

**IN THE MATTER OF THE WARWICK DISTRICT COUNCIL (LEPER HOSPITAL SITE, SALTISFORD, WARWICK) CPO 2021**

**THE SITE: OS GRID REFERENCE SP 27693 65405 AND LAND REGISTRY TITLE NUMBER WK303149**

**THE OWNER: COVENTRY TURNED PARTS LTD**

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**GROUNDS OF APPEAL**

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1. These are summary Grounds drafted before the Owner has had the opportunity to instruct specialist solicitors to resist the appeal. It reserves the right to amend these Grounds, if so advised.
2. The CPO, dated 18 January 2021, is resisted and the Secretary of State is invited to dismiss it and withhold his approval.
3. The Owner requests that the matter is heard at an inquiry.
4. The Owner is the sole owner of the site. It is a family owned & run business. The submissions of Warwick District Council (“the Council”) are imbued with a criticism of the Owner in failing to take good care of the Listed Buildings and allowing them to fall into disrepair. This is denied. In fact, the Owner has spent around £700,000 in recent years with a view to protecting and conserving the heritage assets.
5. The Owner shares the view of the Council that it is not sustainable for the site to continue to be vacant and shares its objective in providing an appropriate use to sustain the Listed Buildings and Scheduled Ancient Monument moving forward.

6. First, it is denied that the Council has articulated a compelling case in the public interest for the CPO anchored within a sound evidence base and a convincing planning justification.
7. Second, it is submitted that the Council has deployed the CPO prematurely; it is not the measure of last resort. The Owner has displayed a willingness to re-develop the site in a sympathetic manner. 2018 pre-application advice from the Council indicated that it was supportive of the Owner's proposal to re-develop the site for residential purposes. The Urgent Works Notice ("UWN"), dated 13 August 2019, in respect of Master's House has been discharged and the outstanding costs of the Council paid by the Owner. In these circumstances, there is no pressing need for the CPO now. NO UWN has been issued in respect of the other Listed Building on site (St Michael's Chapel). Therefore, it appears to be common ground that this listed building does not require urgent intervention. In these circumstances, its condition cannot be used to justify the CPO.
8. Third, it is contended that there are other alternative lesser means of achieving the Council's objective. In particular, the Council could acquire the Master's House Listed Building which is in need of further repair pursuant to section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council's explanation for not availing itself of this power is unconvincing.
9. Fourth, the land-take/extent of the proposed CPO is excessive. It represents a disproportionate interference with the Owner's property rights under the European Convention.
10. Fifth, the Owner denies that the Council has justified the viability of the scheme it promotes.
11. The Owner remains open to Alternative Dispute Resolution and welcomes any opportunity to engage constructively with the Council.

**2 February 2021**