



Appeal Decision

Hearing Held on 16 October 2018

Site visit made on 16 October 2018

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2018

Appeal Ref: APP/W4325/W/18/3201869

Storeton Hall Farm, Lever Causeway, Storeton CH63 6HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Dingle (P.J. Livesey Homes Limited and Mr Peter Bowling) against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/17/00410, dated 3 April 2017, was refused by notice dated 14 December 2017.
 - The development proposed is the refurbishment and re-use of Storeton Hall and other historic buildings, new-build residential development, the relocation of the existing equestrian business, associated car parking and landscape works.
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Decision

1. The appeal is allowed and planning permission is granted for the refurbishment and re-use of Storeton Hall and other historic buildings, new-build residential development, the relocation of the existing equestrian business, associated car parking and landscape works at Storeton Hall Farm, Lever Causeway, Storeton CH63 6HT in accordance with the terms of the application, Ref APP/17/00410, dated 3 April 2017 subject to the conditions in the schedule to this decision below.

Procedural Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 24 July 2018, which supplants the version relevant at the date of the decision on the application that led to this appeal. The Framework makes clear¹ that it is a material consideration in planning decisions from the date of its publication. Accordingly, the parties' views on the new Framework were sought and its contents were discussed at the hearing. I will take these comments and the Framework into account in my assessment of the planning merits of the case.
3. In the week prior to the hearing the appellants submitted copies of correspondence relating to one of the site accesses². This material was relevant to the portion of the discussion at the hearing that dealt with highway and access matters. As this material was familiar to the relevant parties, and was discussed at the hearing, I consider that no prejudice would occur as a result of me accepting it. Additional material was produced at the hearing by

¹ At paragraphs 2 and 212

² In an e-mail from Richard Wilshaw to the Planning Inspectorate dated 12 October 2018

an interested party in relation to this matter, which directly addressed some of the items in the correspondence. I allowed time at the hearing for the parties to consider this material and its contents were discussed. Consequently, I consider that no prejudice would occur as a result of me taking this material into account, taken together with the extracts of relevant Court judgements discussed at the hearing and submitted, by agreement, after its closure.

4. At the hearing a representative of Conservation Areas Wirral submitted material relating to the appeal including copies of representations previously submitted as part of the appeal and application consultations, and material relating to a proposed conservation area at Storeton. I allowed some time, during an afternoon adjournment, for the appellants to consider this material and its contents were discussed at the hearing. I consider therefore that no prejudice would occur as a result of me taking it into account in my consideration of the merits of the case.

Background and Main Issue

5. The appeal site is within the Green Belt, and it is common ground that the appeal scheme would constitute inappropriate development. Consequently, the main issue is whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, including reference to the appeal scheme's effects to the significance and special interest of Storeton Hall, a Grade II* Listed Building and Scheduled Monument.

Reasons

Site, Surroundings and Proposed Development

6. Set within the Green Belt, the appeal site comprises the Grade II* Listed Storeton Hall, which is also a Scheduled Monument, related historical buildings, and larger more modern structures, of a functional agricultural character, although predominantly in equestrian use, set amidst an expansive area of hard-standing.
7. The appeal scheme seeks a mixed use redevelopment of the appeal site, with equestrian uses rationalised and re-provided to the eastern part of the site, adjacent to existing buildings and related land, including a large block, a separate structure accommodating a menage, barn and muck store, and related exercise and parking areas. Residential development comprising 27 houses in a mix of short terraces, detached and semi-detached buildings would be developed on the rest of the site, predominantly within the areas currently occupied by hard-standing and structures, but with some dwellings to the north and south of the site located in parts of it that are currently relatively free from development. Residential re-use of Storeton Hall and the related traditional barn is proposed, which would result in the creation of four dwellings. Scheduled Monument Consents in relation to the works to Storeton Hall required to facilitate its residential conversion have been granted by the Secretary of State for Digital, Culture, Media and Sport³.

³ Reference no S0017426 Granted 31 August 2017; Reference no S00180119 Granted 23 January 2018

Green Belt

8. The Framework establishes⁴ that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. With limited exceptions, the construction of new buildings is inappropriate in the Green Belt⁵. Although individual elements of the appeal such as the residential conversion of the historic buildings, and the re-provision of the equestrian uses could fall under exceptions given to the Framework's general restriction on the construction of new buildings, it is common ground, expressed at the hearing, that the proposed development, taken as a whole would nevertheless constitute inappropriate development. The Framework establishes⁶ that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. For the purposes of Green Belt policy the concept of openness encompasses both visual and spatial aspects, and means that, on the whole, land so designated should remain free from development. The appeal site contains a number of existing large structures, set amidst an extensive area of hard-standing. The appeal scheme would introduce significant amounts of landscaping which would substantially soften its visual impact on openness. Nevertheless the proposed development would result in an intensification of built development, which in terms of its spatial implications would permanently reduce the openness of the site. Visually this would be particularly marked at its northern and southern extents where several dwellings would be located on portions of the site which are currently relatively free from development. This aspect of the appeal scheme would add to its overall Green Belt harm.

Other Considerations

Special Interest and Significance of Storeton Hall

10. The appeal scheme would result in the residential conversion of Storeton Hall, a high status medieval house, of 14th century origin, which was subsequently incorporated into related farm buildings in the 17th Century. Of two-storeys with a solar wing and constructed in local stone which the listing description describes as "well-chosen", the Hall's exceptional degrees of significance and special interest derive not only from its historic associations with the Stanley family, subsequently the Earls of Derby, but also from its comparative rarity value, the evidence it yields about the changing social status of the site and area, and the considerable quantity of remaining medieval fabric. These aspects and others are recognised by its inclusion on the statutory list at Grade II* and its status as a Scheduled Monument.

Effect of the Proposed Development

11. I am mindful, however, of Historic England's response⁷ to the consultation on the application that led to this appeal regarding the disuse and structural condition of the Hall, and that the building has been on the Heritage at Risk Register for some years. Although I acknowledge the representations of interested parties regarding the respective duties of the landowner and the

⁴ At paragraph 133

⁵ Per paragraph 145 of the Framework

⁶ At paragraph 143

⁷ Dated 2 May 2017

Council for maintenance of the Hall, I have no substantive evidence before me to suggest that its current condition results from deliberate neglect of, or damage to, the building.

12. The proposed residential conversion of the Hall would be done in such a way which would remove more modern features of less significance and result in an internal arrangement which would allow its plan form to be read, and would reinstate earlier structural openings including the hall doorway and solar window, and retain and repair the bulk of the building's historic fabric. Moreover, in removing the hardstanding around it and the large, modern structures to its east and west sides in favour of landscaping, the proposed development would give the Hall considerably more breathing space, and a softer, less intensive setting, which taken together with the sensitive redevelopment of the historic barn within its curtilage, would better reveal the Hall's significance.
13. Although the proposed development would not entail public access to the Hall, a matter drawn to my attention in written responses and in discussion at the hearing, its positive effects in these regards would nevertheless constitute public benefits. Indeed the Government's Planning Practice Guidance⁸ (PPG), states that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits and may include heritage benefits, such as sustaining or enhancing the significance of a heritage asset or the contribution of its setting. This is clearly the case in this instance.
14. For these reasons, taken together with the potential of the appeal scheme to secure the maintenance of the Hall, retaining it in an active use consistent with its conservation, I consider that the proposed development would meet the requirements of the Framework⁹ insofar as it states that heritage assets are an irreplaceable resource, which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Consequently, mindful of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is clear the proposed development would preserve the special interest and significance of the Listed Building, and in arriving at this view I am mindful of the Schedule Monument Consents in place in relation to the works necessary to facilitate the conversion.

Viability

15. The appellants submitted a Financial Viability Report¹⁰, (the Viability Report) which was independently assessed by both Historic England and the Council at the application stage, and I note that neither of those assessments challenged the assumptions which underpin it- a matter confirmed in discussion with the Council's representatives at the hearing.
16. The Viability Report¹¹ found that conversion of the Hall would lead to a deficit of £291,372. Moreover, rather than a positive return, conversion of the historic barn within the curtilage of the Hall would also result in a deficit of £31,760. These figures demonstrate that the positive benefits that would accrue from

⁸ At Paragraph 020 Reference ID: 18a-020-20140306 Revision date: 06 03 2014

⁹ In paragraph 184

¹⁰ Prepared by Keppie Massie Dated September 2016

¹¹ At paragraph 7.2

the proposed development in relation to the Hall's conservation would not be financially viable.

Enabling Development

17. Whilst the appellants acknowledge that the appeal scheme constitutes inappropriate development within the Green Belt, they nevertheless consider that the new build residential element would constitute "enabling development". The Framework sets out¹² that decision-takers should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Moreover, I have been referred to the Historic England document *Enabling Development and the Conservation of Significant Places* (September 2008), (the Historic England Guidance) which whilst pre-dating the Framework, is nevertheless a consideration to which I accord considerable weight in this instance. The Historic England Guidance establishes seven criteria for a proposal to constitute enabling development.
18. My conclusions set out above in relation to the proposed development's effects on the special interest and significance of the Hall lead me to the view that it would meet criteria (a) to (c) of the Historic England Guidance in that it would not materially harm the heritage values of the Hall and its setting; it would avoid the detrimental fragmentation of management of the Hall; and it would secure the long-term future of the Hall and its continued use for a sympathetic purpose. Moreover, given the age and nature of the structure, I consider that the proposal is necessary to resolve problems arising from the inherent needs of the Hall, rather than the circumstances of its present owner, or any purchase price paid, and thus would meet criterion (d).
19. Funding has previously been accessed¹³ in relation to a dendrochronological study at the Hall, as a potential precursor to other funding bids. However, no further grant funding has been made available. I acknowledge also that other efforts to access subsidy, for example, from the Heritage Lottery Fund, have not been feasible due, amongst other things, to the necessity for match funding, the potential end uses that could be secured and the requirement for a commercial return to support both the building's refurbishment and ongoing maintenance. Consequently, I consider that it has been demonstrated that sufficient subsidy is not available from any other source, and thus criterion (e) of the Historic England guidance would be met.
20. The Viability Report establishes that the proposed development, taken as a whole, could still result in a marginal deficit, and on this basis concludes that the quantity of houses anticipated is the "very minimum" required to progress the works. I therefore find that, on balance, the quantity of new housing that the appeal scheme would deliver would be the minimum necessary to secure the very significant public benefits that would accrue from the Hall's conservation. In reaching this view, I have taken into account that independent assessments by Historic England and the Council found the assumptions on which the Viability Report is based to be reasonable. Moreover, it is clear that the layout of the proposed development, utilising as it does portions of the site that were previously occupied by buildings and

¹² At paragraph 202

¹³ In 2008

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

Richborough Estates

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 MCI Arb 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

Richborough Estates

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 bought 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*****

Richborough Estates