

Form RB1

Registered Building No. 109  
Ref: CCM/MC

## TOWN AND COUNTRY PLANNING ACT 1981

## THE REGISTERED BUILDINGS (GENERAL) REGULATIONS 1982

TO: Trustees of Finch Hill United Reformed Church,  
Merton Holiday Apartments Ltd.,  
1 Merton Bank,  
Douglas,  
Isle of Man.

NOTICE IS HEREBY GIVEN that at a meeting held on the 3rd February, 1989, the PLANNING COMMITTEE of the Department of Local Government and the Environment, in pursuance of its powers under the above Acts and Regulations REGISTERED the Church, immediate grounds, walls, railings and gates of Finch Hill United Reformed Church, Buck's Road, in the Town of Douglas, as defined with a red line on the enclosed plan, in the PROTECTED BUILDINGS REGISTER by reason of its architectural and historic interest.

THE EFFECT OF THIS REGISTRATION IS IMMEDIATE and prohibits the alteration or demolition of the structure or appearance of any part of the building except in compliance with an obligation imposed by or under any statutory provision or with the prior written consent of the Planning Committee.

Public notice of the Registration will be published on the 9th day of March, 1989.

Dated this 1st day of March, 1989.

By Order of the Committee

  
C. C. Magge  
Secretary, Planning Committee

Central Government Offices,  
Douglas,  
Isle of Man.

NOTE: Rights of Review and Appeal against this registration are provided under the Regulations and summarised on the enclosed leaflet.

A copy of Schedule 2 of the Town and Country Planning Act 1981 is appended hereto.



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DO NOT REMOVE

Murray House,  
Mount Havelock, Douglas,  
Isle of Man  
Telephone: (0624) 626262  
Chief Executive:  
M. I. Savage

Please reply to the Chief Executive

Your Ref:

Our Ref:

Ref: MIS/MC

20th November, 1991.

Dear Sir/Madam,

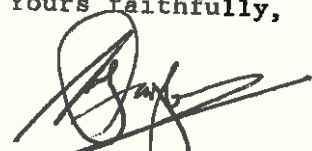
**ON APPEAL: Registered Building No. 109: Finch Hill United Reformed Church**

I refer to the recent appeal hearing in respect of the above registration.

In accordance with the provisions of paragraph 7(5) of Schedule 1 to the Isle of Man Planning Scheme (Development Plan) Order 1982, I am enclosing herewith a copy of the report of the person appointed to hear this appeal.

I am directed to advise you that the Minister, having considered the report has agreed to accept the recommendation of the appointed person. Accordingly, he has directed that the appeal be allowed and that registration of the building be cancelled.

Yours faithfully,



\* Chief Executive.

- TO:
- (1) Messrs. Partington, Nixon & Kinrade, 7/9 Drinkwater Street, Douglas;
  - (2) Borough Technical Officer, Douglas Corporation;
  - (3) Mr. R. Forster, Advisory Council on Planning and the Environment;
  - (4) The Director, Manx National Heritage, Manx Museum, Douglas;
  - (5) Messrs. Kelly, Luft, Stanley & Ashton, Talbot Chambers, Athol Street, Douglas;
  - (6) Mr. J. H. Caine, 25 Albany Road, Douglas;
  - (7) Mr. Hardie, Lhergy Dhone, Alexander Drive, Douglas;
  - (8) Secretary, Planning Appeals;
  - (9) Secretary, Planning Committee;
  - (10) The Editor, IOM Newspapers;
  - (11) The Editor, Manx Independent;
  - (12) The Newsroom, Manx Radio.

Appeal by the Finch Hill United Reform Church under the provisions of Section 7 of the Registered Buildings (General) Regulations 1987 in respect of Registered Building No. 109, Finch Hill United Reform Church, Bucks Road, Douglas.

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The material points made by the parties were:

For the Appellants

1. The church building was not of sufficient architectural or historic interest to warrant it being registered. The registration appeared to be based solely on information supplied by the Manx Museum and the opinion of the Architect and Planning Officer of the Department of Local Government and the Environment. The evidence substantiating the registration consisted of details of the Architects, details of the Stone Mason, and details of particular features, which were principally the clerestory windows and the gargoyles on the tower. The Architect and Planning Officer accepted that his opinion was purely subjective and that it was not supported by any other expert opinion and, it was significant that the Manx Museum had made no contribution to the Inquiry. It was important to recognise that the registration of buildings was not based on any known criteria and could well be said to often occur as a result of a whim on an individual's part. In the case of the appeal premises no detailed reasons for the registration of the building had ever been disclosed and at no time had the appellants been told of the precise qualities of the architectural or historic interest that had led to the spontaneous registration. The opportunity for registration had existed since the passing of the Town and Country Planning Act of 1981 on the 19th January 1982, yet seven years had passed by and during that time the building was not judged worthy of registration. It would be quite wrong that the burden of maintaining the building, which flowed inevitably from the act of registration, was placed upon the appellants on the flimsy and limited evidence on historic matters and the opinion of one person on the architectural aspects. Special account should also be given to the views of the Douglas Corporation in whose local authority domain the church stood. The local elected representatives saw no reason to retain the building and that was a important fact when it was remembered that there was often considerable local opposition to the loss of a well known landmark.

2. Expert evidence, unrefuted by the Department of Local Government and the Environment, showed that the fabric of the appeal premises was deteriorating and would continue to do so unless a considerable sum of money was spent on immediate repairs and remedial works. In 1985 the estimated cost of the works was £53,000 and since then other defects have occurred bringing the current estimate of these works to between £200,000 and £280,000. The resources of the church could not cope with these costs and it had been reluctantly accepted by the church authority that the building had outlived its useful economic life as a church because of the increasing rate of dilapidation and the inability of the authority to fund repairs.
3. In response to suggestions from the Department of Local Government and the Environment the church authority had canvassed experts on the possibility of alternative uses but it was evident, that the building was not a commercial proposition. The building could not be converted into offices because the costings could not support the modest additional floor space that would be created. A figure of £500,000 had been estimated as the cost of putting a second floor into the main body of the building and for that sum only one half of the existing ground floor space could be provided. To create only 1600 square feet of floor space at a cost of £500,000 was nonsensical. In any event an appraisal of the office potential of the church had concluded that the building was incapable of providing the type of office unit that could accommodate current office technological needs. The consensus of all experts in the area of commercial and possible alternative uses for the church was unequivocal, there was no possibility of creating a viable project.
4. The Planning Officer and Architect for the Department of Local Government and the Environment had informed the Inquiry that in conversation with the Chief Executive of the Department he had been told that Government funds could be made available for the repairs, restoration and remedial works necessary to put the church into a sound condition. The evidence given by the Planning Officer and Architect was that an ad hoc application for funds should be made and it was possible that these could be forthcoming if an acceptable case was submitted. It was

clearly inferred that there was a change in the approach to these matters hitherto taken by Government. On examination of these statements however, it was found that there was no fund in hand for such ventures. The most that could be offered was the opportunity to present a case to the Treasury who might be prepared to discuss the possibility of a grant. It also became apparent that not only was the whole issue dependent upon the role of the Treasury, who could decline to discuss the matter, but that any approach must be supported by calculations on the costs of repairs and restoration. The church authority did not possess the resources to pay consultants fees on a speculative exercise that was entirely dependent on the choice of a Government Department as to whether it would or would not discuss a proposal. The opportunity for Government aid was available under the Registered Buildings (Financial Assistance) Regulations 1982 but it was agreed that there was no fund set aside for the purposes of these regulations. As to the Act of 1991, soon to be operative, the financial assistance provision in Section 15 differed little from the 1982 Regulations and again there was no fund set aside and no indication that financial provision would be a concomitant of Section 15 of the Act. The likelihood of Government financial aid was so tenuous as to leave the appellants no alternative other than to seek the removal of the church from the Register. The church authority was in an identical position to that of a large commercial organisation on the Island who had successfully had their building removed from the Register because of the financial burden of restoration. The fundamental difference between the parties however was the ability of a commercial company to finance the works of restoration whereas this was an impossibility for the church authority.

For the Department of Local Government and the Environment

5. The Planning Committee had no established criteria against which the architectural or historic interest of a building was judged. What was taken into account was the age of the building, its aesthetic qualities, the extent to which it was representative or unique, the identity of the architect or builder, the physical context of the building and an assessment of its contribution to the

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townscape or landscape. The relevant information supplied to the Department by the Manx Museum were the dates of construction, probably 1866, the materials of the fabric together with particular features and the name of the Architect and Stone Mason. The information highlighted the fact that the clerestory windows were unique in Manx ecclesiastical architecture and drew attention to the buttresses, the tracery windows and the gargoyles on the tower. On the basis of this information, together with expert advice, it was the judgment of the Planning Committee that because the building was of good aesthetic quality, included as least one unique feature and made a substantial contribution to the townscape of a busy and densely populated area, Registration was justified.

6. The Planning Committee were aware of the financial circumstances of the church authority, the falling numbers of the congregation and the inability of members to raise funds for repairs and restoration. Nevertheless it was believed that alternative viable uses were possible with the provision of additional floor space if necessary. Until it was demonstrated that a conversion was neither feasible nor financial viable the building and its setting should remain Registered.
7. The judgment on architectural merit did not require that the building be of outstanding, significant or even special interest, merely that some of the building was architecturally interesting and as in the case of the church, was important in the street scene. A number of successful conversions of similar buildings had been undertaken but until the fullest possible facts were made available as to likely costs and viability it could not be judged whether the church was suitable. While the evidence from the appellants suggested that there was no market interest in a conversion of the church at present that would not necessarily be the case in the future. Without positive evidence to support the claim that conversion was not economically practicable the building should remain protected.
8. It was possible that Government funds could be made available for the works needed to render the building sound. Details of the costs involved would need to be submitted for the consideration of the Government Departments concerned who then may be prepared to discuss

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the situation. It was acknowledged that no central fund existed for the care and repair of Registered buildings and that no payment had ever been made under provisions of existing legislation.

For the Douglas Corporation

9. The Corporation were satisfied that the church had no architectural merit or amenity quality and they considered that the fabric of the building was in such poor condition that it would be unreasonable to expect the small congregation to pay for repairs and upkeep. No alternative use was possible for the building in their opinion and the small congregation should not be denied the opportunity to provide themselves with a place of worship which they could afford to build and maintain. The registration of the walls, railings and grassed areas around the church prevented the Corporation from constructing a much needed bus layby that would relieve traffic congestion in Bucks Road. It was the strongly held opinion of the Local Authority that the church in its entirety should be removed from the Register.

Conclusions

10. There must be doubts about the criteria used by the Department of Local Government and the Environment to reach a judgment that a building has the necessary architectural or historical qualities to warrant its retention as a continuing liability for the owners. It seems to me that when a critical judgment of this nature is made that the research undertaken, the factual information available and a second validating opinion should be made known rather than by the use of the undisclosed methods upon which the decision to Register buildings appears to be made at present. Unless these facts are known the persons responsible for the care of the Registered building cannot properly argue a case for its removal from the Register. In the case of Finch Hill Church the registration is based on limited facts that do not, in my view, support the contention of either architectural merit or historic interest, and a subjective opinion. I believe that the basis of registration was successfully contested by the appellants who were able to show that the building had no history of any significance, that the architectural merits were



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neither special nor outstanding and that in the context of civic design, the loss of the building would not cause unacceptable harm to the Bucks Road street scene in the neighbourhood.

11. The facts and evidence in support of the appellant's case on the future of the church building were unchallenged and it is evident, in my view, that without substantial funding from sources outside the church authority the building will continue to deteriorate to the point of abandonment and possibly demolition for safety reasons. I have noted the views given to the Inquiry about the possibility of the Government becoming responsible for the remedial works to the church. It was clear however that there was no certainty about this role and that the involvement of the appellants in any submissions would require them to commit themselves to financing surveys and reports at some expense in the knowledge that an application for funds may not even be accepted for discussion purposes. I was not persuaded by the evidence that monies would be easily or readily available. Therefore since the church authority could at the end of a protracted period of uncertainty find themselves in the position that obtains today, I consider that it would be unreasonable and unfair to the authority to take account, on this occasion, of something as imponderable as the question of Government financial aid. There is nothing, of course, to preclude this aspect of the problem from being resolved by action on the part of the Government at any time.
12. I do not consider, on the basis of the evidence and facts put to the Inquiry, that a sustainable case has been argued by the Department of Local Government and the Environment to justify the continued registration of Finch Hill Church.

Recommendation

13. That the appeal be allowed.