



Ministry of Housing,
Communities &
Local Government

Mr N Graham,
Associate Director
Turley,
Manchester M1 4HD

Our ref: APP/N4205/V/18/3208426
Your ref:

Nick.graham@turley.co.uk

30 July 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY PEEL HOLDINGS (LAND AND PROPERTY) LIMITED
LAND AT AND ADJACENT TO, HULTON PARK, MANCHESTER ROAD, OVER
HULTON, BOLTON BL5 1BH
APPLICATION REF: 00997/17**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Karen L Ridge LLB (Hons) MTPI Solicitor, who held a public local inquiry on 1-3, 9-11 and 15-16 October 2019 into your client's application for planning permission reference 00997/17 dated 19 May 2017 for:
 - PART A: a full planning application for restoration works to Hulton Park and various existing structures and heritage assets within it, including the pleasure grounds, dovecote, walled garden and lakes; and for the development of a golf resort, including: an 18-hole championship-grade golf course and clubhouse; a golf academy including driving range, practice course, adventure golf course and academy building with sports and learning facilities, a golf shop and café; a hotel with adjoining spa and conference facility; other ancillary buildings, structures and engineering and landscape works, including a maintenance building, halfway house, highway accesses, highway underpass, various bridges, boundary treatments, internal access roads, external lighting, parking areas, and new and replacement landscaping; the demolition of various existing buildings and structures; and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network; and
 - PART B: an outline application for the residential development of 56.03 hectares of land providing up to 1,036 dwellings, a local centre, and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network, with all matters reserved except for (in part) highways.
 - Listed building consent application for the restoration of a Grade II Listed Dovecote.

2. On 31 July 2018, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to conditions and with the benefit of the obligations in the section 106 agreement.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR1.9 to IR1.13, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. The Secretary of State notes at IR1.3 that there is a separate application for Listed Building Consent before the Council which is not subject to the call-in procedure. He therefore agrees with the Inspector that an appropriately amended description of development should be used (see paragraph 45 below). Like the Inspector the Secretary of State has assessed the proposal on the basis of the updated plans described in IR1.13

Policy and statutory considerations

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan consists of the Bolton Core Strategy Development Plan Document (CS-DPD) adopted in March 2011; the Bolton Allocations Plan Document (AP) adopted in 2014 and the Greater Manchester Minerals and Waste Plan (GMMP) adopted in 2013. The Secretary of State agrees with the Inspector that the most relevant development plan policies include those set out at IR4.2.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').
10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

11. The emerging plan comprises the Greater Manchester Spatial Framework (GMSF). The Secretary of State considers that the emerging policies of most relevance to this case include STRAT8 which sets out a vision for a Wigan-Bolton Growth Corridor (IR4.3). However, the GMSF is at an early stage and consultation on a Further Revised Draft of the Greater Manchester Plan is due to take place summer 2020 (IR4.4).
12. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. For the reasons given in IR4.3-4.4 the Secretary of State attributes limited weight to emerging policies.

Main issues

The Ryder Cup

13. The Secretary of State notes that the proposal is predicated on a bid to be the venue for the Ryder Cup in 2030 or 2034 (IR14.10), with that decision expected to be made summer 2020. The Secretary of State agrees with the Inspector at 14.13 that the development should only proceed if the Ryder Cup is secured.
14. For the reasons given at IR14.14 to 14.16, he agrees with the Inspector that it is appropriate to consider the planning application prior to a Ryder Cup contract having been secured, and that the covenants in the section 106 agreement are binding and would prevent development commencing until such time as the Ryder Cup was secured in 2030 or 2034.

Socio-economic effects

15. For the reasons given in IR14.17-14.40 the Secretary of State agrees with the Inspector that the totality of UK-wide economic and social benefits generated by the proposal will be substantial with estimates for jobs created and Gross Value Added generated being 1686 jobs and £1.1 billion (GVA) respectively (IR14.36). Aggregated monetarised social benefits are estimated to amount to over £72m (IR14.38-14.39).
16. For the reasons given in IR14.40-14.53, he further agrees with the Inspector that while in any location in the UK the benefits would be very significant and would attract very significant weight, in the context of a local and regional area which lags behind economically and evidences higher levels of deprivation and economic inactivity, the economic benefits described take on a greater significance (IR14.51). The Secretary of State further agrees with the Inspector that the non-monetary benefits associated with the scheme set out in IR14.52 are benefits which go hand in hand with the monetised socio-economic benefits.

Housing

17. The Secretary of State notes at IR5.9 that the main parties agree the Council does not have a 5YHLS and agrees for the reasons given at IR14.90 and that the current housing supply is between 3.5 and 3.7 years with a current deficit of around 1,300 homes. The Secretary of State notes that the appeal site is not an allocated housing site (IR14.88). However, for the reasons given in IR14.95 he agrees with the Inspector that, given policies for the supply of housing (including SC1 and the first bullet point to OA4) are out

of date, only limited weight should be attributed to the harm caused by the proposal being contrary to policy OA4 in terms of the location of new housing. For the reasons given in IR14.87-14.102 the Secretary of State agrees with the Inspector that the proposal will deliver 1036 dwellings (IR14.67) of a type in demand and would be likely to contribute towards the objective of diversifying the existing housing stock (IR14.93) in an area of considerable shortfall. Taking into consideration national policy to significantly boost the supply of housing, the Secretary of State considers this represents a significant benefit which attracts significant weight.

18. The Secretary of State notes at IR14.56 that CS policy SC1 sets out a requirement of 35% affordable housing on new greenfield housing developments and that a lower proportion may be permitted where it can be clearly demonstrated that development would not be financially viable. For the reasons given in IR14.54-14.77 the Secretary of State agrees with the Inspector's conclusions at IR14.74 and 14.75 that the scheme cannot currently afford to bear the costs of affordable housing provision. The Secretary of State agrees with the Inspector at IR14.77 that the mechanism and triggers for review offer adequate opportunities to revisit the question of viability and optimise the likelihood of securing affordable housing.
19. For the reasons given in IR14.78-14.86 the Secretary of State agrees with the Inspector's preference at IR14.84 of a policy compliant affordable housing tenure split delivered with a mix of 65% social rented and 35% intermediate housing to comply with policy expectations and meet the needs of the local population (IR14.83). The Secretary of State notes that the offer of affordable housing is agreed by the parties to be above and beyond policy requirements (IR13.6). As such it is not necessary to make the development acceptable in terms of the policy tests relating to the planning obligation (IR13.6). Given this, unlike the Inspector, the Secretary of State considers that the initial offer of 10% provision of affordable housing does not carry any weight as a material consideration. However, given the Inspector's findings at IR13.6 and IR14.299, the Secretary of State agrees with the Inspector that provisions relating to any further provision of affordable housing arising from the Review Mechanism are necessary to make the development acceptable given that they meet policy requirements, and further agrees that this should attract limited weight given its uncertainty.

Biodiversity

20. For the reasons given in IR14.103-14.115 the Secretary of State agrees with the Inspector at IR14.115 that there would be substantial benefits in relation to the diversification of the ecological features and habitats on site and further agrees at IR14.115 that this should be accorded substantial weight.

Highways

21. For the reasons given in IR14.116-14.145 the Secretary of State agrees with the Inspector at IR14.144 that the package of measures secured by condition and the s106 agreement would be sufficient to address the additional traffic impact arising as a result of the proposal, including the holding of the Ryder Cup event, and that the introduction of the link road would significantly improve the operation of the Chequerbent roundabout when the proposed development and all committed development is taken into account.

He further agrees at IR14.144 that the benefit delivered by the link road attracts moderate weight.

Heritage

22. For the reasons given at IR14.146-14.222 the Secretary of State agrees with the inspector that there would be substantial benefits of the proposal and that there would also be substantial harm to the parkland character area and the loss of some historic material (IR14.221). Overall, he agrees with the Inspector at 14.222 that there would remain some overall harm to the RPG which would be less than substantial harm, not at the upper end of the spectrum.
23. The Secretary of State agrees with the Inspector for the reasons given in IR14.227-14.229 that in this case only one heritage balance is required to be undertaken. He further agrees with the Inspector's conclusion at IR14.231 that overall the proposal would cause less than substantial harm to the heritage assets on the site and he agrees this harm attracts considerable weight.
24. With regard to the Dovecote, for the reasons given in IR14.223-14.225 the Secretary of State agrees with the Inspector at IR14.225 that the heritage asset and its significance would be enhanced. He also agrees with the Inspector at IR14.226 that the listed buildings at 791-792 Manchester Road would be preserved.

Landscape Character

25. For the reasons given in IR14.241-14.246 the Secretary of State agrees with the Inspector at 14.246 that there would be limited harm to the landscape character, most significantly through loss of land to housing and that the proposal would to some extent be at odds with policies CG1.1, CG3.2 and CG3.7. Like the Inspector the Secretary of State at IR14.246 considers this harm attracts moderate weight.

Other matters

26. For the reasons given at 14.247-14.249 the Secretary of State agrees with the Inspector at IR14.249 that there would be a net benefit to Public Rights of way both in terms of provision and also in terms of attractiveness and utility, which attracts moderate weight.
27. For the reasons given at IR14.250 to 14.252, the Secretary of State agrees with the Inspector that a precautionary approach has been taken in terms of the imposition of conditions requested by the Coal Authority. He further agrees at IR14.253-254 that the relevant tests in respect of Policy 8 of the Greater Manchester Joint Minerals Plan have been passed. He therefore agrees with the Inspector that the proposal is policy compliant in this respect (IR14.254).
28. The Secretary of State agrees with the Inspector for the reasons given at IR14.255-259 that the proposal would not cause any material harm to living conditions of existing residents (IR14.256), that the hotel complex would not undermine the operation of existing or planned developments in existing town centres and it would not impact upon the overall vitality and viability of such town centres (IR14.258) and that the local centre would comply broadly with the objectives of CS policy P2 (IR14.259). He further agrees for the reasons given at IR14.260 that the financial and other contributions are sufficient to ameliorate additional demands on local infrastructure generated by new residents.
29. The Secretary of State agrees with the Inspector for the reasons given at IR14.261-263 that the proposal would have an adverse impact in terms of the loss of agricultural land,

contrary to policy CS policy CG1 (IR14.261), and further agrees at IR14.294 that, given the scale of the loss, this harm attracts limited weight. While there would be some loss of best and most versatile land, in terms of this application it would be 'de minimis, and the Secretary of State agrees with the inspector that this loss carries no weight in the overall planning balance (IR14.262).

30. The Secretary of State agrees with the Inspector at IR14.263 that the proposal would comply with CS policy CG1 and the Framework objectives which seek to reduce flooding risk.

Green Belt

31. The Secretary of State notes that the entire application site is located within the adopted Greater Manchester Green Belt (IR14.264). For the reasons given in IR14.267 the Secretary of State agrees with the Inspector that policy CG7AP of the allocations plan document is out of step with more recent national policy in the Framework. Like the Inspector he has therefore conducted his Green Belt analysis by applying the principles set out in the Framework. For the reasons given at IR14.265-270 the Secretary of State agrees with the Inspector that the introduction of over 1000 new homes, internal roads and a local centre and primary school onto the western fields would cause significant harm to the openness of the Green Belt (IR14.269). He further agrees for the reasons given in IR14.271-275 that overall the development would result in a substantial erosion of this part of the Green Belt, and like the Inspector, he attributes substantial weight to the global harm to openness (IR14.275).

32. For the reasons given in IR14.276-286, the Secretary of State agrees with the Inspector that the development would result in substantial urban sprawl (IR14.279) and that the proposed housing would result in encroachment into the open countryside (IR14.284). The sprawl would be significant and cause substantial harm to the Green Belt. Due to the quantum of development on the western fields in particular, the encroachment would also be significant. The Secretary of State also agrees with the Inspector that the development would not offend the Green Belt purpose of preventing neighbouring towns merging into one another nor is there any harm to the purposes of preserving the setting and special character of historic towns and assisting in urban regeneration. He does not accept, for the reasons given at IR 14.287-291, that there would be improved access to the Green Belt (IR14.288) by the proposal but agrees with the Inspector that the proposal would result in a modest beneficial use of the Green Belt to which he attributes limited weight (IR14.291).

Planning conditions

33. The Secretary of State has given consideration to the Inspector's analysis at IR12.1-12.12, the recommended conditions set out at the end of the IR in Appendix D and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex A of this letter should form part of his decision.

Planning obligation

34. Having had regard to the Inspector's analysis at IR13.1-13.10 the planning obligation dated 5 November 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR13.10, with the

exception of the initial 10% affordable housing provision, that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

35. For the reasons given above, the Secretary of State considers that the application is not in accordance with policies in the Bolton Core Strategy in relation to housing (SC1) and is also in conflict with Policy OA4 in relation to housing site allocations and conserving and enhancing the historic environment. Further he considers the proposal is not in accordance with policies in the Bolton Allocations Plan Document in relation to Green Belt (CG7AP) and is at odds with CS policies CG1.1, CG3.2 and CG3.7. He considers the proposal is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
36. As Bolton Metropolitan Borough Council cannot demonstrate a five year housing land supply paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
37. The Secretary of State considers the socio-economic benefits of the proposal carry very significant weight, the housing benefits carry significant weight, the biodiversity benefits carry substantial weight, highways and PROW benefits each carry moderate weight and the benefits to the Grade II listed Dovecote carries limited weight, as does the benefit arising from the beneficial use of the Green Belt, and the benefit of affordable housing provision arising from the Review Mechanism.
38. The Secretary of State considers that the harm to the Green Belt carries substantial weight, the 'less than substantial' harm to the heritage assets carries considerable weight, harm to landscape character carries moderate weight and harm caused by loss of agricultural land carries limited weight.
39. In accordance with the s.66 duty, the Secretary of State attributes considerable weight to the harm to Hulton Park RPG and has gone on to consider whether the identified 'less than substantial' harm is outweighed by the public benefits of the proposal.
40. Overall, the Secretary of State considers that the enormity of the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Hulton Park RPG, and that the proposed project represents the optimum viable use in accordance with PPG guidance. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.
41. The Secretary of State considers that when the Green Belt and other harms are taken together, they are clearly outweighed by the benefits and other considerations, and that the range and magnitude of the socio-economic benefits and the context in which they would be realised have contributed to this finding. He therefore concludes that very special circumstances exist in this case and that policies in the Framework relating to Green Belt land do not provide a clear reason for refusing the development.
42. The Secretary of State therefore concludes that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. He also concludes that any adverse impacts of

granting permission do not significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

43. Overall the Secretary of State considers that the material considerations in this case indicate a decision other than in accordance with the development plan. – i.e. a grant of permission.

44. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for:

- PART A: restoration works to Hulton Park and various existing structures and heritage assets within it, including the pleasure grounds, dovecote, walled garden and lakes; and for the development of a golf resort, including: an 18-hole championship-grade golf course and clubhouse; a golf academy including driving range, practice course, adventure golf course and academy building with sports and learning facilities, a golf shop and café; a hotel with adjoining spa and conference facility; other ancillary buildings, structures and engineering and landscape works, including a maintenance building, halfway house, highway accesses, highway underpass, various bridges, boundary treatments, internal access roads, external lighting, parking areas, and new and replacement landscaping; the demolition of various existing buildings and structures; and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network; and
- PART B: outline planning permission for the residential development of 56.03 hectares of land providing up to 1,036 dwellings, a local centre, and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network, with all matters reserved except for (in part) highways.

46. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

47. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

48. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period

49. A copy of this letter has been sent to Bolton Metropolitan Borough Council and Hulton Estate Area Residents Together (HEART) and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

Authorised by the Secretary of State to sign in that behalf