall be fully adhered to.

Reason: The application has been approved as an exception to the Development Plan on the basis of need for the TT event only and for a period of two years as proposed by the application. Exact dates for the 2024 TT are not yet known.

C 2. Visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit shall be provided prior to first use of the development, and maintained as such unobstructed whilst the site is in use, with nothing above 1m in height within the visibility splay areas.

Reason: In the interests of highway safety.

C 3. The parking and motorcycle spaces as shown on drawing "P02 extra cabin" shall be provided and ready for use prior to the occupation of any unit and retained for such use during the temporary period/s (Outlined in C 1) .

Reason: to maximise the number of parking spaces that could be accommodated on the site to limit any overspill parking onto the public highway.

Reason for approval:

It is concluded the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site is the curtilage of the former prison site along Victoria Road in Douglas. The prison has been demolished in recent years and is now cleared.

2.0 THE PROPOSAL

2.1 The submitted application seeks planning approvals for the Creation of temporary tourist accommodation units and associated facilities for the 2023 and 2024 Classic TT periods only. The proposal includes 180 (up from 168 units in previous years) tourist living accommodation units, 13 staff units/stores and associated facilities. The TT periods in question would run from 29th May to 10th June for 2023 and 27th May to 8th June 2024, albeit the latter might be subject to change.

2.2 There was some initial confusion in relation to the timings of the proposal, as the submitted statement indicated that the applicants required a minimum of 14 days setup period before the TT starts and a takedown period of 5 days after the TT period. However, the statement then indicated that the setup period would be from the 1st of May 2023 (would be 28 days before TT on the 29th May) and then the removal commencing on the 13th June and cleared before the end of June (i.e. possibly 30th June) which could equate to 18 days after the TT has finished. This would result in the overall operation lasting a maximum of 61 days. This raised some concern. Accordingly, this concern was raised with the applicants who indicated the following;

"...for the avoidance of doubt the first bunkcabins are scheduled for delivery to site on the 1st May 2023 and we have a scheduled removal of the final cabins by the 21st June 2023.

As you will appreciate we require a slightly longer set up period than previous years, as we have more units to install (and remove) and along with a weather buffer and to reduce the risk of any unexpected eventualities, in order to ensure we avoid a disaster of not being ready to open on 26th May 2023.

We found in 2019 that we only just got 100 cabins set up and operational on the day of opening and in 2022 we only had a day or so to fine tune the site with 168 cabins.

The delivery, erection and removal of the temporary village facility is a major logistical exercise and under the control of several limiting factors :-

1. The setup/removal of the Village requires the following :-

- a) Utilities setting up temporary power, drainage and water supplies. Seven manholes to be prepared, tested and approved.
- b) The physical road mileage and ferry transportation of some 51 No 13-metre trailers carrying the cabins to and from the Island, at the ferries busiest time of year.
- c) Working with limited space on the IOMSP and reduced availability of trailers and drivers, limited marshalling area at Heysham and more so, in Douglas where the harbour generally

has to be cleared within a few hours of arrival and above all limited room to marshal trailers within the Village site.

d) Requirement for one week of QC checks on cabin installation, fire officer and environmental health department approvals, water, electric and drainage connections to each cabin and the marquee and disconnections of same.

e) Crane availability for the removal and installation of each cabin, as cranes are also linked with undertaking TT duties,

2. There is a lot of potential for unexpected delays, for example :-

a) Caused by weather (we have been very lucky in 2019 and 2022 that ground was relatively dry with very little rain and also that the crane operation was not restricted by winds over 20mph) . We also avoided any shipment delays in 2019 and 2022 due to weather.

b) Logistical problems affecting IOM Steam Packet, one day was totally lost in 2022 (with crane and full crew on site) due to an unexpected loading problem at Heysham.

c) Crane breakdown

On a general point: as the TT operation, in line with IOMG policy, has sought to become more professional in its set up and presentation of the races and the Island, it has inevitably sought more time to set up the thousands of bits of infrastructure involved in delivering a successful event without any last minute hitches.

Installation of TT course roadside safety structures and signage used to start in mid-May but now commences in April in recent years for good reasons."

2.3 Accordingly, the current proposal is seek approval for the first delivery of bunkcabins on the 1st May 2023 and the final removal of the bunkcabins would leave the site on the 21st June. This would result in the total operation of the proposal; of setup, operation and take down being over a period of 52 days, being operational for 17 days.

2.4 For information the 2022 TT period which ran from the 27th May 2022 till 12th June 2022, with a set up period of 8 days and 4 days to remove from site was in place for a total of 29 days, operational for 16 days.

2.5 The 180 tourist bunkcabins, which have the appearance of a portacabin buildings, which would be positioned in 6 parallel rows (generally 30 in each row) within the upper to central part of the site. Each unit would provide two single beds and a bathroom. The clients for this accommodation will be a mix of corporate guests of sponsors, European visitors and short stayers, who will predominantly be flying to the event.

2.6 The proposal includes the erection of a marquee building, which would be used to serve guest a continental style breakfast. Tea and coffee refreshments would also be provided. There will be no retail or alcohol sales and no music/performance events on the site. New to this application compared to previously years is the introduction of 13 staff units/store along the north-eastern boundary of the site, running parallel with Victoria Avenue. Additional motorbike parking is proposed within the site and within the neighbouring site (part of red line) which is new.

2.7 The applicants anticipate that very few guests will have their own transport: the corporate guests profile indicates they will be transported by sponsor's vehicles or utilise either taxi or minibus arrangements to site. Notwithstanding this, there is provision for 40 cars and a number of motorcycles parking within the existing hardstanding area adjacent to the entrance of the site.

3.0 PLANNING HISTORY

3.1 The previous planning application on this site which is considered relevant to the determination of this application:

3.2 Creation of temporary tourist accommodation units and associated facilities for the 2022 Classic TT and Grand Prix period - 22/00103/B - APPROVED

3.3 Creation of temporary tourist accommodation units and associated facilities for the 2022 TT period - 22/00102/B - PENDING CONSIDERATION

3.4 Creation of temporary tourist accommodation units and associated facilities for the 2020 festival of motorcycling (21.08.20 - 06.09.20 inclusive) - 20/00255/B - APPROVED

3.5 Installation of 150 tourist living accommodation units and associated facilities for the 2019 TT period - 18/01346/B - APPROVED subject to the following conditions:

4.0 PLANNING POLICY

4.1 The application site is within an area designated as "predominantly residential" under the Area Plan for the East 2021. The site is not within a Conservation Area.

4.2 In terms of strategic plan policy, the Isle of Man Strategic Plan contains four policies that are relevant to the assessment of this current planning application. The planning application should be assessed against both General Policies 2 and 3: while the latter refers only to land not zoned for any development, some of the general principles of General Policy 2 with respect to the character of the area and impact upon highway safety.

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

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

4.4 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:

- (a) essential housing for agricultural workers who have to live close to their place of work (Housing Policies 7, 8, 9 and 10)
- (b) conversion of redundant rural buildings which are of architectural, historical, or social value and interest (Housing Policy 11)
- (c) previously developed land which contains a significant amount of buildings where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environmental and where the development proposed would result in improvements to the landscape or wider environment
- (d) the replacement of existing rural dwellings (Housing Policies 12, 13 and 14)
- (e) location-dependant development in connection with the working of minerals or the provision of necessary services;
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry
- (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

4.5 Business Policy 11 states: "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 would be used for tourist use and Environment Policy 16 sets out the circumstances where this may be permitted."

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

5.0 REPRESENTATIONS

5.1 Douglas Borough Council does not oppose (04.02.2022).

5.2 Highway Services comment (17.03.2023):

" - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking given previous planning approvals. Arrangements for travel to and from site are predominately noncar based. Consideration should be given to repeating condition 3 of PA22/00102/B on visibility, and restricting use to the 2023 and 2024 TT periods as well as to cover the duration for erection, dismantling necessary, plus for any necessary ground reinstatement at end of period. Highway licences may be necessary for advance signing on the highway."

6.0 ASSESSMENT

6.1 There are no specific policies in the Development Plan which relate to camping/temporary unit uses. The application therefore needs to be judged on its own merits, having regard to the visual impact of the proposed temporary accommodation, the impact upon highway safety, and finally the impact upon neighbouring properties.

VISUAL IMPACT OF THE PROPOSED TEMPORARY ACCOMMODATION

6.2 The site located on a corner plot would result in the proposed development being is clearly visible from Victoria Road, Victoria Avenue and Upper Dukes Road. The proposed temporary buildings are not of architectural quality; they essentially appear as rows of portacabins. They are purely 'function of form'. If this application was proposing the units on a permanent basis, then it would be strongly resisted as they are not an appropriate form of development within the area. However, being operational for 17 days only (previously 16

days) and with no neighbour complaints received it is considered this operational period on a temporary period, is again acceptable. The setup and take down periods are increasing from 29 days previously approved, to 52 days albeit the reasons indicated by the applicants appear to be reasonable. Again this application being for a temporary period gives comfort that should there be a disturbance to neighbouring amenities, this would be for a limited period. Further, if there are any subsequent application for a similar scheme and neighbours' concerns were raised, the Department may reconsider the overall length of the periods mentioned, in any subsequent application. Further, it is considered the very temporary needs for this proposal, outweigh the visual harm it would cause.

THE IMPACT UPON HIGHWAY SAFETY

6.3 The site is situated within Douglas and is on a main bus route for public transport into Douglas as well as good connections throughout the Island. The site is also within close proximity to the Grandstand/ TT course making it a logical location for the proposed use. As highlighted by the applicants the likely occupants would not necessarily have their own vehicles, relying on sponsors' vehicles/taxis/mini buses. Further, the proximity to the Grandstand and Douglas Town Centre also helps reduce the reliance on private vehicles; as such areas are also within walking distance. A condition should be attached which requires a plan being submitted (as previously attached) showing the required visibility splays of 2.4m x 43m in both directions to the nearside kerb line from the site access to be used as the exit. These can be provided, albeit will require the lowering of a section of stone walling, which is also considered acceptable. It does not appear these were undertaken and therefore the previous operation of the site in 2019 could be considered to be used unlawfully as they failed to meet the required conditions.

IMPACT UPON NEIGHBOURING PROPERTIES

6.4 Clearly the proposal will have an impact upon neighbouring amenities, namely people coming and going from the site throughout the day and night. The proposal would appear to be trying to resolve the potential impact with the position of the units away from residential properties to the southwest of the site and ensuring that no alcohol/music is provided within the marquee building. Further, comfort is had that it is not envisaged that large amount of vehicles would come and go from the site for the above reasons previously stated. The applicants have also indicated that the site would be manned by a site manager, located on site in a temporary office, supplemented by security and housekeeping staff who will service all rooms within an onsite collection of laundry and refuse.

6.5 Weight is also attached to no objections being received from neighbouring residents (even after the site has operated before) and also given the temporary nature of the proposal which would be operated for 17 days, which similar to what has previously been approved (16 days). It should be remembered that the planning system cannot control how a site is managed, and nor can it control how people behave or the hours of the day that people would come and go from the site. It is true; however, that it is clearly in the operator's interest to ensure the site is properly managed. They have included staff accommodation/buildings on site, so it would appear they are ensuring staff supervision is on site 24hrs a day while the site is in operation.

7.0 CONCLUSION

7.1 Due to the reasons stated, it is concluded the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM Strategic Plan 2016 and therefore the application is recommended for an 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 11th April 2023

Item 5.4

Proposal : Proposed extension to garage block to create Ancillary Disability Accessible Granny Flat / Self Catering Unit

Site Address : Carmodil Beg
Glen Road
Ballaugh
Isle Of Man
IM75JD

Applicant : Mr Gordon Clarke

Application No. : 22/01306/B- [click to view](#)

Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The ancillary accommodation within the single storey building hereby approved shall only be used in association with the main dwelling house "Carmodil Beg" and for purposes incidental to the use of main dwelling house "Carmodil Beg" as a single dwelling. No separate curtilage shall be formed or as an independent dwellinghouse.

Should the ancillary accommodation/tourist accommodation be no longer be required the accommodation shall only be used as accommodation for the use of the main dwelling house, "Carmodil Beg ", as a single dwelling.

Reason: The dwelling is within a single residential plot within an area not designated for development and has only been considered acceptable for the reasons identified within the application. The application does not propose to create separate units of accommodation within the site and has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the Strategic Plan 2016.

C 3. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, and hardstanding/ paths 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 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 additional fences, or extensions, enlargement or other alterations of

the final development hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area and in the interests of the character and appearance of the development

C 5. The development hereby approved shall be carried out only in accordance with the internal layout shown on plan 753.05B received on the 10th November 2023 and retained thereafter.

Reason: The dwelling is within a single residential plot within an area not designated for development and has only been considered acceptable for the reasons identified within the application. The application does not propose to create separate units of accommodation within the site and has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the Strategic Plan 2016.

C 6. The tourist use of the development hereby approved shall not be used or occupied other than for the purpose of short-let holiday accommodation and shall not be used as a separate dwelling. The accommodation hereby approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: To ensure that the tourist use of the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside.

Reason for approval:

Overall, whilst "ancillary accommodation/tourist unit" can cause concern that the accommodation now or in the future could be used independently and tantamount to the creation of new dwellings in the countryside. However, for the reasons indicated within this report and with appropriately worded conditions in place, it is considered the proposal would comply with the IOMSP; having no public or private impacts amenities nor having a significant adverse impact upon the character or quality of the countryside and therefore complying with Environment Policy 1 and 2 of the IOM Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site is the residential curtilage of Carmodil Beg, Glen Road, Ballaugh which is a detached two storey traditional Manx cottage. Within the curtilage of the site is a detached building which accommodates garaging at ground floor level and a home office/studio at first floor level. The site has a single vehicular access to the western boundary. The site is located to the eastern side of the Glen Road, to the south of Ballaugh Village.

1.2 The boundaries of the site and the roadside boundaries in the area are characterised by mature landscaping made up of a mixed of hedgerows and trees. The main garden of the dwelling is located to the eastern boundary extension to the northern boundary of the site.

2.0 THE PROPOSAL

2.1 The application seeks approval for the erection of a single storey extension to the northern gable elevation of the existing garage block to provide Ancillary Disability Accessible Granny Flat and Tourist accommodation.

2.2 The applicants in support of the application state;

"The proposal involves extending to the rear of the existing garage block to provide an Ancillary Disability Accessible Granny Flat with Carer bedroom. The extension will in the future also provide for use as Tourist accommodation.

- o The present need at for family health / care use and long term health planning.

- o Both applicants parents have recently become widowers, both recently diagnosed with health issues. Namely cancer and heart problems. The immediate and long term care is now urgently being addressed.

- o Mrs Clarke has a long term increasing MS condition

- o the forward planning is being considered in all cases, providing easy level DDA access and parking for family and any future usage.

- o Any future B&B Tourist use has also been considered with the level DDA access, since the Island suffers considerably from disability / semi ambulant accessible facilities.

- o Furthermore our elder daughter and child presently live abroad. If she returns, with house prices here being so high, she will undoubtedly struggle to find living accommodation. Hence an option maybe that they will live with us and use the new accommodation.

- o The existing garage and proposed extension is fed from the existing cottage electricity, water and septic tank facilities. All supply meters / billing is at the existing cottage

- o The new unit will be serviced for facilities, laundry etc. via the main cottage with B&B being served in the existing cottage where presently Homestay TT / Grand Prix facilities are offered under the Stay IOM Tourism Scheme."

2.3 The proposed extension would have a maximum width of 8m and a maximum depth of 9.2m and a maximum height of 4.75m (eaves 2.9m). The extension would have external wall finished of cedar style cladding, timber and slate roof finish. The proposal would accommodate a "granny flat unit" which would have a studio style layout with a bedroom, living area and kitchenette in one room with an accessible shower and toilet. An additional single bedroom is also proposed which is indicated as a "carer's bedroom".

3.0 PLANNING HISTORY

3.1 The previous planning application is considered specifically material to the assessment of this current planning application:

3.2 Erection of a detached double garage/ store with studio accommodation over - 05/00906/B- APPROVED

3.3 Approval in principle for the erection of a detached dwelling - 04/02519/A - REFUSED

3.4 Alterations and extension to dwelling and erection of double garage - 00/01730/B - APPROVED

3.5 Approval in principle for erection of dwelling land adjacent to Carmodil Beg, Ballaugh Glen, Ballaugh - 96/00994/A - REFUSED

4.0 PLANNING POLICY

4.1 In terms of land use designation the application site is designated as high landscape value and scenic significance under the 1982 Development Plan Order. Part of the site also appears to be within a "woodland" designation, but this is the northern/eastern part of the gardens.

4.2 Environment Policy 1 states: "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."

4.3 Environment Policy 2 states: "The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

- (a) the development would not harm the character and quality of the landscape; or
- (b) the location for the development is essential."

4.4 Environment Policy 3 states: "Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value."

4.5 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:

- (a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
- (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
- (c) previously developed land which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
- (d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
- (e) location-dependent development in connection with the working of minerals or the provision of necessary services;
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry;
- (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

5.0 REPRESENTATIONS

5.1 Highway Services make the following comments (received on 24.11.2023 and 21.03.2023):

"Highways Development Control notes the additional information and change in description uploaded on 13 and 17 March 2023 and continues to not oppose this proposal."

6.0 ASSESSMENT

6.1 The two main considerations are the principle of the proposed ancillary accommodation and the potential visual impact of the development upon the countryside.

Principle of the proposed ancillary accommodation

6.2 The proposal would result in a modest two bedroom unit with its own bathrooms measuring approximately 17.5sqm internally. Concerns of such accommodation can be that the unit could potentially be used as a self-contained unit, totally independent from the main house for any provisions and could not be considered to be ancillary accommodation as proposed. If a building, or part of a building, contains sufficient facilities to be used in a self-contained manner then they are generally considered to be a separate planning unit, whether or not they are occupied by a relative of occupants of the primary property, or used by guests.

6.3 There is some case law that has accepted fully self-contained accommodation as being ancillary to the principal residence, i.e. when they have been occupied by a dependant relative or disabled child, or even staff, and certainly who pays the bills is a factor. However, in most cases the test of whether it is a separate planning unit rests upon its severability i.e. if the alleged ancillary use could practically and viably operate on its own were the primary use of the premises cease or cease to be in the ownership of the same person.

6.4 In this case there is comfort that the ancillary unit would be used in associated with the main dwelling house (Carmodil Beg), which include the ancillary units would utilise the same access/driveway and parking area as the main dwelling house and its proximity to the main dwelling house adjacent to gardens which would potentially lead to conflicts if occupied by separate parties/families. Due to this it is much less likely that the occupiers of the main dwellinghouse would want non-family members living in these units, as the occupiers of all units and main dwelling house would have less privacy.

6.5 Discussion was also had during the site visit with the applicants, regarding the potential of extending the existing dwelling to provide the additional ancillary accommodation, which would be the preferred way form the Departments standpoint and ease concerns of future separation. However, it was clear that the topography of the land to the rear of the dwelling (land is approximately one storey above the floor level of the dwelling), limited space to the southern gable of the dwelling would make any extension difficult. There is room for an extension to the northern gable elevation; albeit this would then impact the parking/turning area of the dwelling and also potential impact the appearance of the existing Manx cottage; albeit not unachievable.

6.6 The applicants have clear indicated what they propose to utilise the ancillary units (see section 2.2 of this report) for, both now and in the future and it would seem a reasonable request, and is perhaps a type of application which will become more common in the future, given the Island has an increasingly older population, cost of care home care, capacity of care homes and families wishing to live under one house. Accordingly, with appropriate conditions in place it is considered the proposal from this respect is acceptable.

Potential visual impact of the development upon the countryside

6.7 It is considered that the proposal being single storey and cedar clad finishes would help blend the proposals into the street scene/area, especially given the mature roadside landscaping which existing. Further the extension in terms of portion and scale and overall design, fits well with the existing garage block which the extension would be attached too.

6.8 Overall, whilst the proposal would increase the mass of the existing garage block, on balance, it is not considered the works would significantly increase the impact of the building

as viewed by the public, to warrant a refusal. As such, it is considered the proposal complies with the provisions of Environment Policy 1 & 2 and is therefore acceptable.

7.0 RECOMMENDATION

7.1 Overall, whilst "ancillary accommodation/tourist unit" can cause concern that the accommodation now or in the future could be used independently and tantamount to the creation of new dwellings in the countryside. However, for the reasons indicated within this report and with appropriately worded conditions in place, it is considered the proposal would comply with the IOMSP; having no public or private impacts amenities nor having a significant adverse impact upon the character or quality of the countryside and therefore complying with Environment Policy 1 and 2 of the IOM Strategic Plan. Therefore the application is recommended for an 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 11th April 2023

Item 5.5

Proposal : Proposed garage with a private yoga studio above & renovation and conversion of an existing cottage and garage for solely tourist accommodation

Site Address : Ballacosney House
Baldhoon Road
Laxey
Isle Of Man
IM4 7QH

Applicant : Mr & Mrs Nigel & Tanya Davis

Application No. : 22/01415/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 Cottage shall not be used or occupied other than for the purpose of short-let holiday accommodation and shall not be used as a separate dwelling. The accommodation hereby approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year.

Reason: To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside.

C 3. The Yoga studio/gym within the first floor of the extension and the ground floor garage shall only be used in association with the main dwelling house " Ballacosney House" and for purposes incidental to the use of main dwelling house " Ballacosney House" as a single dwelling, for no commercial purposes and only in accordance with the internal layout as shown on the submitted Drawing No.0 JTM2215-P-04 rev A received 9th February 2023, and being retained as such thereafter.

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:

Overall, it is considered that the application would not harm the use and enjoyment of the existing dwelling occupants and neighbouring properties. The proposal would also not result in adverse visual impacts on the character of the site or surrounding countryside, and as such is considered to comply with Housing Policy 15, Environment Policy 16, Strategic Policy

8 and, Business Policies 11, 13 and 14 of the Strategic Plan 2016, as well as the provisions of Planning Circular 3/91.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPLE PLANNING OFFICER

1.0 THE APPLICATION SITE

1.1 The application site is the residential curtilage of Ballacosney, a two storey detached property situated on the northern side of Baldhoon Road, Lonan. The main dwelling is located approximately 70 metres from the highway with views of the property only partially visible from a main public thoroughfare given the level of significant boundary treatment. The site rises significantly above the level of the adjoining highway.

1.2 Like the main dwelling, the outbuildings within the site area also sufficiently screened by the mature landscaping that encloses the buildings on site. There is also an established sodbank lining the highway, rising to about 2.5m at some sections.

1.3 The surrounding area is characterised by a mix of detached dwelling types of different forms and layout. Most of the dwellings here are sufficiently screened by mature landscaping which enclose most of their boundaries.

2.0 THE PROPOSAL

2.1 Planning approval is sought for a proposed garage with a private yoga studio above and renovation and conversion of an existing cottage and garage for solely tourist accommodation.

2.2 The details of the works would include:

a. Erection of garage:

i. The existing storage building situated directly west of the main dwelling will be removed and a new garage extension erected in its place.

ii. The new extension would measure 14.5m x 6.6m and be 6.5m tall (4.3m to the eaves) and be set over two floors. This extension would incorporate a traditional pitched roof which would be finished in slate roof tiles to match the existing roof finish on the main dwelling. There would be three large garage doors and a smaller garage door on the ground floor, as well as a large glazed section with front facing gable on the first floor of the front (east) elevation, two high level windows on the north side elevation, and four high level windows on the rear (west elevation). The external walls of the building would be finished render (painted white) and larch timber cladding (mainly to the front).

iii. A new pitch roofed single storey glazed link extension (3.3m high, 2.7m wide and 2.6m long) would be erected on the front (East) elevation to link the garage to the main dwelling via the living room/gym.

iv. The window units would be UPVC units while the large glazed section would have Aluminium windows.

v. This building would serve three car parking spaces and a tractor parking space, stairs and WC on the ground floor, while the upper floor would serve a gym/yoga studio, shower room, changing area and a sauna.

vi. The garage extension including link extension would measure 198.4sqm (Ground floor 95.7sqm, first floor 95.7sqm, and link extension 7sqm).

b. Conversion of existing cottage and garage:

i. The existing cottage/garage would be altered to create a cottage capable of serving as a new cottage for solely tourist accommodation.

ii. The external stairs would be removed with internal stairs installed as replacement.

iii. The internal area of ground floor garage within the cottage would be altered to create an open plan kitchen/dining and living area, a cloak/utility room, a porch and a shower room, while the upper floor would be reconfigured to create three bedrooms, and two shower rooms.

iv. The external alterations would include closing up the rear door on the first floor which served the external staircase, closing up the garage doors on the ground floor front elevation and installing a new window and French doors, as well as closing up the door on the east side elevation of the cottage and installing a new window.

v. New openings would be created on the west side elevation to install two new full height windows on both floors.

vi. The cottage would be converted to a tourist accommodation.

2.3 No trees would be removed on site to enable the development.

2.4 The parking provisions within the site would increase from six to nine parking spaces (three within the new garage).

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the East as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is largely free of flood risks, although a strip with low surface water flood risk cuts through the driveway. There are no registered trees on site, and the site is not within a registered tree area.

3.2 The Character Appraisal within the Area Plan for the East states thus concerning the area:

3.2.1 Glen Roy (B5):

3.2.2 Landscape Strategy:

"Conserve and enhance:

a) the character, quality and distinctiveness of the tranquil rural valley, with its scattered houses and farmsteads surrounded by deciduous woodland;

b) its winding, narrow roads with small fords and bridges;

c) relatively continuous tree cover in the valley bottom;

d) strong field pattern on the lower valley sides.

Key Views

Opened and channelled views up to the open uplands that surround the area.

Channelled views over wooded valley towards Laxey".

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which guides extensions to traditional dwellings in the countryside.

3.4 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form

and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.5 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.6 Since the site has an established residential use and the site is within a location with existing properties, it would also be relevant to consider the general standards of development as set out in General Policy 2.

3.7 Environment Policy 16: The use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use may be permitted where:

- a) it is demonstrated that the building is no longer required for its original purpose and where the building is substantially intact and structurally capable of renovation;
- b) the reuse of the building will result in the preservation of fabric which is of historic, architectural, or social interest or is otherwise of visual attraction;
- c) it is demonstrated that the building could accommodate the new use without requiring extension or adverse change to appearance or character;
- d) there would not be unacceptable implications in terms of traffic generation;
- a) conversion does not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing town and village services; and
- f) the use of existing buildings involves significant levels of redevelopment to accommodate the new use, the benefits secured by the proposal in terms of impact on the environment and the rural economy shall outweigh the continued impact of retaining the existing buildings on site.

Proposals to convert rural buildings to residential accommodation will be considered along with the advice given at Section 8.10 of this document.

3.8 Strategic Policy 8:

Tourist development proposals will generally be permitted where they make use of existing built fabric of interest and quality, where they do not affect adversely environmental, agricultural, or highway interests, and where they enable enjoyment of our natural and man-made attractions.

3.9 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."

3.10 Paragraph 9.5.8 states:

"The use of existing private residential properties as tourist accommodation may be acceptable if it can be demonstrated that it will not compromise the amenities of any neighbouring residents."

3.11 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."

3.12 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.

3.13 Environment Policy 4 protects biodiversity (including protected species and designated sites).

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

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

3.15 Other policies within the Strategic Plan which are considered relevant to the proposal are; Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside) is considered relevant. The section on 'Proportions and Form' on page 4 provides advice on how to make variations to the floor area of traditional buildings (extensions).

4.1.2 Policy 3 states:

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

4.1.3 Policy 4 states:

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

4.2 IOM Biodiversity Strategy 2015 to 2025

4.2.1 The strategic aims (In part):

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

4.2.2 Habitat loss actions

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

5.0 PLANNING HISTORY

5.1 The site has been the subject of three previous planning applications which are considered to be materially relevant to the current application:

5.2 Approval was granted under PA 13/00319/B for Alterations and extensions to dwelling (comprising amendments to PA 12/01441/B). The increase in floor area remained at 130sqm (47% over original) as the alterations were on the appearance and not the size of the floor area.

5.3 Planning approval was granted under PA 12/01441/B for the erection of a two storey extension on the eastern end of the dwelling along with the installation of two bay windows to the front elevation and the installation of traditionally styled windows. This increased the floor area for the dwelling over the original 276.6sqm (approx.) by 130sqm which comprised a 47% increase over the existing.

5.4 PA 02/02146/B for First floor extension over existing, garage with link to dwelling and alterations to driveway- Approved. This extension related to the outbuilding (garage) which the current application also seeks to alter and repurpose.

5.5 The implemented alterations and extensions, as well as the proposed works would result in a cumulative increase in floor area over the original built dwelling by 328.4sqm, which is an increase in floor area over the original floor area which was (about 276.6sqm) by about 119%.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in a letter dated 25 November 2022. They note that they find the proposal to have no significant negative impact upon highway safety, network functionality and /or parking. They advise the applicant to consider installing enclosed and secure storage space for cycle parking for the proposed conversion of the cottage and electric vehicle charging points for all proposed uses.

6.1.1 Following review of amendments to the proposal, they continue to not oppose the application (17 February 2023).

6.2 DOI Highways Drainage have indicated that they are content with the proposal (3 March 2023).

6.3 Garff Commissioners have made the following comments regarding the application (13 December 2023):

It was noted that this extension was of a different style to the existing dwelling. The consensus, however, was that, as the property was set back from the road, the proposed extension would not detract from the character of the area. No objection.

6.4 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment of the current application are:

- a. The Principle (GP3, HP 15, BP 11, BP 14 and EP 16);
- b. Increase in floor area (HP 15 & Paragraph 8.12.2);

- c. The Visual impact of the proposal (HP 15, GP2);
- d. Impact on neighbouring amenity (GP2);
- e. Impact on Highways (TP 4 & EP 16); and
- f. Impact on site ecology (EP 4).

7.2 The principle

7.2.1 In assessing the principle of the proposed extension to the side of the main dwelling, it is considered that the site has an established residential use and is within a part of the countryside with existing dwellings. As such, the principle of extending the existing dwelling is acceptable.

7.2.2 The works to refurbish the existing cottage/garage and alter elements of its external appearance is also considered acceptable considering this outbuilding sits within an existing residential curtilage in the countryside and its rehabilitation would serve to support the residential use of the existing dwelling on site.

7.2.3 With regard to the conversion of an existing cottage and garage for solely tourist accommodation, it is considered that the building is no longer required as a garage building (considering a new garage is to be erected on site). The building is also largely in good form and so its preservation is desirable, and the proposed reuse would serve to ensure this built fabric within the countryside is repurposed. Similarly, the use of building which is situated in a rural setting for tourism use is generally supported through Strategic Policy 8 which seeks to make use of the existing built fabric where there is not an adverse impact on the surroundings, as well as the Business Policies 11 and 14 which support the principle of tourist use with exceptions and encourages the specific use of rural buildings for tourism in accordance with Environment Policy 16.

7.2.4 The location of the site is also considered to be suitable for tourist use (with access to large tracks of the countryside which would be suitable for hiking, sightseeing and other forms of tourist activities that benefit from proximity to the natural environment) and as such will not result in the unacceptable dispersal of activity.

7.2.5 It is, therefore, considered that the principle of the proposed extension to the main dwelling and tourist use for the cottage and garage building is acceptable.

7.3 Increase in Floor area

7.3.1 Housing Policy 15 requires that only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space. In terms of the proposed increase in floor area, it is considered that the proposed development would result in an increase over the current floor area which was increased in 2013 by 47% (from 276.6sqm to 406.6sqm) by 198.4sqm, which is a 49% increase over the current floor area (from 406.6sqm to 605sqm).

7.3.2 Whilst the proposed floor area increase would be less than the 50% set under Housing Policy 15, it should be noted that the property has been the subject of a 47% increase in floor area under PA 13/00319/B (an approval that falls within the purview of the Strategic Plan which came into effect in 2007). As such, it would be vital to consider the cumulative increase in floor area over the existing, particularly as Paragraph 8.12.2 which precedes Housing Policy 15 requires that the proportion and form of the building should be sensitively balanced and advises that extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property.

7.3.3 From review of the historic increase in the dwelling's floor area (as detailed in the planning history of the site), it is considered that the proposed increase would amount to a

total floor area increase of 605sqm which is a 119% increase over the original floor area which was 276.6sqm. It is also important to note that the current extension would result in significant alterations to the form, proportion and appearance of the dwelling over the original built form; factors which weighs against the proposed development, although it is noted that the increase would not be noticeable when viewed from the surrounding landscape due to the mature landscaping that encloses the site and the positioning of the extension behind the existing cottage/garage outbuilding on site.

7.3.4 On balance, it is considered that the proposed floor area increase and alterations to the form and proportion of the dwelling weighs against the proposal. However, the level of landscaping on the site boundary which considerably screens the site when viewed from the surrounding countryside and adjoining highway, the position of the extension behind the garage outbuilding which would ensure it is not a prominent addition to the main dwelling, the size of the site area which is capable of accommodating the proposed increase without distorting the site character, and the improvement in functionality for the occupants, are vital for consideration. It is, however, important to note that further incremental additions to the dwelling would not be acceptable given the cumulative increases that have been sought for the dwelling over time.

7.4 Visual Impacts

7.4.1 In terms of visual impacts resulting from the proposal (extension and alteration to existing cottage/garage), reference is made to Housing Policy 15 which indicates that extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. In this case, it is considered that the extension (although modern) will incorporate the main features of the existing dwelling on site in terms of its pitch roof design, slate roof finish, and white painted render. The addition of large sections of glazing on the front elevation is a significant departure from the buildings original appearance, albeit this change is testament of the modern approach to the extension which would serve to achieve solar capture (with the increased potential for the building to trap heat and retain for use within the building, and offer views to the surrounding countryside when using the Yoga studio). The extension would also be set lower than the existing dwelling such that it would remain subordinate to the main dwelling.

7.4.2 The external alterations to the existing cottage are also considered to be in keeping with the character and appearance of the existing building as the works would not alter the buildings form and shape. Moreover, the works would ensure the continuous use of the cottage and enable its use by tourist which would generate some form of income to ensure its continuous maintenance which is in the interest of the building and site. As such, it is considered that the alterations and new features would be to the overall environmental benefit of the dwelling and cottage, and improve its functionality. Therefore, it is considered that the scheme would conform to significant sections of HP 15.

7.5 Impacts on Neighbouring Amenity

7.5.1 With regard to impact on neighbouring dwellings, the property most likely to be impacted would be 'Hunters Moon' to the southwest of the proposed extension, given its proximity to the proposal site. However, it is not considered that there would be any adverse impacts given that the existing dwelling on this neighbouring site is situated about 44.8m from the position of the proposed two storey extension. Moreover, the existing mature landscaping which encloses the boundary of the application site would ensure that the chances for any adverse impacts on neighbouring amenity to occur are further diminished. Accordingly, it is considered that the proposal would be appropriate in this respect.

7.5.2 The use of the renovated cottage as tourist accommodation is also not considered to result in adverse impacts on neighbouring amenity given the detached nature of the site relative to neighbouring property which sit well within their defined large residential curtilages. It is also considered that there is little discernible difference between the use as residential and that of tourism, as the comings and goings of tourists (which could be a couple or family of tourists renting the accommodation for a set time), would be no different from the members of the family or their friends occupying the cottage over a set period. Besides, most tourists coming to the island would rarely come with their private cars, although the isolated nature of the property and its distance from the main public transport route would necessitate the reliance on taxi's or the hire of private cars which would be no different from the existing use as ancillary accommodation or have negligible impacts when compared with the current use of the building as garage and ancillary accommodation.

7.5.3 Correspondingly, as the property sits detached within its own grounds, with the proposed accommodation situated within close proximity to the main part of the dwelling house, it is considered that any adverse harm would have greater impact on the owners before those of the neighbouring residents. As such this aspect complies with Business Policy 11 and Environment Policy 16.

7.6 Highway Impact

7.6.1 With regard to Highway impact, the comments from DOI Highways have assessed the proposal and considered it to have no significant negative impact upon highway safety, network efficiency and/or parking, which clearly indicates that there are no concerns in relation to highway safety or parking. As well, the proposed tourist unit is only for a three bedroom unit and as such the existing parking provision on the site would be sufficient to serve the existing residents and tourists.

7.6.2 Additionally, the building currently has parking provided via the existing off-street parking on the site suitable for six cars (excluding the three to be within the proposed garage), which would be used irrespective of the property being used for tourist purposes, although it could be argued that the tourist accommodation would have a lesser demand for parking, as persons visiting the property would less likely have demand for parking as the current use.

7.7 Impact on Ecology

7.7.1 In terms of impacts on ecology or biodiversity within the site, it is important to establish that if any real harm would result with respect to ecological and environmental concerns, this would be consequent on changes to site levels with some vegetation removal. In this case, it is considered that the scale of vegetation removal to facilitate the erection of the garage extension, in addition to the fact that no trees on site would be removed as a result of the proposal would ensure that any impacts on biodiversity within the site will be negligible, and overridden by the retention of the rural character of the site which will remain considerably unchanged.

8.0 CONCLUSION

8.1 Overall, it is considered the proposal would comply with the relevant policies of the Isle of Man Strategic Plan. Therefore it is recommended that the application be approved.

9.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 11th April 2023

Item 5.6

Proposal : Erection of garden cabins for use as tourist accommodation (class 3.6) and therapy business and a covered structure (retrospective)

Site Address : Land At Woodland Heights
Ashley Road
Onchan
Isle Of Man
IM4 5BB

Applicant : Mr Chris & Mrs Karen Bass & Mrs Hollie Quaye

Application No. : 22/01560/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 business use hereby approved is only for the provision of Therapy Business and shall only be carried out by flourishtherapies.im and only whilst at the property 'Woodland Heights', Ashley Road, Onchan, and no other staff may be employed and/or work at the premises. Upon the cessation of occupation by flourishtherapies.im at the property, the use hereby permitted shall cease.

Reason: This permission is granted exceptionally and the Department wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted.

C 3. The cabins hereby approved shall not be used or occupied other than for the purpose of short-let holiday accommodation and shall not be used as a separate dwelling. The accommodation hereby approved shall not be occupied by the same person(s) for a single period or cumulative periods exceeding 28 days in any calendar year".

Reason: To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside.

C 4. The use hereby approved shall not operate outside the hours of 8.30am and 3pm on Mondays, Tuesdays and Wednesdays.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted, and in the interest of the amenities of the residents of neighbouring dwellings.

C 5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 or Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 or any order amending, revoking or re-enacting these Orders, the structures hereby approved shall be used only for the purpose hereby approved (Therapy Business) and shall not be used for any other purpose within Use Class 1.1 without the express grant of planning approval from the Department.

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

Reason for approval:

Overall, it is considered that the proposals would not harm the use and enjoyment of the existing dwelling occupants and neighbouring properties. The proposal would also not result in adverse visual impacts on the character of the site or surrounding countryside, and as such is considered to comply with Environment Policy 16, Strategic Policy 8, Business Policies 11, 13 and 14, General Policy and strategic Policy 4 of the Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site is the Land at 'Woodland Heights', Ashley Road, Onchan, which falls within the curtilage of 'The Cottage'. The application site is situated off a private road which serves a few properties within the locality. To the south of the application site are open agricultural fields, while Woodlands Tower which is a Registered Building sits north of the dwelling on site and southwest of the application site. 'Woodland Heights' sits directly southeast of the application site.

1.2 The site which is the garden to the dwelling on site has large sections of its western, northern and eastern boundary enclosed in mature landscaping and a wooded area, with the garden only open towards the south where mature trees also enclose large sections of the site area.

1.3 Within the garden is situated a long greenhouse which is positioned in an almost north south position and runs parallel with large sections of the boundary with Woodland Towers. Two timber clad garden sheds/summer houses sit west of the greenhouse, while a covered cabana type brick structure sits lower down to the east and closer to the dwelling. Both cabins have slightly varied external appearances with similar internal layouts.

1.4 To the southeast of the garden area and within the site sits an outbuilding 'Malt Studio' which was recently granted approval for additional use as tourist accommodation under PA 22/00050/B.

2.0 THE PROPOSAL

2.1 Planning approval is sought for erection of garden cabins for use as tourist accommodation (class 3.6) and therapy business and a covered structure (retrospective).

2.2 The smaller cabin measures 4.79m x 2.83m with a ridge height of 2.5m, while the larger cabin measures 5m x 3m and 2.7m high.

2.2 The applicants have provided a Planning Statement which states the following:

- a. The intention is to use one of the summerhouses as a therapy suite for the owner's daughter who runs a therapy business (flourishtherapies.im), while the other unit would be used as tourist accommodation.
- b. The summerhouse used for the therapy business would also provide tourist accommodation on site, although its primary use would be as a therapy facility.
- c. The units would have use of the gardens and woodland to complement the facilities in the building, as well as the approved tourist accommodation at Malt House.
- d. The operator of the therapy business does not live in the premises but wishes to have a base which is located in a quiet, rural location where there is access to natural landscape, trees and flowers, and a calm and peaceful environment.
- e. There ample adequate car parking on site suitable for the proposed uses.
- f. The business would handle 3 clients per day, with each session lasting 50 minutes. A 30 to 60minute interval would separate the sessions.
- g. The Therapy Business would operate between 8.30am and 3pm on Mondays, Tuesdays and Wednesdays.
- h. The tourist accommodation are proposed to offer a glamping style unit accommodating up to 2 people. The occupants would utilise the toilet and shower facilities within Malt House.
- i. There would be books to read and Wi-Fi if required and there may be therapy classes organised for users of the site.
- j. It is not anticipated that children and dogs would be accommodated in the new structures.
- k. The cabana provides a pizza oven and comfortable outside space for all users of the site.
- l. The site is close to a network of footpaths and not far from Onchan with its range of amenities.

3.0 PLANNING POLICY

3.1 The application site is not designated for development under the Area Plan for the East and the site is not within a Conservation Area. There are no registered trees on site and the site is not within a registered tree area, although an area of Registered trees is situated north-east of the site boundary.

3.2 The Character Appraisal within the Area Plan for the East states thus concerning the area:

3.2.1 Glen Roy (B5):

3.2.2 Landscape Strategy:

"Conserve and enhance:

- a) the character, quality and distinctiveness of the tranquil rural valley, with its scattered houses and farmsteads surrounded by deciduous woodland;
- b) its winding, narrow roads with small fords and bridges;
- c) relatively continuous tree cover in the valley bottom;
- d) strong field pattern on the lower valley sides.

Key Views

Opened and channelled views up to the open uplands that surround the area.
Channelled views over wooded valley towards Laxey".

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, there is support for the use of existing properties in the countryside for tourism use (See EP 16).

3.4 Environment Policy 16 (In part): "The use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use may be permitted where:

- a) it is demonstrated that the building is no longer required for its original purpose and where the building is substantially intact and structurally capable of renovation;
- b) the reuse of the building will result in the preservation of fabric which is of historic, architectural, or social interest or is otherwise of visual attraction;
- c) it is demonstrated that the building could accommodate the new use without requiring extension or adverse change to appearance or character;
- d) there would not be unacceptable implications in terms of traffic generation;
- e) conversion does not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing town and village services; and
- f) the use of existing buildings involves significant levels of redevelopment to accommodate the new use, the benefits secured by the proposal in terms of impact on the environment and the rural economy shall outweigh the continued impact of retaining the existing buildings on site."

3.5 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."

3.6 Strategic Policy 8:

Tourist development proposals will generally be permitted where they make use of existing built fabric of interest and quality, where they do not affect adversely environmental, agricultural, or highway interests, and where they enable enjoyment of our natural and man-made attractions.

3.7 Paragraph 9.5.8 states:

"The use of existing private residential properties as tourist accommodation may be acceptable if it can be demonstrated that it will not compromise the amenities of any neighbouring residents."

3.8 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."

3.9 Environment Policy 1 states: "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".

3.10 Environment Policy 3 states: "Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value."

3.11 Strategic Policy 4 states: "Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2) , buildings and structures within National Heritage Areas and sites of archaeological interest;

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and

(c) not cause or lead to unacceptable environmental pollution or disturbance."

3.12 Since the site has an established residential use and the site is within a location with existing properties, it would also be relevant to consider the general standards of development as set out in General Policy 2.

3.13 Transport Policy 1: New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.

3.14 Transport Policy 7:

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

3.15 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.16 Environment Policy 23: When considering alterations and improvements to existing facilities the Department will require that consideration be given to the potential adverse impact of the proposed changes to existing neighbours.

3.17 Other policies within the Strategic Plan which are considered relevant to the proposal are; Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Isle of Man Non-Serviced Accommodation Futures - Final Report

4.1.1 Planning Policy Recommendations

"In terms of defining what is meant by 'overriding national need', we have suggested a number of tests or criteria that could be considered in terms of:

- o Extending the season/attracting visitors outside the main May-September period;
- o Serving and helping attract target markets - accommodation aimed at families, empty-nesters, walkers, cyclists etc.;
- o Securing and attracting investment from both Island and off-island developers and investors - with developers signed up;
- o Showing 'additionality' in terms of providing something not already offered on the Island; meeting an identified gap in supply; attracting new markets rather than diluting existing ones; or bringing an established national or international brand name to the Island and all that brings with it in terms of profile, customer databases, and the ability to drive new demand through marketing, central reservations and customer loyalty schemes;
- o High quality, distinctive accommodation provision;
- o Spreading tourism activity and benefit geographically across the Island;
- o Encouraging longer stays and greater visitor spend as a result;

- o Inclusivity and contributing to the health and well-being agenda, e.g. the provision of accessible accommodation, provision for outdoor activities, accommodation that helps connect with nature;
- o Environmental sustainability in terms of eco-friendly accommodation development that respects, protects and enhances the Island's landscape and natural environment and develops its reputation as a sustainable tourism destination".

4.2 Isle of Man Visitor Economy Strategy 2022-2032

4.2.1 The Strategy's headline targets are to grow the annual visitor numbers to 500,000 by 2032 and increase the annual economic contribution of the Island's Visitor Economy to £520m. This will mean attracting an additional 170,500 visitors per year compared to 2019. The aim is to triple the holiday and short break market as well as grow all of the other visitor markets. Combined with an expected increase in average spending per visitor, driven by strong growth in longer staying and higher spending leisure markets, these visitor numbers should result in a more than doubling of annual visitor spending on the Island to £310m, which will support an increase in Visitor Economy jobs to 5,000 and generate an annual Exchequer benefit of £49m.

4.2.2 Programme 3: Visitor Accommodation Transformation

A key aspiration is to widen our non-serviced accommodation supply with the introduction of the innovative offers that are finding a strong market in competitor destinations, such as back-to-nature retreats, lifestyle and wellness resorts, sea cabins, treehouses, sky huts and luxury glamping sites.

4.3 IOM Biodiversity Strategy 2015 to 2025

4.3.1 The strategic aims (In part):

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

4.3.2 Habitat loss actions

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

5.0 PLANNING HISTORY

5.1 The application site has been the subject of a recent planning application for alteration and extension to create two residential units with additional use for tourist accommodation under PA 22/00050/B. This application which relates to the outbuilding adjacent the main dwelling on site 'Malt Studio' has approval for tourist offerings on site as an additional use of the outbuilding. The proposed development would serve to increase the amount of tourist accommodation on site.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in a letter dated 30 December 2022. They find the application to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant was advised to consider secure and enclosed bicycle storage and installation of an electric vehicle charging point.

5.2 Onchan Commissions recommend that the application be approved for planning purposes only (10 January 2022).

6.3 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

7.1 The application seeks approval for the erection of garden cabins and a covered structure, as well as the use of the garden cabins as tourist accommodation (class 3.6) and therapy business. As such, the fundamental issues to consider in the assessment and determination of this planning application are:

- a. The principle of the proposed development;
- b. The impact on the visual amenities of the site and surrounding area (EP1 & GP2);
- c. Impacts on neighbouring amenity (GP 2 & EP 23); and
- d. Potential Highway Impacts/Impacts on parking (TP 1 & 7)

7.2 THE PRINCIPLE

7.2.1 Assessment of need for the cabins/covered structure (Principle)

7.2.1.1 The proposal should be judged against Environment Policy 1 which does protect the countryside for its own sake but with the knowledge that the site has permission for residential use through the existence of a dwelling. This, however, does not bring any presumption in favour of the structures, as their erection on site would be required to not be averse to the requirements of GP3. In this case, the proposed structures do not specifically fit into any of the criteria for acceptable development in the countryside (a-h), therefore regard must be given to the reasonableness of the scale and siting of the proposed developments within the site, in view of their subsequent impacts.

7.2.1.2 It is also vital to consider that Environment Policies 1 protects the countryside for its own sake and restricts development that would have an adverse visual impact on the countryside. Also the general principles contained within GP2 (a-n) which offer guidance that specifically addresses matters related to development within an existing curtilage. When the proposals are judged against these policies, it is considered that the scale and siting of the proposed development within the defined residential curtilage and at a section of the site where there is sufficient screening, and where their appearance (mainly finished in timber) would be seamlessly integrated into the predominant wooded appearance of the area would ensure that their erection here would be acceptable in principle.

7.2.2 Principle of the use of the cabin for Therapy business (BP1 & EP16)

7.2.2.1 In assessing the principle of the proposed additional use of one of the cabins for therapy business, it is important to acknowledge that permission has been approved and refused for the operation of businesses (i.e. beauty treatments, hairdressers & tutoring) from residential properties throughout the Island.

7.2.2.2 It is also important to consider that the Permitted Development Order permits a number of business operations to be run from a dwelling, these including child minding (up to 6 children), Bed and Breakfast (up to 3 bedrooms) and an occupant of a dwelling can operate any business from home (no visitors/staff allowed) via a home office within the property.

7.2.2.3 Another issue that needs to be considered in terms of the principle is the impact on the nearby town centre. It is generally presumed that new commercial uses will be directed towards existing commercial areas. However, the impact of a single employee operating in this location is unlikely to draw materially harmful levels of trade away from the town centre. Moreover, such small businesses could enable the growth of a business that would eventually achieve a sufficient turnover as to encourage its moving into larger, more attractive and more appropriate commercial premises in the associated town centre in due course.

7.2.2.4 Whilst it is noted that the operator of the business is not resident at the property which is owned by her parents (the applicants), the applicants have granted the operator the

rights of access and usage of the facilities on site. Moreover, there is nothing that impedes the operator of the business from living at the property as her abode if she so chooses. It is also considered that the business would not employ other employees to work on site, as the operator would be the sole person engaged in the Therapy business.

7.2.2.5 Accordingly, whilst the proposed use does not comply with the land use designation; this is not an automatic reason to refuse the application as further material planning matters as indicated previously (7.1 of report) need to be considered, to determine if the proposed development would be appropriate for the site.

7.2.3 Principle of use of cabins as tourist accommodation (STP 8, BP 11, BP 14 and EP 16).

7.2.3.1 In assessing the principle of the proposed tourist use of the cabins, it is considered that the site is situated within a site in the countryside with an established residential use (and the building would be within the residential curtilage). It is also noted that the structures are already insitu and as such the proposal would make use of existing structures on site and there location is not expected to result in significant adverse impacts on the surrounding countryside in term of environmental impacts (no loss of important habitat or woodland areas), impacts on agricultural production (site is not within nan agricultural field) and the site is well detached from the nearby highways with the scale not to such levels as to impacts on traffic flows or highway safety. As such, it is considered that the requirements of Strategic Policy 8 are met in the current case.

7.2.3.2 Likewise, the business policies which support the principle of tourist use with exceptions (Business Policies 11 and 14) are also relevant for consideration, as they support the principle of tourist use and encourages the specific use of rural buildings for tourism in accordance with Environment Policy 16. The expectation is that the building's use should meet the criteria stipulated in these policies (EP 16 and BP 11); conditions which the proposed scheme broadly aligns with, although the elements related to traffic impact will be dealt with below. It is, therefore, considered that the principle of the proposed tourist use for the building is acceptable.

7.2.3.3 Whilst it is considered that the structures may still serve the ancillary uses of the occupants of the main dwelling and as such could not be considered to be no longer required for their use, the structures are largely in good form and so its preservation is desirable, and the proposed reuse would serve to ensure this built fabric within the countryside is repurposed.

7.2.3.4 The location of the site is also considered to be suitable for tourist use (with access to large tracks of the countryside which would be suitable for hiking, sightseeing and other forms of tourist activities that benefit from proximity to the natural environment) and as such will not result in the unacceptable dispersal of activity. Correspondingly, as the property sits detached within its own grounds, with the proposed accommodation situated within close proximity to the main part of the dwelling house, it is considered that any adverse harm would have greater impact on the owners before those of the neighbouring residents. As such this aspect complies with Business Policy 11 and Environment Policy 16.

7.3 Visual Impact of the proposed development (EP1, STP 4 & GP2)

7.3.1 In terms of visual Impacts, there would be no views to the cabins, covered structure or parking areas from the public thoroughfare of Ashley Road or any other road, given the detached nature of the site (about 390m from Ashley Road), and about 244m from Little Mill Road (to the east) with the existing intervening vegetation (wooded areas) screening the site. Besides, the appearance of the structures sympathetic and low impact due to their timber construction, scale and mass. Moreover, the thick line of trees and shrubbery the almost completely encloses the structures would ensure the scheme blends into the setting. The

same can be said for the existing driveway, which is not apparent from any nearby roads. It is also considered that the parking areas which sit well within the existing tree enclosures (which partly enclose the site) would impact on the surrounding landscape due to its location and the presence of a substantial number of young and mature trees and overgrowth on the site.

7.3.2 With regard to potential impacts on setting of the Registered Building at Woodland Towers, it is considered that the cabins and covered structure can be viewed from the grounds of Woodland Towers. However, it is not considered that their presence here would have adverse impacts on the setting of this registered building given they are set well away from this building and sit well within the enclosing woodland where their timber appearance enables easy integration into the appearance of the area. Therefore, it is not considered that there would be any adverse impact on the setting of the registered building or on the character or appearance of the site or surrounding area.

7.4 Impact on Neighbours

7.4.1 The detached position of the structures, as well as the existing vegetation along the site boundary would ensure that there are no adverse impacts on neighbouring amenity, even though it is acknowledged that the proposal would increase the number of people visiting the site.

7.4.2 Another factor that works in favour of the scheme is the nature of the site and its surrounding area which would support a number of outdoor activities that would not require tourists spending so much time within the site; given the potential for hiking, sightseeing and other tourist uses reliant on the natural environment. There are also a network of footpaths around the site which reinforces the benefits for tourists seeking more outdoor activities that may not require frequent use of the site. It is, therefore, considered that the use of the existing cabins for tourist accommodation will not result in adverse impacts on neighbouring amenity.

7.5 Highway Impact (TP1, TP 7 and GP2)

7.5.1 With regard to Highway impact, the comments from DOI Highways which consider the proposal to have no significant negative impact upon highway safety, network efficiency and/or parking" are noted, which clearly indicates that there are no concerns in relation to highway safety or parking. As well, the proposed tourist unit is only for two units suitable for housing a maximum of four tourists and as such the existing parking provision on the site would be sufficient to serve the existing residents, and the proposed tourist units as the existing tourist accommodation within 'Malt Studio' which has two units of self-contained accommodation suitable for small families has its own parking provision.

7.5.2 Besides, it could be argued that the tourist accommodation may have a lesser demand for parking, as persons visiting the property would less likely have demand for parking as the residential use of the site.

8.0 CONCLUSION

8.1 Overall, it is considered the proposal would comply with the relevant policies of the Isle of Man Strategic Plan. Therefore it is recommended that the application be approved.

9.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;

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

9.2 The decision maker must determine:

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