

## TRAFFORD COUNCIL

**Report to:** Planning and Development Management Committee  
**Date:** 15 February 2024  
**Report for:** Decision  
**Report of:** Head of Planning and Development

### Report Title

**Basford House (Stretford Memorial Hospital), 226 Seymour Grove, Manchester, M16 0DU: Making of immediate Article 4 direction to remove permitted development rights for the demolition of the building and the front boundary wall and gatepiers.**

### Summary

This report sets out the reasons behind the proposal to make an immediate Article 4 Direction removing permitted development rights for the demolition of 226 Seymour Grove and the front boundary wall and gatepiers. This report seeks approval from the Committee to make the immediate Article 4 Direction including undertaking statutory consultation requirements.

### Recommendation

That the Planning and Development Management Committee:

- (i) Resolve that the making of an immediate Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to withdraw the permitted development rights to demolish Basford House, 226 Seymour Grove and its associated front boundary wall and gateposts is appropriate, and justified, as demolition of Basford House, 226 Seymour Grove and the front boundary wall and gatepiers would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area.
- (ii) Approve the making of the Article 4(1) Direction for Basford House, 226 Seymour Grove Manchester, the extent of which is shown in Appendix 2.
- (iii) Delegate authority to the Director of Legal and Governance and Monitoring Officer to make the Article 4(1) Direction for the land at Basford House, 226 Seymour Grove, as shown on the plan attached at Appendix 1 and delegate to the Corporate Director of Place authority to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.
- (iv) Confirm that the Article 4(1) Direction will be effective with immediate effect once made.
- (v) Delegate authority to the Director of Legal and Governance and Monitoring Officer to confirm the Direction in due course if there are no objections.

(vi) Request that subsequent planning applications involving the demolition of Basford House, 226 Seymour Grove and the front boundary wall and gatepiers and where the Article 4 Direction remains in force to be referred to the Planning and Development Management Committee for determination.

**Contact person for access to background papers and further information:**

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## **1.0 INTRODUCTION AND BACKGROUND**

- 1.1 Stretford Memorial Hospital has been vacant for nine years and was disposed of by the Manchester NHS Foundation Trust in 2021. The making of an immediate Article 4 direction at Basford House has been prompted by ongoing discussions between the developer of the site and the local planning authority. There are no current planning applications pending consideration on this site.
- 1.2 The 1.2 ha site is located between Northleigh Road / Basford Road to the west and Seymour Grove to the east but with a main frontage onto Seymour Grove. Extensive areas of the site are occupied by buildings predominately erected in 20<sup>th</sup> century, with the exception of Basford House, and all were formerly in use by the Stretford Memorial Hospital. The site is accessed via Seymour Grove and retains two sets of original stone gatepiers and low stone wall, forming the eastern boundary. There are a number of mature trees, particularly around the periphery and the site is subject to a Tree Preservation Order - TPO 402 'Stretford Memorial Hospital'. The location of Basford House and its boundary wall and gateposts can be found in Appendix 2, a plan showing the extent of the whole of the Stretford Memorial Hospital site can be found in Appendix 3.
- 1.3 Demolition is development permitted under Article 3, Schedule 2, Part 11 of the GPDO. This requires the applicant to apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the authority is required as to the method of demolition and any proposed restoration of the site. The LPA is not able to object to the demolition of a building in principle through this process.
- 1.4 Article 4 of the GPDO allows for an LPA to make a Direction that certain classes of development set out in this Order should not be carried out unless permission is granted for it on application to the LPA. An immediate Article 4 Direction can be made if the Council considers that the development would be prejudicial to the proper planning of the area or would constitute a threat to the amenities of the area.

- 1.5 Schedule 3 of the GPDO sets out the procedure for the making of an Article 4 Direction, including the requirement to publicise such a direction.
- 1.6 It is the view of officers that the demolition of Basford House, 226 Seymour Grove and / or associated stone boundary wall and gate piers would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area. The making of the Article 4 Direction is proposed only for Basford House and the associated stone boundary wall and gate piers. The Article 4 Direction will not be served on the remainder of the buildings on the site including the single storey extension to the west elevation of Basford House. Whilst there is some architectural and historic significance to the 1930s hospital additions this is considered low and not sufficient to justify including within the Article 4 Direction.
- 1.7 It is therefore proposed to make a Direction with immediate effect under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.8 The proposed Direction under Article 4 and Paragraph 2 of Schedule 3 of the GPDO will have the effect of withdrawing the permitted development rights conferred by the GPDO Class B & Class C of Part 11 of Schedule 2, relating to the demolition of the building, front boundary wall and gate piers. The Direction will cease to have effect after six months unless confirmed by the Council during that period. Under Class B of Part 11 of Schedule 2, development is permitted for any building operation consisting of the demolition of a building. Under Class C development is permitted for any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.
- 1.9 The effect of the immediate Article 4 Direction is that the building, boundary wall and gate piers cannot be demolished unless a planning application is made and permission granted.

## **2.0 JUSTIFICATION FOR IMMEDIATE ARTICLE 4 DIRECTION**

- 2.1 Basford House (Stretford Memorial Hospital) is a former detached villa built in the mid-19<sup>th</sup> century. The building is two storeys in height, constructed from red brick laid in a Flemish bond with painted stone dressings and classical detailing concentrated in particular on the principal (east) elevation. The former villa is elevated on a grassed embankment accessed by two flights of stone steps. The effect of this is to elevate the building, increasing its prominence in views from Seymour Grove.
- 2.2 Basford House is not a listed building and is not located within a conservation area. Nevertheless, following investigation of the site and its history it is the view of officers that the property is a non-designated heritage asset in that it has a

degree of heritage significance meriting consideration in planning decisions but does not meet the criteria for designated heritage assets (as confirmed by Historic England). The building was subsequently added to the draft List of Local Heritage Assets for Trafford on 16<sup>th</sup> May 2023.

- 2.3 The significance of Basford House derives from the following: There is a good level of architectural integrity and survival of external historic fabric. The former villa was built in 1860 by Henry Beecroft Jackson a retired merchant and director of a plate glass factory. Designed in the Italianate style, Basford House provides a splendid example of an early Victorian villa residence. It was lent to the Old Trafford Divisional Committee of the Red Cross Hospital Society as an auxiliary hospital during the First World War and opened with 20 beds on 28<sup>th</sup> October 1914. Trustees of Stretford War Memorial Public Nursing Service local trust acquired the building in 1925 and converted into a maternity hospital as a lasting memorial to soldiers who died in the First World War. Substantial additions were undertaken in the Interwar period thought to be by local architect, Percy Scott Worthington with further extensions in the late 20<sup>th</sup> century. The Hospital was closed between 1983 and 1985 before reopening as a geriatric hospital, although this closed in 2015.
- 2.4 A low sandstone wall, shaped stone coping and two sets of corresponding solid stone gate piers with mature planting and spaciousness also contribute to the significance of the site and wider street scene fronting Seymour Grove. The association with aviation pioneer Sir John William Alcock (b1892) and musician Andy Gibb (b1958) is also notable and contributes to the historic significance of the site.
- 2.5 Historic England assessed the building in 2020 and confirmed although relatively intact externally, the extent of internal alteration has compromised the integrity of the mid-C19 design therefore in a national context the design does not demonstrate exceptional quality or innovation for the period. Nevertheless, it was confirmed this “should not be taken to undermine the building’s clear interest in a more local context”.
- 2.6 The demolition of the building would lead to the total loss of its significance. It is therefore the view of officers that the demolition of Basford House would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area and as such a planning application should be required to assess any proposal for demolition in full.

### **3.0 USE OF AN IMMEDIATE ARTICLE 4 DIRECTION**

- 3.1 An Article 4 Direction can be used to remove specific permitted development rights from all or part of a local authority’s area. It does not restrict development altogether but means that planning permission is required. The proposed Article

4 Direction does not seek to prevent any demolition, rather it seeks to ensure that any demolition is thoroughly assessed against the Development Plan and the future redevelopment of this site is managed to take account of and with a full understanding of the significance of the existing property. Should an application come forward to redevelop the site it would allow for a proper survey of the property and assessment of the most significant elements to assist in understanding to what extent the existing buildings could or should be retained and converted. There clearly needs to be a future viable use for this building and site and the Article 4 Direction will not prevent the Local Planning Authority from taking a pragmatic and balanced view but with all the necessary information available to it.

- 3.2 Paragraph 53 of the NPPF states that “The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.”
- 3.3 Planning Practice Guidance (PPG) states that “The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:” ... cases where prior approval powers are available to control permitted development”.
- 3.4 In relation to immediate Article 4 Directions, the PPG states “The circumstances in which an immediate direction can restrict development are limited. Immediate directions can be made in relation to development permitted by Parts 1 to 4 and 11 of Schedule 2 to the General Permitted Development Order, where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.”
- 3.5 PPG also states that “If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:
- refuses planning permission for development which would otherwise have been permitted development; or
  - grants planning permission subject to more limiting conditions than the General Permitted Development Order.

The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.”

- 3.6 Article 4 Directions can be either immediate or non-immediate. A non-immediate Direction requires the local planning authority to serve notice by way of a local advertisement, site notice and by writing to the owner and occupier of the land. The site notices must be in place for a period of not less than 6 weeks.
- 3.7 An immediate Article 4 Direction can be issued by the Planning and Development Management Committee and will take effect straight away. This will immediately remove the permitted development rights relating to demolition at Basford House and will last for a 6 month period before which the Direction will either expire or be confirmed. A draft Direction can be found in Appendix 1.
- 3.8 Following an immediate Article 4 Direction, the Council is required to give notice of the decision by way of local advertisement, site notice and by serving notice to owners and occupiers of the land. The Direction must also be referred to the Secretary of State. After a period of 28 days, and no longer than 6 months, the Council decides whether to go ahead and confirm the Direction, taking into account any representations which have been received and depending on the outcome the Council can confirm the Direction to permanently withdraw the permitted development right.
- 3.9 The issue of compensation is considered further in sections 6.0 and 7.0 below.
- 3.10 There is no formal right of appeal against the making of an immediate Article 4 Direction. However, the owner or proposed developer of a building the subject of an Article 4 Direction may apply for planning permission for its demolition. If, following the making of an immediate Article 4 Direction, such an application was made it would have to be considered by the Council in the proper manner.

#### **4.0 OTHER OPTIONS**

##### **4.1 Option 1- Do nothing**

Basford House could be lost from the Seymour Grove street-scene without full consideration to the impact this would have on the character and appearance of the area.

##### **4.2 Option 2- Make a non-immediate Article 4 Direction**

A non-immediate Direction could be made which, if it comes into force 12 months after the Direction being issued, would remove the possibility of paying compensation. However, a further demolition notification may be submitted, which could address the reasons for refusal. In this circumstance, it would be

likely that Basford House would be demolished within the intervening 12 months with the visual and heritage harm that that would entail.

- 4.3 Option 3 – Make an Article 4 Direction only in relation to either the house **or** the front boundary wall and gatepiers.

Both are considered to have architectural and historic significance and clear interest in the local context.

- 4.4 Option 4 – Make an Article 4 Direction that covers all the buildings currently on site.

This is considered disproportionate and may have implications for finding a future viable use for Basford House.

## **5.0 CONSULTATION**

- 5.1 Consultation has been carried out with the LPA's Heritage & Urban Design Manager for the purpose of providing evidence for this report.

- 5.2 Consultation is required to be carried out with the owners and occupiers of Basford House, 226 Seymour Grove in line with the regulations set out in the GPDO.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 There is no statutory appeal against the making of an Article 4 Direction. However, such a decision would be open to challenge by way of judicial review. In order to make an Article 4 Direction, the LPA must be satisfied that it is expedient that the permitted change of use should not be carried out unless permission is granted for it (see Article 4(1)). In making any such decision, it is important that the LPA takes into account all relevant guidance. Overall, provided that a LPA takes into account all relevant considerations, and applies the correct test, it is unlikely there would be a successful judicial review of an Article 4 direction.

- 6.2 Section 108 of the Town and Country Planning Act 1990 includes a provision that compensation can be sought where (i) the LPA makes an Article 4 Direction, (ii) an application is made for planning permission to carry out development that would formerly have been permitted by the GPDO and (iii) the LPA refuses that application or grants permission subject to conditions differing from those in the GPDO.

- 6.3 However, where 12 months' notice is given in advance of a Direction taking effect there will be no liability to pay compensation (provided that the development authorised by the new changes had not started before the notice was published).

Where Directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the Direction and which are subsequently refused or where permission is granted subject to conditions.

- 6.4 Compensation may only be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 The preparation of the Article 4 Direction can be undertaken using existing officer resource.

- 7.2 A claim for compensation can only arise if a subsequent planning application for demolition is refused. The level of compensation would be a material consideration in the determination of a subsequent planning application and so is an issue that would be considered at that point. There is no direct risk of compensation from the issuing of an immediate Article 4 Direction alone. It is therefore recommended that future planning applications for the demolition of Basford House, 226 Seymour Grove be referred back to the Committee to allow appropriate oversight of this issue.

- 7.3 Any future report to the Committee in association with a relevant planning application would set out the level of compensation likely to be payable, underpinned by specialist advice from the Council's Development and Estates Service. Members will be able to take this information into account in the determination of that application.

## **8.0 HUMAN RIGHTS AND EQUALITIES**

- 8.1 Section 6 of the Human Rights Act 1998 requires public authorities to act in a way that is compatible with the European Convention on Human Rights. Various Rights may be relevant to this direction including Article 1 (protection of property) and Article 8 (Right to respect for a private and family life). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Any interference must be necessary and proportionate.

- 8.2 The rights of the individual have been considered against the wider public interest and it is determined that the Articles will not be triggered.

- 8.3 The Local Planning Authority has had regard to the provisions of the Equality Act 2010 in making this recommendation. The issuing of an Article 4 Direction would not have an adverse impact on protected groups.

## **9.0 RECOMMENDATIONS**



That the Planning and Development Management Committee:

- (i) Resolve that the making of an immediate Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to withdraw the permitted development rights to demolish Basford House, 226 Seymour Grove and the front boundary wall and gatepiers is appropriate, and justified, as demolition of Basford House and the front boundary wall and gatepiers would be prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area.
- (ii) Approve the making of the Article 4(1) Direction for Basford House, 226 Seymour Grove and the front boundary wall and gatepiers the extent of which is shown in Appendix 2.
- (iii) Delegate authority to the Director of Legal and Governance and Monitoring Officer to make the Article 4(1) Direction for the land at Basford House, 226 Seymour Grove and the front boundary wall and gatepiers shown on the plan attached at Appendix 1 and delegate to the Corporate Director of Place authority to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this report.
- (iv) Confirm that the Article 4(1) Direction will be effective with immediate effect once made.
- (v) Delegate authority to the Director of Legal and Governance and Monitoring Officer to confirm the Direction in due course if there are no objections.
- (vi) Request that subsequent planning applications involving the demolition of Basford House, 226 Seymour Grove and the front boundary wall and gatepiers and where the Article 4 Direction remains in force to be referred to the Planning and Development Management Committee for determination.

**Background Papers**

None.

**APPENDIX 1**

**DRAFT ARTICLE 4 DIRECTION**



**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
ORDER 2015, AS AMENDED**

**DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH PARAGRAPH 2 OF  
SCHEDULE 3 APPLIES**

**Basford House (Stretford Memorial Hospital), 226 Seymour Grove, Manchester,  
M16 0DU**

**WHEREAS** Trafford Borough Council being the appropriate Local Planning Authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015, as amended, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged in red on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended.

**NOW THEREFORE** the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015, as amended, hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

**THIS DIRECTION** is made under Article 4(1) of the said Order and, in accordance with Paragraph 2(6) of Schedule 3, shall remain in force until .....(*insert date*) (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate Local Planning Authority in accordance with Paragraph 7 of Schedule 3 before the end of the six month period.

**SCHEDULE**

**Any building operation consisting of the demolition of a building being development comprised within Class B & Class C of Part 11 of Schedule 2 to the said Order and not being development comprised within any other Class.**

**1. Made under the Common Seal of Trafford Borough Council  
this .....day of.....2024**

**The Common Seal of the Council was affixed to this Direction in the presence  
of .....  
Authorised Signatory**

**2. Confirmed under the Common Seal of Trafford Borough Council  
this .....day of.....2024**

**The Common Seal of the Council was affixed to this Direction in the presence  
of .....  
Authorised Signatory**

**APPENDIX 2**

**ARTICLE 4 DIRECTION PLAN BOUNDARY**

**Basford House (Stretford Memorial Hospital), 226 Seymour Grove,  
Manchester, M16 0DU**

## **APPENDIX 3**

### **SITE BOUNDARY**

**Basford House (Stretford Memorial Hospital), 226 Seymour Grove,  
Manchester, M16 0DU**