

## Two tier Planning System - Rich pickings for some!

Written by W R Tomlinson  
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I've written before about the emergence, in the last few years, of a two tier planning system - one for the very rich and one for the rest of us.

Never was that more apparent than with a recent decision by CoMin to reject an independent planning inspector's recommendation to refuse PA 15/00124 at Meary Voar, Santon.

It was admitted by CoMin that the development (for the demolition of existing outbuilding and erection of a building housing swimming pool, gym, spa, staff and office accommodation), did not comply with the provisions of the Strategic Plan. CoMin justified its approval decision by stating "Having reviewed the evidence Council considered that greater weight should be given to the potential longer-term economic benefits for the IOM.....overall these economic benefits... are sufficient to outweigh the negative visual impact of the proposed building on the surrounding countryside".

What a lucky couple the owners of Meary Voar are. A public footpath that runs past their house has been obstructed for several years and notices erected, directing walkers through the adjacent quarry and field to get to the coastal footpath, Raad-ny-Foillan. Even though the Department of Infrastructure has known about this for years, they have chosen to take no enforcement action to have the obstructions removed and the public right of way restored to its proper route.

It may be a comfort to the owners of Meary Voar, to know that the Department of Infrastructure has inserted a clause into a Highways (Amendment) Bill 2015, soon to get its third reading in Keys, that would allow the Department to make the diverted path official without all the tiresome bother of involving the public and the current procedure laid down in the Highways Act.

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Without any planning permission, the owners of Meary Voar reopened a long abandoned quarry, excavated its contents and increased the area around their property (i.e. the 'residential curtilage'). When this came to light, they applied for retrospective planning permission ( [PA 13/91438/B](#) ). Curiously, this application was withdrawn only a few weeks later. The Planning Authority has not taken any enforcement action! And that's not all. Using the material from the quarry, a dam was built alongside Raad-ny-Foillan to create a large lake, complete with lights and fountain. Again, this was done without applying for planning permission.

Thus, a dam holding back a very considerable volume of water running alongside and above a public path was constructed without any building control inspections during its construction. When this was discovered, the landowners applied for permission retrospectively ( [PA 13/91394/B](#) ) . Yet again the application was withdrawn a few weeks later and no enforcement action has been taken.

The owner's luck holds. Could the unexpected withdrawal of the retrospective planning applications be the result of an assurance from someone in authority that no enforcement would be taken? Clearly, if you are this fortunate in your dealings with the Planning Authorities, the Department of Infrastructure and the Council of Ministers, there is no need to waste your time and effort with footling tasks such as submitting planning applications or applying to have the route of a public footpath moved; just get on with it. Such procedures are only for other, less fortunate, people.