

The Warwick District Council

(Leper Hospital Site, Saltisford, Warwick) Compulsory Purchase Order 2021

Statement of Case

Reference APP/PCU/CPOP/T3725/3268581

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1. Introduction

- 1.1. This is the Statement of Case of the acquiring authority; the Warwick District Council (“the Council”)
- 1.2. The Council made the Warwick District Council (Leper Hospital Site, Saltisford, Warwick) Compulsory Purchase Order 2021 (“the Order”) on 14 January 2021 (Core Document 1).
- 1.3. The Order was made pursuant to section 226 (1) (a) of the Town and Country Planning Act 1990 (“the 1990 Act”) and the Acquisition of Land Act 1981 (“the 1981 Act”).
- 1.4. The Order was submitted to the Planning Casework Unit (the Secretary of State) for confirmation on 25 February 2021. The Secretary of State, by way of letter dated 24 March 2021, has decided (pursuant to section 14D of the 1981 Act and *Guidance on Compulsory Purchase and the Criche! Down Rules* (the Guidance)) (Core Document 2) to appoint an Inspector to act instead of him, to decide whether or not to confirm the Order.
- 1.5. This Statement of Case summarises the Council’s case for the making of the Order and addresses the objection raised to the confirmation of the Order. It supplements the Council’s Statement of Reasons (Core Document 3) which should be read together with this Statement of Case.

2. The Order

- 2.1. The purpose of the Order is to secure land to ensure the protection of designated heritage assets, improve the condition of the land, and to provide affordable housing. The Order will facilitate the delivery of an affordable housing development comprising of the construction of 8 affordable homes together with the conversion of two Grade II* listed buildings into affordable housing (“the Scheme”) by enabling the Council to compulsorily acquire the land as described in the Order (“the Order Land”).
- 2.2. A fuller description of the Scheme is included at Section 5 of this Statement.
- 2.3. The Scheme will be delivered by the Council together with Platform Housing Group and West Midlands Historic Buildings Trust. The affordable housing constructed as part of the Scheme will be owned and managed by Platform Housing Group whilst the two Grade II* listed buildings will be owned by West Midlands Historic Buildings Trust and managed under a long lease by Platform Housing Group
- 2.4. Negotiations to acquire the third-party freehold interest required to deliver the Scheme are set out in Section 7 of the Statement of Reasons with Section 9 of this Statement providing detailed information on the negotiations. It has not been possible to acquire the freehold interest in the Order Land by agreement and agreement is unlikely to be possible within a reasonable timeframe in the future.

2.5. Compulsory purchase powers are therefore needed to ensure the delivery of the Scheme.

3. Enabling Powers

- 3.1. By virtue of section 226 (1) (a) of the 1990 Act the Council has the power to acquire and compulsorily purchase land in its area if it thinks that the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to the land. In accordance with section 226 (1A) of the 1990 Act the Council must not exercise this power unless it thinks that development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of its area. Details of how the Scheme will contribute to the promotion and improvement of the economic, social, and environmental well-being of the area are set out in full in Section 5 of the Statement of Reasons and summarised in Section 7 of this Statement.
- 3.2. The Council considers that the use of section 226 (1) (a) of the 1990 Act is appropriate having regard to the objectives that will be achieved through the acquisition.

4. Description of the Order Land and the Surrounding Area

- 4.1. The Order Land is situated in the historic market town of Warwick within Warwick District. Warwick is the County Town of Warwickshire and has a population of over 30,000, it lies between the city of Coventry to the north, Stratford upon Avon to the south and Rugby Borough to the east. It has good links by rail to Birmingham and London and it is close to significant road networks. The Order Land sits just outside of the Warwick Town Centre boundary and within the urban area as defined by the Local Plan.
- 4.2. The Order Land is comprised of an area of approximately 2,047.56m². It is registered at HM Land Registry under title number WK303149 (Core Document 4) and the freehold is owned by Coventry Turned Parts Limited (Co. Reg No. 00982178) (“the Owner”). The Order Land is currently unoccupied and has a nil use.
- 4.3. The Order Land is bounded to the north by an embankment on which runs the London to Birmingham Snow Hill railway line and to the south by the A425 (Saltisford).
- 4.4. To the eastern boundary of the Order Land are office buildings owned and occupied by Warwickshire County Council and a Church (Church of Jesus Christ of Latter-day Saints). To the western boundary of the Order Land are residential dwellings.
- 4.5. The Order Land has no specific allocation in the Warwick District Council Local Plan 2011-2029 (“the Local Plan”) (Core Document 5). As the land is in the urban area of Warwick the principle of residential use is acceptable. There is no emerging or adopted neighbourhood plan that applies to the Order Land.
- 4.6. The Order Land does not fall within a conservation area and there are no protected or significant trees on the Order Land.

- 4.7. The Order Land contains two Grade II* listed buildings, one known as St Michael's Chapel (Listed Building Entry 1035366) (Core Document 6) ("St Michael's Chapel") and one known as Masters House (Listed Building Entry 1364850) (Core Document 7) ("Master's House"). Master's House is on the Heritage at Risk Register (Core Document 8) with its condition described as "very bad" and "at immediate risk of rapid deterioration or loss of fabric".
- 4.8. The southern part of the Order Land is designated as a Scheduled Monument (list entry 1011035) (Core Document 9). The list entry states: *"This monument includes the below ground remains of a leper hospital, chapel, and cemetery, located outside the medieval settlement of Warwick. The present focus of the hospital complex is formed by the upstanding chapel, a single cell stone building of 15th century date, and a late 15th or early 16th century timber-framed building, known as the Master's House, situated to the north of the chapel. Although partially rebuilt, the buildings are contemporary with the later medieval development of the site. The standing buildings are considered to overlie the remains of earlier medieval hospital buildings which extend across the whole of the site.The chapel and the Master's House are both listed Grade II* and are excluded from the scheduling, although the ground beneath both of them, which is believed to contain evidence of structures relating to the earlier development of the hospital, is included."*
- 4.9. The Order Land is flat and grassed. The only structures on the land are the Grade II* listed buildings detailed in paragraph 4.7 above. The perimeter is fenced. The A425/Saltisford is a main throughfare into Warwick and the Order Land and the listed buildings situated on it are visible from the road.
- 4.10. The Order Land is understood to contain Japanese Knotweed.
- 4.11. Any application for development on the Order Land will engage the general duty as respects listed buildings in the exercise of planning functions under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. The impact on the heritage assets will also be subject to Local Plan policies HE1 (designated heritage assets and their setting) and HE4 (archaeology) and assessed against paragraphs 189 to 202 of the National Planning Policy Framework (February 2019) ("the NPPF") (Core Document 10)
- 4.12. The Schedule to the Order lists all parties with a qualifying interest in the Order Land as defined by section 12 (2) of the 1981 Act.
- 4.13. The Order Schedule has been prepared following extensive inquiry by the Council based on information gathered through the inspection of Land Registry title documents, site inspections and responses to notice issued under section 16 Local Government (Miscellaneous Provisions) Act 1976.
- 4.14. As at the date of making the Order there are no known utilities businesses which will be affected by the Scheme. There is no land within the Order Land that is owned by another local authority, or by the National Trust or forms part of common, open space land or fuel or field garden allotment.

5. Description of the Scheme and the Development

- 5.1. The Council has made a planning application relating to the Order Land. This proposed the comprehensive redevelopment of the Order Land to provide for the conversion of the listed buildings into affordable housing units, the erection of a 3 storey building of 8 affordable apartments, together with access way, parking, and amenity space (private and shared)
- 5.2. Significant pre-application work has already been undertaken as detailed in Section 4 of the Statement of Reasons. An application for Scheduled Monument Consent is being made to Historic England
- 5.3. A planning application and an application for listed building consent has been submitted to Warwick District Council. The Design and Access Statement, (Core Document 12), Heritage Impact assessment (Core Document 13) and Flood Risk Assessment (Core Document 14) provide detailed information about the application.

6. Planning Policies Affecting the Order Land

- 6.1. The Scheme accords with the Local Plan and meets key planning policy objectives as set out in Section 4 of the Statement of Reasons. The purpose of acquiring the Order Land is consistent with the Local Plan vision, strategy and objectives including the provision of high quality and affordable housing with good layout and design in sustainable locations, the protection and regeneration of the environment, the creation of healthy safe and inclusive communities, and the protection of important heritage assets.
- 6.2. The Scheme is also supported by the NPPF which, at its heart is a presumption in favour of sustainable development. The Scheme will secure net gains in terms of the three overarching objectives. It will provide economic benefit by the development of an unoccupied and unused area of land, social benefit by the provision of well-designed and affordable housing in an accessible and sustainable location and environmental benefit by the effective use of an area of unattractive brownfield land for housing and the protection and enhancement of important heritage assets. Section 16 of the NPPF, and in particular paragraphs 184, 190 to 196 and 200 are of particular relevance. The Scheme will secure the conservation and future viability of the heritage assets whilst the comprehensive development of their setting will enhance and better reveal their significance.
- 6.3. Local Plan Policies DS2, DS6, DS7, and H0 relate to the provision of housing. They require the Council to provide in full for the Objectively Assessed Housing Need and to ensure that new housing delivers the quality and mix of homes required including affordable homes. The Council's most recent Authority Monitoring Report 2019-2020 ("ARM") at page 25, paragraph 4.20 (Core Document 15) states *"While delivery of affordable housing has steadily increased over the last five years, low levels of delivery in the early years of the Local Plan period mean that cumulative delivery remains somewhat below the cumulative requirement"*. This Scheme will contribute towards the delivery of good quality affordable housing in a popular location that will enable sustainable lifestyles.

- 6.4. Local Plan Policy H1 directs new housing. The Scheme will provide housing within the Warwick urban area close to a wide range of services and facilities including schools, shops, jobs, transport facilities as well as cultural and recreational facilities. Local Plan Policy H2 deals with the provision of affordable housing. The Scheme will deliver 100% affordable housing and therefore exceeds the 40% requirement within Policy H2. It will be fully compliant with all the requirements of Policy H2, available in perpetuity and offered to those in housing need as affordable rented accommodation. All units will be managed by Platform Housing Group who, as a Registered Provider, have a good track record of providing and managing affordable homes in the District to a high standard. The Scheme has been carefully designed to provide a cohesive development with attractive and practical amenity space for future residents.
- 6.5. Local Plan Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. The Scheme harmonises and enhances the existing settlement, respects local architecture and historical distinctiveness and will provide a safe and attractive environment. The Scheme will provide good standards of amenity for future occupiers in accordance with Policy BE3.
- 6.6. Local Plan Policies HS1, HS4 and HS6 support the creation of healthy safe and inclusive communities. The Scheme will provide good access to local facilities and will contribute to the creation of an area that is high quality, safe and attractive, encourages social interaction and promotes movement on foot and by bicycle.
- 6.7. Local Plan Policy TR1 requires development to provide safe suitable and attractive access for all highway users. The Scheme has been designed to ensure that there are two access routes into the development, one being directly from Saltisford and for use by pedestrians and cyclists and the other being a vehicle access point via the adjacent office car park. Provision has been made for parking on site in accordance with Policy TR3.
- 6.8. Local Plan Policy HE1 does not permit development where it would lead to substantial harm to or the total loss of the significance of a designated heritage asset unless certain conditions apply. Less than substantial harm caused by the development will be weighed against the public benefits of the proposal. The Council wants to ensure that these highly significant heritage assets are not substantially harmed or lost and believe that the Scheme demonstrates a unique opportunity to bring them back into a viable use that will ensure their future conservation. The Council is of the view that the Scheme will protect and improve the integrity and character of the Grade II* listed buildings and substantially improve their setting. Policy HE4 controls development on Scheduled Monuments and requires that archaeological remains are properly evaluated prior to determination of the planning application and that where development will have an adverse effect on archaeological remains an agreed programme of archaeological investigation and recording should proceed development. The Heritage Impact Assessment and section 2.1.4 of the Design and Access Statements (Core Documents 13 and 12) provide detail as to the archaeological assessments carried out to date.

7. Purpose and Justification for the use of compulsory purchase powers

- 7.1. The overarching guidance for the justification of a CPO is in paragraph 12 of the Guidance which confirms that a CPO should only be made where there is a compelling case in the public interest. The Council is satisfied that this test is met.
- 7.2. In addition, Paragraph 106 (Tier 2) of the Guidance sets out the factors which the Secretary of State (or his nominated Inspector) will take into account in deciding whether to confirm an order under section 226 (1) (a) of the 1990 Act namely:-
- (a) Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF.
 - (b) The extent to which the proposed scheme will contribute to the achievement of the promotion or improvement of the economic, social, or environmental well-being of the area.
 - (c) Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means; and
 - (d) The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed.

(a) Compliance with Local and National policy

- 7.3. The purpose for which the Order Land is being acquired, the Scheme, accords with the adopted Local Plan for the area as well as the NPPF. The policy framework is set out in the Statement of Reasons and summarised at Section 6 above. In summary:
- Protection of designated heritage assets is in accordance with Chapter 16 of the NPPF and policies HE1 and HE4 of the Local Plan
 - Improvement of the condition of the land is supported by Chapter 12 of the NPPF and policies BE1, BE3, HS1 and HS6 of the Local Plan.
 - The delivery of affordable housing is supported by Chapter 5 of the NPPF and policies H1, H2, DS2, DS6 and DS7 of the Local Plan.

(b) Contribution to well-being

- 7.4. The construction of the Scheme will create economic activity and contribute to the continuing regeneration and improvement of the urban area.
- 7.5. The Scheme will realise the re-development of a derelict and unused brownfield site within the Warwick urban area and close to the town centre. It will make a contribution towards the Council's housing targets and provide much needed affordable housing in a sustainable location where residents will have good access to public transport and will be able to walk and cycle to local facilities thus improving social well-being.
- 7.6. The Scheme will secure the restoration of a Grade II* listed building that is on the at-risk register and bring both buildings back into use, the site having been in a dilapidated state

for over 30 years. The future of the buildings will be secured, and their setting will be considerably enhanced. Green space, tree planting and energy efficiency will be incorporated into the development. The Scheme will also significantly improve the visual amenity of a prominent piece of land situated on a main throughfare into Warwick. These are significant environmental benefits.

- 7.7. The Council therefore considers that the Scheme will contribute significantly to the economic, social, and environmental well-being of the area.

(c) Alternative means

- 7.8. The Council does not consider that the purpose of the Order could be achieved by any other means. The Council has been working with Platform Housing Group, and West Midlands Historic Buildings Trust for 3 years in order to develop the Scheme. All parties have significant experience and expertise in the delivery and management of affordable housing and the preservation of heritage assets.

- 7.9. The Owner applied for planning permission and listed building consent in 2004 (reference W/04/2128 and W/04/2132/LB) for the conversion of St Michael's Chapel and Master's House to offices with the construction of an office building at the rear. Application W/04/2128 was granted on 5 February 2007 (Core Document 16). Application W/04/2132/LB was also granted on 5 February 2007 (Core Document 17). The officers report relating to the listed building consent sets out the background (Core Document 18). The permission and LB consent granted in 2007 were not implemented and expired on 6 February 2012.

- 7.10. On 10 May 2021 the Owner's planning consultants contacted the Council's Head of Development Services advising that they had been instructed to submit a pre-application enquiry for new development at the Leper Hospital Site. The development proposed includes the re-use of Master's House as a single dwelling, the re-use of St Michaels Chapel as a single dwelling and the construction of a new building for 8 apartments together with access and associated car parking (Core Document 19). The Council does not consider that there is any evidence that this will be taken forward or that it will be deliverable. It is also not an alternative to the Order as it does not appear to include any affordable housing.

- 7.11. Due to increasing concern about the dilapidation of Master's House the Council, using its powers under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, served an Urgent Works Notice on the Owner on 13 August 2019 requiring works immediately necessary for the preservation of the building to be carried out (Core Document 20). No works were undertaken by the Owner in response to the notice, so the Council entered the Order Land and carried out urgent works to Master's House that included the stabilisation and weather proofing of the building. On 10 March 2020 the Council served a notice under section 55 of the Planning (Listed Building and Conservation Areas) Act 1990 requiring payment of £67,607.30 to the Council in respect of the works carried out by 27 April 2020 (Core Document 21). This sum was repaid by the Owner on 30 April 2020.

7.12. Despite the urgent repairs undertaken by the Council in 2019 Master's House remains at risk and no substantive proposals have been put forward by the Owner for development of the Order Land. Negotiations to purchase the Order Land have been unsuccessful and the Council does not consider that there is any other way in which the purposes of the Order can be achieved without the use of compulsory purchase powers.

(d) Viability, Funding and Delivery

7.13. Paragraph 106(d) of the Guidance is concerned with the likelihood that the Scheme will proceed if the Order is concerned. The Secretary of State may be satisfied that it will.

7.14. Related to this, the Guidance at paragraph 14 requests information as to the resource implications of the scheme by way of sources and timing of funding. The scheme need not be independently viable, but information should be provided as to how it will be funded and by whom, the funding should be available in time to deliver the scheme after the Order is confirmed.

7.15. The Development will be delivered by the Council and Platform Housing Group as its Joint Venture Partner. The parties involved are as follows; -

- (a) Platform Housing Group; a registered social landlord and the largest housing association in the Midlands,
- (b) West Midlands Historic Building Trust: a registered charity and not for profit developer who work to secure sustainable futures for historic buildings at risk

7.16. It is intended that Platform Housing Group will own and manage the affordable housing in the new apartment block whilst West Midlands Historic Building Trust will own the two listed buildings and they will be managed under a long lease by Platform Housing Group.

7.17. The Scheme will be independently viable and funded by grant funding and section 106 developer contributions from the Council available because of the social benefits that will derive from the provision of affordable housing. The funding is immediately available and is sufficient to exceed the budgeted costs of the works including the anticipated costs of acquisition.

7.18. The Council considers that the parties involved have the necessary experience and access to the required funding in order to deliver the Scheme. It is anticipated that the Scheme can be delivered within eighteen months of the acquisition of the Order Land.

8. Impediments

8.1. Paragraph 15 of the Guidance requires the Council to show that the scheme is unlikely to be blocked by any impediment. Where planning permission has not yet been granted for the Scheme then the authority should demonstrate that there are no obvious reasons why it might be withheld. The Council is satisfied that there are no planning or other impediments to delivery. In particular:

- (a) Planning permission: Application has been submitted and is awaiting validation. It is anticipated that the application will be determined within 13 weeks and before the Inquiry. The applicant considers that the Scheme complies with the development plan.
- (b) Listed Building Consent: Application has been submitted and it is expected that this will be determined alongside the planning application.
- (c) Scheduled Monument Consent: Application is being made to Historic England.
- (d) There is a restrictive covenant that applies to the Order Land that Warwickshire County Council, as owner of title WK421427, now have the benefit of. Negotiations between Warwickshire County Council and the Council are expected to result in the covenant being removed by agreement prior to the Inquiry.

9. Efforts to Acquire by Agreement

- 9.1. Paragraph 2 of the Guidance expects authorities to show that they have taken reasonable steps to acquire the land by agreement. It may often be sensible to take formal steps alongside negotiations rather than wait for them to break down.
- 9.2. Discussions between the Owner and the Council about the Council's purchase of the Order Land have been ongoing since 2014. Those negotiations have continued since that date until the making of the Order. It was not possible to reach an agreement on terms acceptable to each party. Details of discussions are summarised in the table below:

Dates of Communication	Summary of Communication	Outcome
Prior to 2019	Various discussions between the Council and the Owner's agent.	Purchase figures discussed. No agreement
15 November 2019	Meeting between Council's representatives and Owner's agent	Council Offer
28 November 2019	Email correspondence between Council's representatives and Owner's agent	Counteroffer by Owner
10 January 2020	Email correspondence between Council's representatives and Owner's agent	Offer by Council
21 January 2020	Telephone call between Council's representative, Owner and agents	Offer by Owner
24 January 2020	Email from Council's representative to Owner and agents	Set out offer discussed on 21/1/20 in writing and confirmed Council's acceptance and that further details would follow
28 January 2020	Email from Council's representative to Owner and agents	Provided details of proposed purchase terms
18 February 2020	Email from Owner's representative to Council	Offer not accepted. Counteroffer made
6 March 2020	Email from Council's representative to Owner's agent	Counteroffer rejected

20 March 2020	Letter from Owner's representative to Council	Proposed that the offer made in January 2020 revisited
15 April 2020	Email from Council to Owner's representative	Advised Council had resolved to use CPO powers
17 April 2020	Telephone conversation and email from Owner's representative to Council	Owner's representative requesting clarification of various matters
29 April 2020	Email from Council to Owner's representative	Previous offer withdrawn and Council likely to make a revised offer based on further valuation
21 October 2020	Letter from Council to Owner's representative	New offer
27 October 2020	Email from Owner's representative to Council	Three alternatives proposed
28 October 2020	Email from Council to Owner's representative	Alternatives rejected. Offer made on 21/10/20 reiterated
2 November 2020	Email correspondence between Owner's representative and Council	Council made increased offer. Offer refused
13 November 2020	Email from Council to Owner's representative	Increased offer
14 November 2020	Email from Owner's representative to Council.	Offer refused. Counteroffer made
14 November 2020	Email from Council to Owner's representative	Counteroffer refused

9.3. The Council remains willing to acquire the Order Land by agreement at a consideration including non-market value elements of compensation to which the Owner would be entitled following compulsory purchase if a suitable price can be agreed.

9.4. The Council has had regard to paragraph 19 of the Guidance that sets out the steps that should be considered to help those affected by a compulsory purchase order. The Council has kept the Owner fully informed of its intentions and stages reached at all points in the process and the Owner has dealt with a single senior point of contact throughout.

10. Human Rights

10.1. The Human Rights Act prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights. In pursuing this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Regards has been taken, in particular, to the provisions of Article 1 of the First Protocol. The Council has also given regard to Article 6 of the ECHR.

- 10.2. If confirmed by the Secretary of State, the Order will affect the Article 1 rights of the Owner. A fair balance has to be struck between the public interest and those private rights. The Owner will be entitled to compensation as provided by law, such compensation to be settled in the absence of agreement by the Upper Tribunal of the Lands Tribunal. The Council considers that the interference with property rights is justified by the advantages to the wider public interest in enabling the Scheme to proceed.
- 10.3. Article 6 is engaged because the compulsory purchase process involves the determination of the rights of those affected by the Order. All those affected by the Order have been notified and will have the opportunity to make objections and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed. A right of legal challenge exists to this process in accordance with section 23 of the 1981 Act. Any dispute as to compensation payable will be determined by the Upper Tribunal of the Lands Tribunal.
- 10.4. The proposals have been extensively publicised, and consultation will take place during the course of the planning application.
- 10.5. The Council considers that the many benefits that the redevelopment of the Order Land will bring to the area (as outlined in Section 7) provide a compelling case in the public interest for the use of compulsory purchase powers and outweigh the impact on the existing Owner.

11. Public Sector Equality Duty

- 11.1. The Council has considered whether there is a need for an Equality Impact Assessment to be undertaken in order to assess the impact of the Scheme on groups with protected characteristics. The Council notes its duty under section 149 of the Equality Act 2010 to have due regard, in the exercise of its functions to the need to: -
- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) Foster good relations between parties who share a relevant protected characteristic and persons who do not share it.
- 11.2. There is currently no evidence to suggest that the implementation of the Scheme would have any direct or indirect negative impact on any person with a protected characteristic or any group of people with a shared protected characteristic. This position will continue to be monitored and reviewed throughout the process to ensure that any future impact can be measured and mitigated as necessary.

12. Council's Response to Objection to the Order

- 12.1. In total one objection was made to the Order (Core Document 22). This is summarised below together with the Council's response: -

Issue No.	Objection Raised	Council's Response
1.	<p>The Statement of Reasons criticises the Owner for failing to take good care of the Listed Buildings and allowing them to fall into disrepair. This is denied and the Owner has spent around £700,000 in recent years with a view to protecting and conserving the heritage assets.</p>	<p>The Order Land is a Scheduled Ancient Monument and contains two Grade II listed buildings. It is accepted that St Michael's Chapel is not in a state of disrepair although it is vacant, derelict and unused. The Council has seen no evidence of expenditure amounting to £700,000 on care of the heritage assets in recent years and no work has been undertaken by the Owner in the last 10 years. Master's House is on the Historic England at risk register and has been since 1998. The Owner, despite the immediate risk of rapid deterioration has not taken any action to secure it. The Council have been required to carry out urgent repairs and recover the significant costs incurred.</p>
2.	<p>The Council has failed to articulate a compelling case in the public interest for the Order with a sound evidence base and convincing planning justification.</p>	<p>No further particulars have been provided in relation to this point, but the Council does not agree. The Council considers that it has clearly articulated the public interest in acquiring the Order Land and re-developing it for affordable housing whilst also restoring the heritage assets and improving the condition of the land. The Scheme is in accordance with the Local Plan and has been fully justified in accordance with the requirements of s226 (1) (a) of the 1990 Act. In addition, the Council has a fully committed partner in this joint venture, a detailed planning proposal and financing in order to secure delivery of the Scheme.</p>

3.	<p>The Council has deployed the Order prematurely, it is not the measure of last resort and the Owner has displayed a willingness to re-develop the site in a sympathetic manner. 2018 pre-application advice was sympathetic to the Owner's proposal to develop the site for residential purposes. The urgent works notice has been discharged and the costs paid by the Owner so there is no pressing need for the Order.</p>	<p>The Owner has owned the site since 1987. It has remained vacant since this date. The planning permission obtained in 2007 was not implemented and has since expired. The Council does not consider that the Owner has made any credible attempt to re-develop the site. Despite the pre-application advice in 2018 there has been no planning application and the Council have not seen any substantive evidence of a proposal for development. The Council has been attempting to negotiate acquisition of the Order Land since at least 2014 without success. In the meantime, Master's House has continued to fall further into a state of such disrepair that its continued existence is threatened. Master's House remains on the heritage at risk register and the work done by the Council as a result of the urgent repairs notice is not sufficient to secure its future. The site is harmful to the amenity of the area and an important heritage asset is in grave danger of being lost. Affordable housing is needed in the area. The Council considers that there is a pressing need for the Order.</p>
4.	<p>There are other lesser forms of achieving the Council's objective, in particular the Council could acquire the Master's House pursuant to section 47 of the Planning (Listed Building and Conservation Areas) Act 1990</p>	<p>The acquisition of Master's House would not enable the delivery of the comprehensive Scheme. It would also leave the remainder of the site unaddressed.</p>
5.	<p>The land take/extent of the Order is excessive and represents a disproportionate</p>	<p>The Order requires the compulsory purchase of only the land necessary to</p>

	interference with the Owner's property rights under the European Convention.	implement the Scheme. All the land in the Order is required to deliver the Scheme. No alternative Scheme that delivers the Order's purposes with a lesser land take has ever been identified. Further, the land is within single ownership, dividing it would cause issues with access and utilities and would jeopardise the restoration and reuse of the listed buildings. In addition, St Michael's Chapel and Master's House and the Scheduled Ancient Monument are historically and visually linked. A sympathetic and feasible development of the site can only realistically be achieved as part of a comprehensive scheme for the entire site. The Council considers that the interference with the Owners convention rights is justified and proportionate in this case.
6.	The Council has not justified the viability of the Scheme	The Council has fully engaged with its partners in a joint venture and work has been on-going for over two years to produce a deliverable scheme.
7.	The Owner has advised that they are open to ADR and welcome any opportunity to engage constructively with the Council	The Council has considered whether ADR would be helpful in this case. It has concluded that it would not on the basis that there has been active negotiation between the parties over a long period of time.

13. Conclusion

- 13.1. The Order is being promoted by the Council under section 226 (1) (a) of the 1990 Act. The Council considers that the delivery of the Scheme will make efficient use of a brownfield site, secure the preservation and sympathetic restoration of important heritage assets and contribute to much needed affordable housing in a sustainable location. It will bring a vacant site on a main throughfare that is currently harmful to amenity back into use and bring significant economic, social and environmental improvements to the area.

13.2. There are no impediments to the delivery of the Scheme if the Order is confirmed and there are no likely planning or other impediments to the implementation of the Order. The Scheme is therefore likely to proceed if the Order is confirmed.

13.3. The Council considers that the objection to the Order demonstrates any reason why the Council's justification for making the Order is any way inaccurate. For the reasons summarised in this Statement and detailed in the Statement of Reasons the Council remains of the view that the Order is within the relevant statutory powers and that a compelling case in the public interest exists for the confirmation of the Order. Further, the Council is sure that the purposes for which the Order is made justify interfering with the Owner's human rights.

14. Inquiry Procedure Rules

14.1. This Statement of Case is intended to discharge the Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 (2007/3617).

14.2. A list of documents put in evidence by the Council appears at Section 16 below.

15. Other Information of Interest to persons affected by the Order

15.1. A copy of this Statement of Case, the Statement of Reasons, the Order and Order Map together with background documents are available for inspection at www.warwickdc.gov.uk

15.2. Hard copies of this Statement, the Statement of Reasons, the Order and Order Map together with background documents can be inspected at Warwickshire County Council, Shire hall Meet and Greet, Market Place, Warwick CV34 4RL during normal office hours:

15.3. Parties affected by the Order who wish to discuss matters with a representative of the Council should contact Andrew Jones, Deputy Chief Executive Tel 07504 110896

15.4. Parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact Andrew Jones, Deputy Chief Executive Tel 07504 110896

16. Relevant Documents for Inquiry

Document	Description
CD1	Sealed Order and Map

CD2	Letter from Secretary of State 24/3/21
CD3	Statement of Reasons
CD4	HMLR Register and Title Plan WK303149
CD5	Warwick District Local Plan 2011-2029
CD6	Historic England List Entry 1035366
CD7	Historic England List Entry 1364850
CD8	Historic England at Risk Register Entry
CD9	Historic England List Entry 1011035
CD10	NPPF
CD11	Proposed Site Drawing March 2020
CD12	Design and Access Statement
CD13	Heritage Impact Assessment
CD14	Flood Risk Assessment
CD15	Authority Monitoring Report 2019
CD16	Permission W/04/2128
CD17	Listed Building Consent W/04/2132 LB
CD18	Officer Report W/04.2132 LB
CD19	Pre-Application Enquiry by Owner May 2021
CD20	Urgent Works Notice
CD21	Urgent Works Notice Payment Demand
CD22	Objection