

STATEMENT OF THE PLANNING AUTHORITY



Appeal no: AP15/0007

Planning Application No: 14/01377/B

Subject: Appeal against approval for demolition of existing steel frame barn, removal of hard standing, reinstatement of area with grass and grass reinforcement mesh, Church Farm, Cregneash.

Appeal By:

Third Party against the Planning Authority's decision to grant planning permission

Statement Prepared by: Miss M E Mcknight BSc (Hons) MCD, Assistant Planning Officer

Contents

Part 1: Case Officers Report

Part 2: A copy of the decision notice issued by the Department on 27th January 2015.

Part 3: A set of photographs showing the application building.

Part 1: Case Officers Report

PLANNING OFFICER REPORT AND RECOMMENDATIONS

Application No. : 14/01377/B
Applicant : Manx National Heritage
Proposal : Demolition of existing steel frame barn, removal of hard standing, reinstatement of area with grass and grass reinforcement mesh
Site Address : Church Farm
Cregneash
Isle Of Man

Case Officer : Miss Laura Davy
Photo Taken : 15.12.2014
Site Visit : 15.12.2014
Expected Decision Level : Planning Committee

Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE FOR DETERMINATION DUE TO THE OBJECTIONS FROM THE COMMISSIONERS.

1.0 THE SITE

1.1 The application site is the curtilage of Church Farm, Cregneash. There is an existing two storey stone barn which has a large steel frame barn attached to the side elevation. The steel frame barn is in poor condition. Church Farm is to the western side of the highway which runs between Church Farm and St Peters Church. The site is accessed from this highway.

2.0 THE PROPOSAL

2.1 The application seeks approval for the demolition of the steel frame building including the existing concrete slab and foundations. Once the building has been removed, the ground is to be reinstated with top soil and grass with grass reinforcement mesh.

3.0 PLANNING HISTORY

3.1 The previous planning applications are not considered to be specifically material in the assessment of the current application.

4.0 DEVELOPMENT PLAN POLICIES

4.1 The application site is within an area zoned of open countryside but is also within the proposed conservation area. Given the nature of the application it is appropriate to consider General Policy 2 and Environment Policy 35 of The Isle of Man Strategic Plan (20th June 2007).

5.0 CONSULTATIONS

5.1 Highway Services, in an email received 9th January 2015, comment on the application. They do not oppose.

5.2 Rushen Parish Commissioners, in a letter received 19th December 2014, comment on the application. They accept that the agricultural building needs to be demolished but have concerns that there are no plans to replace it. They would have thought that an agricultural building of some sort would remain a necessity in order to continue farming operations in the village. MNH use the site for some events held in the village, at times of inclement weather a shelter for the public would be a necessity. They also have concerns that the site would be

used as a car park given that the proposed surfacing is top soil grass and reinforced mesh. The photograph which has been submitted also shows cars parked on a similar surface. They also have concerns that the surface would preclude the use of this land for purposes associated with farming activities. They feel that photographs of Cregneash over the last 100 years need to be considered together with a clear policy for the 'Folk Museum' before going any further with this project.

6.0 ASSESSMENT

6.1 The key considerations in the assessment of the application are the impacts upon the character and appearance of the property and proposed conservation area in general.

6.2 The steel frame building is a modern addition to the stone outbuilding; it is also in a very poor condition, part brick construction and part asbestos and is unsafe for public to be inside. At present the steel frame building is off limits to the general public and is not safe for staff to use during high winds.

6.3 The building is not particularly attractive and does not make a positive contribution to the character and appearance of the site or the Proposed Conservation Area. It is considered that the reinstatement of the site with topsoil and reinforced mesh would significantly enhance the character and appearance of the site and the Proposed Conservation Area in general.

6.4 Rushen Parish Commissioners are concerned that there are no plans to replace the building, however, if there is not a requirement for an agricultural building, the policies relating to agricultural buildings would not support such a proposal unless there was sufficient agricultural justification.

6.5 Rushen Parish Commissioners also have concerns that the site would be used for car parking. If the applicant was to use the site for this use they would be required to submit an application for the change of use of the site. It is recommended that a condition be attached to the approval to confirm that the site is not for car parking.

6.6 The applicant's agent has provided information regarding the use of the site. They note that the existing barn was used for educational and informative demonstrations. The applicant was concerned that such use could lead to wearing of the grass and create muddy patches, the grass reinforcement mesh is intended to provide greater durability for the grass surface. They are not proposing to change the use of the site.

6.7 For the above reasons the application is considered to be acceptable and is recommended for approval.

7.0 PARTY STATUS

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

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

Recommendation

Recommended Decision: Permitted

Date of Recommendation: 19.01.2015

Conditions and Notes for Approval / Reasons and Notes for Refusal

C : Conditions for approval
N : Notes attached to conditions
R : Reasons for refusal
O : Notes attached to refusals

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2.

No approval is hereby granted for the use of the site as a car park.

Reason: For the avoidance of doubt.

This approval relates to drawings 01 Rev B, 02 Rev A, 11 Rev B and 12 received 2nd December 2014.

I confirm that this decision has been made by the Planning Committee in accordance with the authority afforded to it under the appropriate delegated authority.

Decision Made : *Approved* **Committee Meeting Date :** *26/01/15*

Signed :  **Presenting Officer**

Further to the decision of the Committee an additional report/condition reason is required. Signing Officer to delete as appropriate

YES/NO

Part 2: A copy of the decision notice issued by the Department 27th January 2015.



Isle of Man
Government

A 1979 Billon Kanneer

BB Consulting Engineers Ltd
27 Duke Street
Douglas
IM1 2AZ

TOWN AND COUNTRY PLANNING ACT 1999
The Town and Country Planning (Development Procedure)(No 2) Order 2013

In pursuance of powers granted under the above Act and Order the Department of Infrastructure determined to **APPROVE** an application by Manx National Heritage, Ref **14/01377/B**, for the Demolition of existing steel frame barn, removal of hard standing, reinstatement of area with grass and grass reinforcement mesh at **Church Farm Cregneash Isle Of Man** subject to compliance with the following **condition(s)**:

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

2. No approval is hereby granted for the use of the site as a car park.

Reason: For the avoidance of doubt.

This approval relates to drawings 01 Rev B, 02 Rev A, 11 Rev B and 12 received 2nd December 2014.

Date of Issue:

27th January 2015

M Gallagher

**Director of Planning and
Building Control**

Guidance Note

This decision was made by the Planning Committee in accordance with the authority delegated to it in the name of the Minister and/or in the name and on behalf of the Department.

This permission refers only to that required under the The Town and Country Planning (Development Procedure)(No 2) Order 2013.

Any appeal against this decision must be in accordance with the criteria set down in that instrument.

Specifically, a valid appeal must be in writing, signed by the appellant, and submitted to the Department within 21 days of the date of this Notice. To further validate the appeal it must contain:

- Payment of a planning appeal fee as prescribed in an order made by the Department under Section 1(1) of the Fees and Duties Act 1989 (currently £150);
- The reasons for making the appeal; and
- An election to have the appeal conducted by means of an inquiry (a hearing) or by means of written representation.

An appeal form and guidance notes are available from either Planning & Building Control, Tel 685950, or to download from the Department's website <http://www.gov.im/categories/planning-and-building-control/planning-development-control/planning-appeals/how-to-appeal/>

The proposed development must not be commenced until either;

- The time for requesting an appeal has expired; or
- Any appeal has been determined;

Whichever is the later.

If no appeal is lodged within 21 days of the date of issue overleaf, and this decision becomes final, the Department's public reference copy (counter copy) of the planning application may be collected by the applicant or their agent from Murray House.

Whilst a copy of the Officer's report which led to the decision is now available to view via the Departments website, link below, all other correspondence relative to the application is available for inspection at the Department.

<https://www.gov.im/planningapplication/services/planning/search.iom>

Please note that if the counter copy of the application is not collected within THIRTY DAYS following the last date on which a planning appeal can be made it will be destroyed without further notice.

Part 3: A set of photographs showing the application building.







1

