

hardstanding, with only limited amounts of development outside of these boundaries is in a form that seeks to minimise its overall harm to the Green Belt. These considerations, taken together, lead me to the view that the proposed development would meet criteria (f) of the Historic England Guidance in these terms.

21. As criterion (g) of the Historic England Guidance refers to the overall balance of benefits against the disbenefits of breaching other policies, this is a matter that I will return to in my overall planning balance.

Highways and Access

22. The application that led to this appeal was supported by a Transport Statement¹⁴ based on industry standard data including the TRICS database, the National Transport Model TEMPRO, and Office of National Statistics material on travel to work areas in the vicinity of the site. The Transport Statement concluded that the proposed development would not result in a material impact on the existing highway network showing that only the Rest Hill Road junction would result in an increase of over 30 movements during the PM peak hours, with all other AM peak times and junctions well within the 30 movement range- some significantly under this figure. Whilst I note comments that the number of cars per dwelling assumed by the Transport Statement could underestimate the level of parking for each house, the evidential basis of higher levels of car ownership for each household is not before me.
23. I readily accept that there may be times when Lever Causeway is busier than others, particularly around the school opening and closing times; however, on balance I consider that the proposed development would not result in a material increase in this traffic flow. I consider that the increase in traffic movements that would result from the site would not therefore have material effect on walkers, horse-riders cyclists or joggers using the adjacent transport network over and above the existing situation including the authorised use of the appeal site.
24. I am mindful of comments of local residents regarding accidents and near-misses in the surrounding area. However, the recorded traffic speeds presented in the Transport Statement, the visibility that would be available from and to the proposed junctions, and the relatively limited amount of additional vehicle movements the proposed development would lead to, lead me to the view that the proposed development would not give rise to any adverse highway safety impacts.
25. Consequently, on balance I find that the proposed development would not have an unacceptable impact on highway safety grounds, or that its residual cumulative impacts on the road network would be severe- and that the highway aspects of the appeal scheme would therefore not weigh against it in the overall planning balance. In arriving at this view, I am mindful that the local highway authority did not object to the scheme at application or appeal stage.
26. An element of the Red Hill Road access to the site is outside the appellants' ownership; however, they claim that a private right of way exists- although I acknowledge that this is a rebuttable presumption. Due to the uncertainty of

¹⁴ Produced by Ashley Helme Associates dated March 2017

the ownership of the Red Hill Road access there is also a rebuttable presumption that it could be in the ownership of the properties that front onto it- and I note also that occupants of those properties park their cars on that access. Whilst I acknowledge comments regarding the notice procedures carried out at the application stage in the light of these ownership issues, it has not been established that the appellants' procedures or efforts in these regards were defective.

27. I concur with the Council that the ownership of and various rights pertaining to the Red Hill Road access are essentially private matters, not normally instrumental in a planning decision of this nature. Nevertheless, I have also taken into account the tracking diagrams submitted by the occupiers of the property adjacent to this access, which show the possible restrictions on manoeuvrability along the access that could be caused by cars parked at its side. However, it has not been conclusively demonstrated that either the number or distribution of cars shown on that diagram is an accurate reflection of day-to-day arrangements, or that parking which actively restricted the passage of vehicles along the access would be within the scope of the rights claimed by that occupier. I am also cognisant that if the Red Hill Road access were to be undeliverable due to its disputed ownership that the Lever Causeway access could cope adequately with the predicted traffic flows arising from the residential element of the proposed development. Consequently, whilst the Red Hill Road access remains a desirable element of the scheme for the appellants, it is not an essential aspect. For these reasons, I consider that the proposed development would secure safe and suitable accesses to the site for all users. In arriving at this view I have taken into account the Court Judgements referred to me by the parties¹⁵.
28. Furthermore, as the Red Hill Road access is currently used in association with the established use of the appeal site, which involves larger vehicles such as horse boxes as well as cars, I consider that the traffic flows caused by the proposed development would not materially increase noise and disturbance to adjacent properties as a result of its operation.

Planning Obligation

29. Following the closure of the hearing the appellant's submitted a certified copy of a planning obligation¹⁶- a draft version of which was discussed at the hearing. Firstly, the obligation makes provision for the phasing of the proposed development, ensuring that the improvements to the Hall are progressed prior to the completion of the new build dwellings. Secondly, the obligation makes provision for the approval, installation and maintenance of sustainable drainage systems (SuDS), in line with the policies of the development plan and to meet the surface water drainage requirements of the scheme. Consequently, the obligation is clearly necessary to make the development acceptable in planning terms, is directly related to the development, and fairly and reasonably related to it in scale and kind. For these reasons, the obligation meets the relevant tests set out in the Community Infrastructure Levy Regulations 2010 (as amended)¹⁷ and the Framework¹⁸. Whilst the obligation would secure the

¹⁵ *Wood V Waddington* [2015] EWCA Civ 538; *McAdams Homes Ltd v Robinson* [2004] EWCA Civ 214; *Stringer v Minister of Housing and Local Government* [1970] 1 WLR 1281; *R v Westminster CC ex-parte Monahan* [1988] JPL 107

¹⁶ Dated 30 October 2018

¹⁷ At Regulation 122(2)

¹⁸ At paragraph 56

heritage benefits of the appeal scheme, it would not constitute a benefit in itself; and the SuDS arrangements it would secure would be mitigation for the proposal's surface water implications. Consequently, the obligation is a matter that has a neutral effect on the overall planning balance.

30. The unknown owner of the unregistered portion of the access on Red Hill Road is not a signatory to the planning obligation. Nevertheless, as the planning obligation seeks to control the appeal site owners and their successors in title in relation to elements that could be wholly accommodated on the portions of the site within their control, I consider that this matter does not invalidate its legal effectiveness.

Character and Appearance

31. Substantial dwellings, of traditional styles, but a variety of ages in generous and well-vegetated plots form the prevailing residential character within the appeal site's environs. Agricultural buildings, both traditional and modern are also present. The proposed development would undoubtedly change the appearance of the site from the functional larger structures and hard surfacing currently present to lower scaled buildings, admittedly in a more intensive pattern, but set within softer and more verdant landscaping. Nevertheless, I consider that this change would not be one that appeared out of kilter with the residential scale and pattern of the settlement, or would introduce development that would erode the quality of an otherwise visually appealing site, or overwhelm or suburbanise the appearance of its surroundings. I therefore find no harm would arise from the proposed development in these terms.

Tourism

32. Comments were made at the hearing, and in the representations of interested parties, regarding the Council's aim to promote tourism to the Borough, and views that the proposed development would not assist with this objective. However, I have been supplied with no development plan policies which require planning proposals to make a positive contribution in this regard. Moreover, the proposed development in securing the improvement of the Hall and its setting, and through providing site-based interpretative information would also provide a more attractive and interesting immediate environment and thus would not have negative impact on wider tourism efforts.

Other Matters

33. I readily accept following discussions at the hearing that the Council's five year supply position is in a state of some flux due to emerging allocations and planning proposals. Moreover, even if I were to conclude that the Council could not demonstrate a five year supply of deliverable housing sites, I am conscious that the presumption in favour of sustainable development outlined in paragraph 11(d) does not apply to land designated as Green Belt¹⁹. Nevertheless the proposed development's supply of dwellings, both in terms of its social and economic effects attracts moderate weight in the overall balance.
34. Due to the viability constraints of the proposal it would not make provision for any affordable housing. Nevertheless I am cognisant that were affordable housing to be sought in relation to the dwellings put forward as enabling development, that a greater quantity of houses would be required causing

¹⁹ Per footnote 6 of the Framework

further harm to the Green Belt. Consequently, for these site and proposal-specific reasons, the appeal scheme's lack of provision in these regards does not weigh against it in the overall balance.

35. I have no substantive evidence before me to suggest that the proposed development would cause any material harm to the health of horses. Neither has it been established that the relatively limited number of dwellings proposed would place an undue strain on local public or other services. The residential use of the site as proposed would not cause a level of noise and disturbance that would be out of character with the noise environment of the land uses in its surroundings; neither would it, due to the separation distances achieved between the proposed dwellings and existing houses in the area cause any adverse privacy effects to their occupants. Consequently, these matters do not weigh against the appeal scheme in the overall balance.
36. I have taken into account the comments of interested parties regarding the proposed development's effects on wildlife and protected trees. However, conditions could be attached to ensure appropriate protection and mitigation measures. Furthermore, the proposals for more extensive soft landscaping, when compared to the appeal site's current condition, could have positive effects in terms of its biodiversity.

Planning Balance

37. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any Green Belt harm in the consideration of any planning proposal and "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations". This is a very high hurdle for a development proposal to overcome.
38. In the current case, I have found that the appeal scheme would constitute inappropriate development and that it would result in an erosion of the site's openness-accordingly these are matters that attract substantial weight in the planning balance. However, the very significant public benefit that would occur as a result of the proposed development in terms of the conservation of the Hall, which would be secured by the planning obligation, is a matter which clearly outweighs the appeal scheme's Green Belt harm. For these reasons, I conclude that very special circumstances exist in this case that justify the approval of inappropriate development, and that the public benefit of securing the future of the significant place through enabling development decisively outweighs its Green Belt disbenefits.
39. I therefore find that the proposed development would meet criterion (g) of the Historic England Guidance; would not conflict with the Framework; and would accord with Policies GBT1 and GB2 of the Wirral Unitary Development Plan (adopted February 2000); and Policy CS3 of the Submission Draft Core Strategy (December 2012). Taken together, the extant and emerging local policies and the Framework, amongst other things, seek to protect the Green Belt against inappropriate development except in very special circumstances.
40. As I have reached this conclusion on the basis of the site and proposal specific aspects of this case set out above, I consider that the appeal scheme would not

create a precedent for inappropriate development of other Green Belt land, where very special circumstances may not be established.

Conditions

41. The Framework establishes²⁰, that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other respects. I have assessed the draft list of agreed conditions²¹ on this basis and in some cases have made amendments to the conditions attached in the interests of clarity. The appellant agreed in writing to those that I have attached which require compliance with them prior to commencement of development.
42. In the interests of certainty I have attached a condition that specifies the approved plans and details.
43. In line with the Framework²², I have attached conditions which require adequate arrangements for the investigation and remediation of land contamination, to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution. For similar reasons, to prevent the pollution of controlled waters in line with the Framework²³ and the development plan²⁴, a condition is attached which requires submission to the Council of details of manure storage in relation to the equestrian use, for its approval prior to the implementation of these measures. Conditions requiring the eradication of Japanese Knotweed on the portion of the site to be put to equestrian use are also attached, and are necessary to help improve local environmental conditions and to avoid harmful biodiversity effects.
44. In order that the equestrian facilities are served by a safe and suitable access I have attached a condition requiring the submission of a scheme to achieve this to the Council, which is to be approved and implemented prior to the commencement of their use. It is not necessary for this condition to take effect pre-commencement, however, as development activities across the site could be ongoing in advance of this. In the interests of the visual amenity of the site and surroundings, I have attached a condition requiring details of the boundary treatments and finished appearance of the old Rest Hill Road access to be submitted to the Council for its approval before this part of the work is carried out.
45. Due to the significance of the site, and its archaeological interest, in line with the policies of the Framework²⁵ and the development plan²⁶, it is necessary to impose a condition requiring pre-commencement compliance with a programme of archaeological work as set out within the appellants' submitted *Evaluation, Test Pitting and Watching Brief Report*²⁷. A pre-commencement condition is fully justified in this instance to ensure that the archaeological interest of the site is safeguarded during the course of development. Also in

²⁰ At paragraph 55

²¹ Dated 22 October 2018

²² At paragraph 170

²³ Ibid.

²⁴ Policy EM6 of the Unitary Development Plan

²⁵ Paragraphs 184 to 202

²⁶ Particularly Policies CH24 and CH25

²⁷ Oxford Archaeology North Dated March 2017

the interests of the significance of the monument, and as part of the overall package of public benefits that the proposed development would deliver, it is necessary to attach a condition requiring the details of interpretive signs to be submitted to the Council for its approval, for their installation prior to the occupation of the dwellings.

46. In the interest of the finished character and appearance of the site, I have attached conditions which require the implementation of landscaping as shown on the approved drawings prior to the occupation of the proposed development, and in respect of arrangements for its management and maintenance. For similar reasons, I have attached a condition requiring the development to be progressed in line with the submitted *Storeton Hall-Proposed Materials*²⁸ document.
47. I have attached conditions requiring biodiversity enhancement, and to control any works to trees or hedgerows. These conditions are necessary in the interests of biodiversity and the protection of species, in accordance with national²⁹ and development plan³⁰ policies. For similar reasons, and in the interests of the character and appearance of the site, in accordance with the development plan³¹ a condition is attached requiring protection measures of retained trees. This latter condition, of necessity requires compliance prior to the bringing onto site of any construction equipment, machinery and materials in order to safeguard the health of retained trees during the construction process.
48. A pre-commencement condition is attached requiring the submission to the Council for its approval of a site waste management plan to reduce the amount of demolition and construction waste that would go to landfill in accordance with the adopted Waste Plan³² for the area. This condition necessarily requires pre-commencement compliance to ensure that waste arising from the construction process is handled in accordance with the approved management plan.
49. In the interests of highway safety a condition is attached requiring submission of a construction environment management plan to the Council for its approval. A pre-commencement condition is fully justified in this case to ensure that the construction processes are carried out in accordance with the approved plan.
50. Due to the proposed development's Green Belt location, taken together with my conclusions in terms of its effects on openness and inappropriate development, I consider that a condition which restricts the implementation of permitted development rights relating to garages, outbuildings or other extensions is fully justified in this case.
51. In order that the proposed development makes appropriate arrangements for cycle parking, in accordance with the development plan³³, I have attached a condition to secure its implementation.
52. Whilst I have attached a condition requiring the development to be carried out in accordance with the submitted details relating to flood risk and drainage, as

²⁸ Dated 31 March 2017

²⁹ Framework paragraph 175 (d)

³⁰ Policy NC7 of the Unitary Development Plan

³¹ Including Policy GR7 of the Unitary Development Plan

³² Policy WM9 of the Merseyside and Halton Joint Waste Local Plan

³³ Policy TR12 of the Unitary Development Plan

the details and deployment of a SuDS scheme are also secured by the obligation, which is a legally enforceable mechanism, a condition requiring these things is not necessary in this case, and therefore is not imposed.

53. In the light of my conclusions given above on the Red Hill Road access, the necessity for a Grampian condition to restrict the occupation of the proposed dwellings until the access has been provided has not been demonstrated.

Conclusion

54. For the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Appearances

FOR THE APPELLANT

Paul Tucker QC	Kings Chambers
Richard Wilshaw BSc (Hons) MSc MRTPI Planning Manager	P J Livesey Homes Ltd
Ian Cronshaw BA (Hons) MCIHT Associate Director	Ashley Helme Associates Ltd
Marion Barter BA MA IHBC Historic Buildings Advisor	Marion Barter Associates Ltd
Ged Massie BSc (Hons) MRICS IRRV MCIArb Partner	Keppie Massie
Jenny Adie BSc (Hons) MRICS Associate	Keppie Massie
Peter Bowling BSc BVSc MRCVS	Owner of Storeton Hall and Owner and Managing Director of Storeton Hall Farm Ltd

FOR THE LOCAL AUTHORITY

Matt Verlander Director	GVA
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INTERESTED PERSONS

Mark Corfe	Local Resident
Graham Love BA BPI MRTPI	Smith Love Planning Consultants- Appearing on behalf of Mr Corfe
Fergal O’Cleirigh Partner	Bermans–Appearing on behalf of Mr Corfe
Kay Crook	Conservation Areas Wirral
Elizabeth Davey	Local Resident
Glyn Jones	Local Resident
Debbie Lee	Local Resident
Cllr Christina Muspratt	Local Councillor

Neil Parry	CPRE Wirral/Wirral Society
Gill Peters	Local Resident
Hazel Rounding	Storeton Residents Association
Cllr Jerry Williams	Local Councillor and Heritage Champion
Rob Wood	Birkenhead History Society

DOCUMENTS submitted at the Hearing

1. Dossier presented by Kay Crook of Conservation Areas Wirral
2. Personal Statement of the Corfe Family
3. Draft Planning Obligation
4. Draft list of suggested conditions
5. Unitary Development Plan Policy GBT1

DOCUMENTS submitted by agreement after the Hearing

1. Agreed planning obligation
2. Agreed draft list of conditions
3. Transcript of *Wood v Waddington* [2015] EWCA Civ 538

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:
 - 109-00-1002 Existing Topographic Plan Sheet 1/2;
 - 109-00-1003 Existing Topographic Plan Sheet 2/2;
 - 109-00-1001 Existing Location Plan;
 - 109-00-1005 Demolition Plan;
 - 436-11(02)010 C House Type A Proposed Plans;
 - 436-11/(02)011 B House Type B Proposed Plan;
 - 436/11(02)012 B House Type B2 Proposed Plan;
 - 436/11(02)013 C House Type C Proposed Plan;
 - 436/11(02)014 C House Type D Proposed Plan;
 - 436/11(02)015 D House Type F Proposed Plan;
 - 436-11(02)016 C House Type G Proposed Plan;
 - 436-11(02)017 D House Type H Proposed Plan;
 - 436/11(02)018 C Garages Proposed Plan;
 - 436-11/(02)030 B House Type A Proposed Elevations;
 - 436/11(02)031 B House Type B Proposed Elevations;
 - 436/11(02)032 B House Type B2 Proposed Elevations;
 - 436/11(02)033 B House Type C Proposed Elevations;
 - 436/11(02)034 B House Type D Proposed Elevations;
 - 436/11(02)035 D House Type F Proposed Elevations;
 - 436/11(02)036 A House Type G Proposed Elevations;
 - 436/11(02)037 B House Type H Proposed Elevations;
 - 109-01-1001 A Storeton Hall Monument Ground Floor Existing;
 - 109-01-1002 A Storeton Hall Monument First Floor Existing;
 - 109-01-1003 D Storeton Hall Monument Ground Floor Proposed;
 - 109-01-1004 D Storeton Hall Monument First Floor Proposed;
 - 109-01-1005 A Storeton Hall Monument Roof Plan Proposed;
 - 109-01-1006 D Storeton Hall Monument Existing Plans;
 - 109-01-1007 D Storeton Hall Monument Floor Plans Proposed;
 - 109-01-1101 A Storeton Hall Monument Existing Elevations;
 - 109-01-1102 A Storeton Hall Monument Existing Elevations;
 - 109-01-1103 A Storeton Hall Monument Removal Elevations;
 - 109-01-1104 A Storeton Hall Monument Removal Elevations;
 - 109-01-1105 A Storeton Hall Monument Proposed elevations;
 - 109-01-1106 A Storeton Hall Monument Proposed elevations;
 - 109-01-1107 A Storeton Hall Monument Existing elevations;
 - 109-01-1108 C Storeton Hall Monument Proposed elevations;
 - 109-01-1201 Storeton Sections;
 - 109-01-1202 Sections;
 - 109-01-1203 Storeton;
 - 109-01-1204 A Storeton Hall Monument Demo Sections;
 - 109-01-1205 A Storeton Hall Monument Demo Sections;
 - 109-01-1206 A Storeton Hall Monument Demo Sections;
 - 109-01-1207 A Storeton Hall Monument Proposed Sections;
 - 109-01-1208 A Storeton Hall Monument Proposed Sections;
 - 109-01-1209 A Storeton Hall Monument Proposed Sections;
 - 109-01-1301 C Storeton Hall Monument Proposed Doors and Windows;

109-01-1302 C Storeton Hall Monument Proposed Doors and Windows;
109-01-1303 C Storeton Hall Monument Proposed Doors and Windows;
109-01-1304 C Storeton Hall Monument Proposed Doors and Windows;
109-01-1305 C Storeton Hall Monument Proposed Doors and Windows;
109-01-1306 E Storeton Hall Monument Proposed Doors and Windows;
109-01-1307 C Storeton Hall Monument Proposed Doors and Windows;
109-02-1001 A Storeton Hall Barn Existing Plan;
109-02-1002 A Storeton Hall Barn Proposed Plans;
109-02-1003 B Storeton Hall Barn Existing and Proposed Plans & elevations;
109-02-1101 A Storeton Hall Barn Existing Elevations;
109-02-1102 A Storeton Hall Barn Proposed Elevations;
109-04-1001 Proposed Elevations L-Shaped Barn;1
09-16-1001 Proposed Plans L-Shaped barn;
35656 Storage Barn Building & Muck Store;
1522/01 Proposed Site Access Arrangements Rest Hill Road;
11406_L01 P01 General Arrangement;
11406_L02 Hard Landscape;
11406_L03 Soft Landscape;
11406_L04 Fence & Furniture;
436/11(02)040 3D Visual Sheet 1;
436/11(02)041 3D Visual Sheet 2;
436/11(02)042 3D Visual Sheet 3;
436/11_(02)043 3D Visual Sheet 4;
109-01-1301 Storeton Hall Monument External Photographs Sheet 01 ,
109-01-1302 Storeton Hall Monument External Photographs Sheet 02;
109-01-1303 Storeton Hall Monument External Photographs Sheet 03;
109-01-1304 Storeton Hall Monument External Photographs Sheet 04;
109-01-1305 Storeton Hall Monument External Photographs Sheet 05;
109-00-1009 C Proposed Materials Plan;
109-00-1012 External Lighting Layout received;
436-11(02)003 M – Proposed Site Plan

- 3) The residential element of the development approved by this planning permission shall not commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- i) The results of the site investigation and the detailed risk assessment referred to and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
- 4) Prior to any part of the permitted development, being brought into use a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation

shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

- 5) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved prior to occupation of the development hereby approved.
- 6) Prior to the use of the approved equestrian facilities, a full scheme of works for the treatment of the existing vehicular access from Rest Hill Road that is to be rendered obsolete by the development including details of the provision of new boundary features shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been completed in accordance with the approved scheme, and thereafter retained.
- 7) Prior to the use of the approved equestrian facilities a scheme for the storage of manure shall be submitted and agreed in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved details to the satisfaction of the Local Planning Authority and thereafter retained.
- 8) Details of a Programme of Archaeological Works as outlined in section 4.3 of Oxford Archaeology North's *Evaluation, Test Pitting and Watching Brief Report* (dated March 2017) shall be included in a Written Scheme of Investigation (WSI) which is to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The WSI is to be produced by an appropriately qualified and experienced archaeologist and shall contain appropriate research objectives and a detailed programme of works including a specification of the methods to be used. The development hereby permitted shall be carried out in accordance with the approved WSI.
- 9) The proposed landscaping as detailed within the submitted drawings (11406_L01 P01 General Arrangement; 11406_L02 Hard Landscape; 11406_L03 Soft Landscape; 11406_L04 Fence & Furniture) shall be completed before the residential accommodation hereby approved is occupied and shall be retained thereafter.
- 10) Prior to the first occupation of any residential dwellings or use of the approved equestrian facilities, a scheme for the enhancement of biodiversity within the development site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall then be implemented in full in a timescale to be agreed in writing with the Local Planning Authority and be retained thereafter.

- 11) Before any construction equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plans (11406_L01 P01 General Arrangement; 11406_L03 Soft Landscape). Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.
- 12) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of any residential dwellings or use of the approved equestrian facilities. The landscape management plan shall be carried out as approved.
- 13) No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations or building works should take place during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season, then buildings, trees, scrub and hedgerows which are affected are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected will be required and shall be submitted to and agreed in writing by the Local Planning Authority.
- 14) Prior to commencement of the equestrian centre development, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.
- 15) Prior to commencement of the equestrian centre development, the approved scheme and timetable for the eradication of Japanese Knotweed referred to in condition (14) above, shall be implemented in full and a validation report confirming the remediation treatment carried out and that the site is free of Knotweed shall be submitted to and approved in writing by the Local Planning Authority.
- 16) No development shall take place until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
- 17) Prior to the commencement of development a Construction Environmental Management Plan shall be approved in writing by the Local Planning Authority and should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management. The CEMP shall include the agreed method statements to mitigate or avoid adverse environmental impacts including:

Invasive species eradication scheme;

Ecological mitigation plan;

Waste Audit or similar mechanism;

Details of the location and arrangements for site compounds and parking;

The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;

Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period; and

Specify the working hours for the site.

The CEMP should be compiled in a coherent and integrated document and should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site as a simple point of reference for site environmental management systems and procedures. The provisions of the Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

- 18) Prior to the first occupation of any residential dwellings, details of the proposed interpretation board shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of Storeton Hall and retained thereafter.
- 19) The proposed development shall only be constructed in accordance with submitted material details
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings (with the exception of sheds) or extensions to a dwelling shall be constructed unless expressly authorised by the Local Planning Authority in writing.
- 21) The external surfaces of the development hereby permitted shall be constructed in the materials identified in the submitted *Storeton Hall-Proposed Materials* document (dated 31 March 2017).
- 22) Details of works to create a new access onto Rest Hill Road shall have been submitted to and agreed in writing by the Local Planning Authority prior to the first use of the equestrian facilities hereby permitted. The works shall be completed in accordance with the approved details prior to first use of the equestrian facilities hereby permitted and retained thereafter.
- 23) The development hereby permitted by this planning permission shall be carried out in accordance with the principles and details specified in the following approved submissions, unless otherwise agreed in writing by the Local Planning Authority:

Land at Storeton Hall Farm – Flood Risk Assessment & Outline Drainage Strategy (Dated July 2016 Ref: FRA 16 038 / R0/ LK Consult Ltd).

Drainage GA (Dated Feb 2017- Job No 12816/ Drawing no 500/ Revision P6/ Booth King Partnership Limited)

- 24) Prior to the first use of the equestrian facilities hereby approved details of secure covered bicycle parking and/or storage arrangements for the equestrian centre shall have been submitted to the Local Planning Authority for its approval in writing. These arrangements shall be provided in accordance with the approved details and shall be retained for bicycle parking/storage at all times thereafter.

*****End of Conditions*****

Appendix 3

15 May 2007

Item Number: 3
Ward: THORNTON AND ALLERTON

Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO 106 AGREEMENT
THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE
REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE
APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY
AND APPEALS COMMITTEE AND IF THAT COMMITTEE IS MINDED TO GRANT
PERMISSION, THE APPLICATION WILL BE REFERRED TO THE SECRETARY OF
STATE UNDER THE DEPARTURE DIRECTION S 1999.

Application Number:
06/07935/FUL

Type of Application/Proposal and Address:

A full application for the restoration of Leaventhorpe Hall, conversion of East Barn to form three dwellings, demolition and reinstatement of the stables to form one dwelling and the erection of a new terrace comprising of five dwellings together with the erection of 2 terraces of car ports and associated external works including the creation of a new accessway to serve the equestrian business at Leaventhorpe Hall Farm, Thornton Road, Thornton, Bradford.

Site Description:

The site of the application is part of a larger agricultural holding at Leaventhorpe Hall. It comprises the Hall, the dilapidated east barn, a collapsed building formerly in stables use, the existing access track and land about these buildings. In all it extends to some 0.5 ha. To the north and fronting Thornton Road is the north barn in the same ownership, used as part of the applicant's business for sales of agricultural produce.

The site adjoins Thornton Recreation Centre which is part of Thornton Grammar School on the south side of Thornton Road.

The site slopes down from the Hall to the highway, (from south to north) but to the south of the Hall the land slopes away to the beck beyond. The whole is on a gentle east facing slope rising towards Thornton.

The immediate surroundings are the school and open fields.

Relevant Site History:
Application Site

00/01185/FUL	Extension of garden and erection of car port and construction of 13 houses Withdrawn 7 November 2000
00/00960/FUL	Demolition of stables and east barn Withdrawn 7 November 2000

- 97/02150/FUL Construction of two, two-storey detached dwellings
Refused 2 July 1998
Reasons: i) inadequate access and ii) development in Green Belt
- 97/02149/FUL Partial demolition, rebuilding and conversion of stables to form a single dwelling
Refused 2 July 1998
Reason: impact on listed building and on green belt
- 97/02148/FUL Partial demolition and conversion of barn to form two dwellings
Refused 2 July 1998
Reasons: Impact on Green Belt and on listed building, ii) Inadequate access
- 97/02147/FUL Partial demolition and conversion of barn to form two dwellings
Refused 2 July 1998
Reasons: i) loss of agricultural feature, ii) Highways
- 97/02146/FUL Alterations to property to form single dwelling
Refused 2 July 1998
Reasons: Impact on Green Belt, ii) Highways

North Barn and Cottage

- 04/00680/ENFADV Large signs on the roadside barn
Case still open
- 03/03283/COU Partial change of use of stable block to include office and sale of agricultural feed and bedding
Granted 10 October 2003
- 03/01742/COU Partial change of use of stable block to include office and sale of agricultural feed and bedding
Refused 2 July 2003
- 01/03167/COU Change of use of property to cottage and outbuilding with minor extension to residential curtilage
Granted 20 Dec 2001
- 00/03582/COU Change of use from animal shelter to living accommodation
Refused 9 April 2001

Land to the South

- 06/08857/FUL Retrospective application for construction of portal framed building and construction of access track
Pending

- 06/00217/ENFUNA Enforcement Notice issued 30 November 2006
Unauthorised construction of a stable block and outbuilding
Appeal pending
- 04/04585/FUL Retention of area for storage of residential caravans
Refused 17 June 2005
Appeal Dismissed 17 June 2005
- 02/04432/PN Erection of general purpose agricultural building
Prior Approval Granted 16 January 2003
- 02/03011/FUL The retention of one dressage arena and the development of a new
dressage arena
Granted 21 May 2003
- 02/02351/FUL Erection of twenty stables with two dressage arenas and an access
track
Refused 20 August 2002
Reasons i) Impact on Green belt and ii) impact on listed building
- 01/00764/ENFUNA Enforcement Notices issued 25 June 2002
Unauthorised construction of a hardstanding, track to access the
hardstanding and unauthorised importation and tipping of waste
materials
Appeal Dismissed 21 January 2003
- 98/01153/PN Erection of agricultural building
Prior Approval not granted 19 May 1998

Replacement Unitary Development Plan (RUDP):

Proposals and Policies

The Replacement Unitary Development Plan for the Bradford district was adopted by the Council in October 2005.

Proposals

The Bradford West Constituency Proposals Map illustrates the site within the Green Belt. Thornton Road is part of the Bus priority network and the national and local cycle network.

Policies

Policies GB1, GB2 and GB4 apply to Green Belt matters.

Policies TM6 and TM10 apply respectively.

Further, as the buildings are listed policies BH1, BH2, BH3, BH4, BH4A apply and guidance for design matters will be found in policies D1, D5 and highway matters in policies TM12 and TM19A.

Parish Council:

Not applicable.

Publicity and Number of Representations:

The proposal has been publicised by letters sent to near neighbours and site and press notice. The publicity period expired on 8 December 2006. There have been nil comments received

Summary of Representations Received:

Not applicable.

Consultations:

Rights of Way	No objections subject to conditions
Countryside and RoW	No objections
Structural Engineer	No objection subject to condition
English Heritage	No objections
WY Archaeology	No objection subject to condition
Drainage Unit	No objections subject to conditions

Summary of Main Issues:

- Principle of development
 - Green belt control
 - Listed buildings at risk

- Detailing
 - Access and Parking
 - Landscaping
 - Design
 - Materials
 - Boundary Treatment

Appraisal:

The Hall and barn are on the list of listed buildings at risk and there have been various attempts at authorisation of repair and renovation by the current owner without a successful conclusion.

The current scheme has been put together by a team of advisors and seeks to provide some enabling development to fund the costs of repairs and renovation.

Principle of development

The site is within the Green Belt where policy GB1 provides that except in very special circumstances development is limited to purposes that support agriculture, forestry or essential facilities for outdoor sport and cemeteries or for land uses that preserve the openness of the green belt and that do not conflict with the purposes of including land in it.

Under this policy the construction of 5 new terraced dwellings, the reconstruction of the dilapidated former stables and the formation of curtilages would not be considered appropriate development under this policy unless it can be regarded as fulfilling very special circumstances.

Further the conversion of the East Barn to three residential units would not normally comply with the provisions of policy GB4 as it would leave a substantial agricultural holding without barn storage thereby leaving it open for pressure for a replacement building.

The proposed composite development is submitted as a means of funding the costs of repair and renovation of both the Hall and the East Barn.

The application was accompanied by a financial appraisal showing the costs of repair and conversion of the barn and the costs of construction. In all the costs are said to exceed £2.5m. A valuation of the completed development is included in the application and for reasons of financial expediency figures are not included in this report.

These figures have been evaluated by the Council's Asset Management service as a reasonable assessment of costs and values to allow the development to proceed with a reasonable chance of the Hall and East Barn being brought off the list of Listed Buildings at Risk.

The applicant submitted also with the application, a draft legal undertaking to tie the works into the essential work to the Hall and East Barn. This has been assessed as not fulfilling the Council's objectives and a Legal Agreement has been proposed and agreed in principle to deal with phasing of the development to ensure the repair obligations are met as soon as possible.

The siting of this enabling development has been specified by the applicant to give the least impact on the openness of the Green Belt hereabouts. The grouping of the hall and the barns is extended southwards beyond the former stable block with the new build and the whole adjoins the institutional buildings of Thornton Grammar School. The amended new access track to the land on the south side of the hall is relocated outside this group but alongside the existing cottage and hall to the west. In this way the provisions of policy GB2 can be said to have been addressed.

It is important also to take into account the wider land use issues at Leaventhorpe Farm. In a separate planning application there is a proposal to retain a large structure for the stabling of 33 horses. This was constructed without authorisation in a field to the south of the hall. Without prejudicing the proper consideration of that application, it follows the issue of an Enforcement Notice seeking the removal of the building. The Enforcement Notice has been appealed and is the subject of a public Inquiry to be held in late October.

Accepting the principle of development of the barn conversion under this application may affect the Council's case in the appeal as it can be seen from the site history, menages (horse exercising compounds) have been approved to develop the equestrian use to the site.

Nevertheless it is considered on balance the principle of development for this application can be supported with the very special reason to safeguard the future of these important listed buildings. The impact on the openness of the Green Belt, it is considered, to be minimal given the close proximity of the hall and barns with the school close by. Development will stretch no further than the existing southern boundary wall. The new access track will be tucked in to the edge of the buildings and will be delineated by a new dry stone wall. The phasing of development, agreed between parties will also enable Council Conservation officers to oversee the progress of essential repair and renovation of both the Hall and East Barn prior to the completion and sale of the new development.

In all, it would be expected that the listed buildings at risk would be saved with the prospect of an extensive future.

Detailing

Hall

The hall is currently split into two dwellings with internal partitioning. The roof is reasonably sound but there are signs of settlement both to the north-west corner and the east facing gable. Some facing stonework is also badly weathered. Internally the main features remain.

It is proposed to restore the property as a single dwelling and be occupied by the applicant, who currently lives in an adjoining cottage. Structural repairs are required including some rebuilding of external walls. The roof requires removal, repairs, refurbishment and replacement. The legal Agreement provides that this is a priority in development and policy BH1 will be satisfied.

East Barn

Currently the roof has been removed and is open to the weather. Some elements of gabling have collapsed.

It is proposed to demolish part of a single storey lean-to, repair walls and replace the roof as a matter of priority. The conversion of the building to three residential units will then be possible after the structural repairs. This will involve a number of new window openings but the essential character of the building is considered to have been retained. Policy BH1 and GB4 are largely satisfied

To serve this element of the development a new open carport for three cars is proposed to the north of the barn. This is proposed to be faced in timber under a slate roof, considered an appropriate detail for policy BH4A.

Former Stable Block

This listed building has been allowed to collapse and only the gables remain together with the two side walls to first floor level. It is proposed to demolish the remains of the building and rebuild a new four bedroom dwelling within the same footprint. It is to be two storey and some of the existing features are to be re-used in the new dwelling. These include the large mullioned window at first floor in the south elevation and the large head to the entrance door. Pre application discussions have taken place with English Heritage and this is reflected in their comments.

The applicants have tried to retain the relationship of the hall with the former stables by retaining the footprint. In this way the impact on the listed building is expected and acceptable. Policy BH4A is satisfied. Natural stone facings and roof are specified. Detailing is appropriate for this replacement building.

New Build

A terrace of five two storey dwellings is proposed running east to west along the southern boundary of the enclave of buildings. The proposal is for 3 x 2 bedroom dwellings and 2 x three bedroom dwellings. They are to be formed with reconstituted stone facings under a slate roof. External detailing is simple and would not, it is considered, impact on the importance of the nearby listed hall or its setting.

A new open car port for 6 cars, stores and bin storage is also proposed to the east of the site. Facings are timber and roof is slate.

These elements of the proposal would satisfy the provisions of policies BH4A and D1.

External Works

The existing track serving the hall and farm buildings is to be retained to serve the new dwellings only but access to the fields and the equestrian business is to be replaced with a new track to the west of the Hall and cottage. It is to be delineated with a new dry stone wall and gated access. This would not interfere with public footpaths 194 or 193. That track is largely to be a compacted granular surface.

The dwelling formed on the site of the former stables would include part of the access within its curtilage.

The East Barn frontages are to be hard surfaced while the new build and car ports would be accessed from a compacted gravel square.

The boundary between the development and the adjoining school is to be planted with a dense hedging to avoid overlooking from the car park. The access, parking and circulation arrangements are considered acceptable under highway policies TM19A and TM12 and a reasonable compromise under Green Belt policy GB2.

Public Comment:

There are no comments to be considered

Community Safety Implications:

It is considered the proposal raises no specific problems for safety and security within the community.

Reason for Granting Planning Permission:

The submitted scheme will result, subject to the observation of conditions and the legal Agreement between the Council and the applicant, in the repair and restoration of the Leaventhorpe Hall, listed grade II*, and the repair and change of use of the East Barn to facilitate a long life to this grade II listed building. The proposal will require enabling works that amount to inappropriate development within the Green Belt but it is considered on balance that the interest in conserving the listed buildings offers very special circumstances to allow a limited amount of enabling development.

The repair and restoration of the Hall is appropriately specified with further investigations to be submitted for approval and conversion of the East Barn would retain the essential character of this listed barn

The replacement stable building retains a largely unaltered relationship with the Hall and detailing is acceptable. The new dwellings are simple in design and include facing and roofing material appropriate for the location.

The development is unlikely to cause unacceptable impacts on the surrounding local environment and on neighbouring occupiers. Policy UR3 is satisfied.

There are no highway safety issues envisaged from the development and the impact on neighbouring land occupiers would be limited and without unacceptable harm.

As such policies it is considered that the Replacement Unitary Development Plan policies BH1, BH2, BH3, BH4, BH4A, D1, D5, TM12 and TM19A are satisfied through this application. Policy GB4 is also satisfied through this proposal.

It is further considered that the applicant has shown that there are very special circumstances for residential development which allows the Council to consider making an exception to the presumption against inappropriate development in the Green Belt as provided in policy GB1. It has been shown that the development is close to existing buildings and policy GB2 can be satisfied.

Conditions of Approval:

1. 3 year permission.
2. Amended plans.
3. Archaeological Survey required prior to commencement.
4. Separate drainage system within the site.
5. Landscape Plan including footpath protection.
6. Landscape Implementation.
7. Landscape Maintenance Scheme.
8. Details of access to the development to be submitted for approval and implemented as approved.
9. Details of turning area to be submitted and to be formed prior to occupation of the stable block or the new build.
10. Details of access track to serve fields to the south of the hall to be submitted for approval and implemented as approved.

11. Car Ports to be made available for parking for respective units prior to their occupation and retained as such whilst ever the use subsists.
12. Materials to be submitted for approval.
13. Features of the former barn to be carefully stored for reuse.
14. Replacement doors within the barn to be unfinished timber.

Heads of Terms of Legal Agreement:

Five Phases development.

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| Phase 1a | Submission/Approval of Detailing/Specifications. |
| Phase 1ba | Archaeological Survey of the site. |
| Phase 2 | Undertaking work of structural repair to Hall and East Barn. |
| Phase 3 | Conversion of east barn to residential use. |
| Phase 4 | New Development. |
| Phase 5 | Internal renovation and alteration to the Hall. |
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CHARTERED TOWN PLANNERS
& URBAN DESIGNERS