Appeal Statement : Re non-determination of SMD/2024/0235
The Green Man, Bottomhouse, Leek
Lodge accommodation for an onsite manager to continually monitor the site

1 Introduction

This planning appeal is for the non-determination of revised planning application (SMD/2024/0235) for a lodge accommodation for an onsite manager to continually monitor the site at the existing holiday accommodation and tourist facility at 'The Green Man', former public house, at Bottomhouse Nr Leek (ST13 7QJ). A concurrent tandem revised planning application (SMD/2024/0188) to provide enhancement of existing holiday accommodation to include four holiday lodges has also been appealed for non-determination concurrently with this appeal. The two sites partly overlap since they share a common vehicular access, which is the existing access to 'The Green Man' former public house, and the proposals for both are shown on each site plan. It is hoped by the appellant that both 'tandem' appeals will be determined by a single appeals inspector as they are effectively interlinked.

An application for the lodges was originally applied for in July 2022, refused in November 2023 (SMD/2022/0426) and for the manager's lodge in November 2022, refused November 2023 (SMD/2022/0631). The revised applications are to address various concerns raised in the planning officer's report to committee, especially including historic noise complaints, and to reduce the size and appearance of the holiday lodges.

2 Timing for non-determination

Although the application for SMD/2022/0426 took sixteen months from application to refusal, part of the reason for this in the early stages was that the applicant's agent noticed the online objection from Environmental Health re historic noise disturbance, and the applicant decided to introduce an application for an onsite manager's lodge to control potential noise and provide onsite maintenance in November 2022. It was agreed between the applicant and the planning officer that this would therefore go to the February 2023 planning committee. In the event, and for reasons unknown to the applicant and agent, it did not go to committee until November 2023, which was twelve months after the first manager's lodge application had been validated.

The current application for the manager's lodge now being appealed was applied for on 15 May 2024, and validated on 15 May 2024, so six months will have elapsed without determination before the application is put on the next possible agenda for a planning committee meeting. There has been no agreement to extend the time for determination. The application is listed as a 'minor' development with a statutory determination period of eight weeks.

3 Proposal

The application is for a manager's lodge application to monitor the site, provide day-to-day maintenance, and prevent any potential noise. Historically, there had been reported disturbance to neighbours from the venue, which did not have sufficient business turnover onsite to enable the employment of an onsite full time manager/supervisor. The proposals aim to redress this and the appellant wishes to create a limited expansion of the existing holiday business which maintains the 'Trip Advisor' rating in excess of 4.7 experienced at other properties in the 'Peak Venues' portfolio.

The Design and Access Statement (document D02 Green Man Managers Lodge Design and Access Statement) describes the proposals in detail and the major adjustments which are made to the original scheme applied for in 2022 (which was refused by the planning committee in November 2023). The adjustment attempts to address and rectify the points raised against the proposals in the planning officer's report to committee, and those raised by committee members. Neither the applicant nor agent had had any feedback from the planning department in the period before, despite requesting a meeting for this purpose in February 2023.

4 The Governments' presumption in favour of growth and the proposed revisions to NPPF

The Design and Access Statement (D02) shows how the proposal accords with the local plan enabling a limited sustainable expansion to an existing business.

This is supported by the current Labour government's drive for growth and the proposed revisions to the National Planning Policy Framework (NPPF), as detailed below (comments in blue by the appellant). By the time this appeal is decided the revised NPPF will have been finalised and published and the changes will be a material consideration in deciding this appeal.

The new Labour government published (extracts below) on 8 July 2024:-

HM Treasury, The Rt Hon Angela Rayner MP, The Rt Hon Rachel Reeves MP and The Rt Hon Ed Miliband MP

The Chancellor has today (8 July) promised to take immediate action to fix the foundations of the economy, rebuild Britain and make every part of the country better off.

In her first speech as Chancellor, Rachel Reeves pledged to leaders of some of the UK's pioneering industries to build growth on strong and secure foundations built on stability, investment and reform, and forged through a new partnership with the private sector.

Addressing the difficult economic inheritance this government faces, she committed to taking immediate action to drive sustained economic growth, the only route to improving the prosperity of our country and the living standards of working people.

Setting out her first steps to deliver on the government's commitments in its manifesto that every action it takes will be based on sound money and economy stability, the Chancellor promised a new economic model that will grow the economy.

Chancellor of the Exchequer Rachel Reeves said:
'Today I am taking immediate action to fix Britain's economic foundations.
By growing our economy we can rebuild Britain and make every part of the country better off.'

Deputy Prime Minister Angela Rayner said:
'Our country is under new management and a new era for economic growth will be built on secure foundations.
The Chancellor and I will work in lockstep to kickstart the economy, unleashing housebuilding and powering local growth.
Change starts now. We will unblock the bottlenecks and drive forward a transformational package to build.'

The Chancellor has also welcomed the Deputy Prime Minister's commitment to make the economic benefit of development a central consideration when intervening in the planning system.

Extracts from the draft revisions to the National Planning Policy Framework for consultation:

Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

The proposal is a sustainable commercial development.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) a social objective – to support strong, vibrant and healthy

communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The application which is submitted for appeal is a sustainable development growth assisting the expansion of an existing tourist facility which will support visitor's health and cultural well-being, and enhances the existing natural environment whilst improving biodiversity following feedback from the Staffordshire Wildlife Trust. It supports all three objectives a) to c) above.

11. Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies for the supply of land which are most important for determining the application are out-of-date, granting permission

Decision-making

39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

The application under appeal is for a manager's lodge built from sustainable materials and landscaping which measurably improves bio-diversity under the statutory Biodiversity Net Gain metric.

Determining applications

48. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

A longer period has not been agreed with the applicant.

Planning conditions and obligations

55.56. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions

56.57. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. 24.

The appellant is happy to agree to conditions and suggests later in this appeal document some reasonable ones to ensure the application's acceptability.

Building a strong, competitive economy

85.83. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The appellant wishes to install a manager/supervisor's lodge to help expand and adapt the existing tourism business through investment.

Supporting a prosperous rural economy 88.86. Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural

businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside

The appeal is for a manager's lodge to enable sustainable growth of the existing tourism business in a rural area though new well-designed buildings, respecting the character of the countryside and increasing bio-diversity

89.87. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land should be encouraged where suitable opportunities exist.

The appeal site is on land which had previously been (and is still) used as the leisure lawn to the Green Man public house. However, as confirmed by the County Highways Officer, it does not have an unacceptable impact on local roads, and has excellent public transport access (bus stop shelter on the boundary) and nearby access to footpaths and cycling.

Open space and recreation
102.100. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities.

The manager's lodge supports the proposed holiday lodges to provide access to the Peak Park approximately only half a mile away and therefore provide opportunities for physical activity and recreation through walking and cycling, whilst benefiting nature through biodivesity net gain

113. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in all tested scenarios.

The manager's lodge would not have an unacceptable impact as confirmed by County Council Highways Officer:-

Recommendation Summary: Acceptance

Site Visit Conducted on: 05-Jun-2024
Personal Injury Record: The overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.

Background;
The Green Man/site is located on Ashbourne Road at its junction with Bottom Lane. Ashbourne Road is an A classification road (Road No. A0523) and Bottom Lane is a B classification road (Road No. B5053). Both roads are subject to a 50mph speed limit and have streetlighting.

A previous application, SMD/2022/0631, proposed a 2-bedroom lodge to be located in the northwest corner of the site. This application, SMD/2024/0235, now proposes a 1-bedroom lodge positioned more centrally within the site, as illustrated in the submitted drawing number E01.

Access to the site will be via the existing pub car park access off B5053; no modification to the access is proposed or required.. Visibility at the access is good in both directions. The access served the pub car park and in continuous daily use it is considered that the trip generation would not increase as a result of the addition of the proposed lodges. It is noted there are no footways along Bottom Lane or Ashbourne Road, however pedestrian access to the bus stops will be via a footpath through the site.

It is considered the proposal will not have a detrimental impact on the adopted highway and therefore I have no objection (SMD/2024/0235).

Application Type: FULL Officer: Tracey Lunn
Assistant Director, Highways

Making effective use of land
123.121. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

The application makes effective use of the existing lawned area and ensures safe and healthy living conditions for the manager/supervisor, whilst improving the environment through Biodiversity Net Gain.

Habitats and biodiversity
185. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

The application under appeal has identified and mapped the site ecologically with a suitably qualified ecologist who has made repeat visits, and a scheme has been prepared from the ecologist's advice and following feedback from the Head of Nature Recovery Networks Staffordshire Wildlife Trust to produce new woodland and wildflower habitats achieving considerable Biodiversity Net Gains in excess of the minimum required.

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Comment similar as in Para 185 above.

5. Consultations

As part of the consultation process there were the following supportive responses:

Severn Trent Water were consulted on the original larger scheme and stated that there was 'minimal impact on the sewer system therefore no objections and no requirement for a drainage condition.'

SMDC Waste were consulted and stated:-
SMD/2024/0235
No issues regarding waste collections.
Steve Maddox
Geographical Waste Supervisor
Alliance Environmental Services (AES)

Environmental Health have not responded at all to this revised application consultation. However when the first application for the site manager's lodge was submitted, Environmental Health then stated that they had no objection subject to conditions. They responded:

The caravan under this application is to address ongoing noise concerns and those raised for a proposed holiday lodge development adjacent to the Green Man. This application does appear a positive move in noise control. The permanent

presence of a warden while the Green Man is occupied by guests would assist in ensuring guests do not impact nearby residential properties.

The consultation for the scheme from the SCC Highways Department responded:
Particulars of Development:
Manager's Lodge to Supervise existing holiday accommodation and proposed lodges
Location of Development:
Managers Accommodation The Green Man, Ashbourne Road, Bottomhouse Leek

Recommendation Summary: Acceptance

Site Visit Conducted on: 05-Jun-2024
Personal Injury Records;
Current records show that there was 1 personal injury collision (PIC) on Bottom Lane/Asbhourne Road within 160 metres either side of the access from 01/01/2019 to 31/12/2021. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.
Background;
The Green Man/site is located on Ashbourne Road at its junction with Bottom Lane. Ashbourne Road is an A classification road (Road No. A0523) and Bottom Lane is a B classification road (Road No. B5053). Both roads are subject to a 50mph speed limit and have streetlighting.

Comments on Information submitted:
The application is for the provision of a 1-bedroom lodge within the land/car park of The Green Man. The lodge will provide accommodation for the site manager.

A previous application, SMD/2022/0631, proposed a 2-bedroom lodge to be located in the northwest corner of the site. This application, SMD/2024/0235, now proposes a 1-bedroom lodge positioned more centrally within the site, as illustrated in the submitted drawing number E01.

Access to the site will be via the existing pub car park access off B5053; no modification to the access is proposed or required.. Visibility at the access is good in both directions.

The submitted plans do not specify the location of parking for the lodge; however, it is assumed that parking will be accommodated within the site.

It is considered the proposal will not have a detrimental impact on the adopted highway and therefore I have no objection (SMD/2024/0235).

Ashbourne Road is a primary route connecting Leek to Ashbourne. There is a bus service with bus stops directly outside the site providing public transport to Leek (approx 5 miles) and Ashbourne (approx 11 miles). There are numerous public rights of way surrounding the site and other local tourist attractions such as Alton Towers and Manifold Valley.

The access served the pub car park and in continuous daily use it is considered that the trip generation would not increase as a result of the addition of the proposed lodges. It is noted there are no footways along Bottom Lane or Ashbourne Road, however pedestrian access to the bus stops will be via a footpath through the site.

Application Type: FULL Officer: Tracey Lunn
Our Reference: SMD20240235 District Reference: SMD/2024/0235
Assistant Director, Highways and the Built County
On behalf of the County Council as
Highway Authority

6 Suggested Planning Conditions

SMDC Environmental Health suggested a condition that the associated manager's accommodation should be restricted to the manager's use only, and also suggested other conditions re timing of the works, lighting, pollution and contaminants, and the appellant is in agreement with all these.

The appellant also suggests putting forward the following conditions which would be acceptable:-
1 The landscaping including 177m2 of woodland to the rear of the manager's lodge as proposed following feedback/discussion with the Staffordshire Wildlife Trust be planted prior to the proposed holiday lodges being in use.
2 The manager's lodge to monitor the site being in place prior to the holiday lodges being in use.
3 That the timing of the works on site be carried out to avoid the bird nesting season as recommended by the ecologist from Arc Ecology.
4 That the measures in the D11 Noise Management Proposal be carried out prior to the holiday lodges being in use.

7 Ecology and Biodiversity Net Gain

The existing trees, hedge line and landscaping within the site, and existing boundary fences, screen the proposals from the exterior roads and landscape.

This application was submitted to Staffordshire Wildlife Trust (SWT) who were asked to review the application as part of a service level agreement with Staffordshire Moorlands District Council to provide ecology advice regarding planning and development management functions. They responded to request a holding objection prior to receiving further information. Although neither the applicant nor agent were informed of this the applicant's agent noticed the request on a periodic online checking of the application. The agent responded directly to the Head of Nature Recovery Networks at SWT with document D17, which has the Wildlife Trust's queries on the left and the agent's responses on the right.

Following this feedback the site biodiversity survey drawing (E14A) was updated and also the site plan (E01A). More woodland area was added to the rear of the manager's lodge to crate 277m2. This is positioned to create woodland areas for the benefit of wildlife and to further reinforce the existing screening of the lodge proposal. Also an area of the existing grassland is proposed to be enhanced through wide flower seeding. The species of trees and incorporation of enhancement of grassland to best benefit wildlife were advised by the Ecological consultant who prepared the Ecological Appraisal Report and carried out the walkover in April during the bird nesting season. This all increased the Biodiversity Net Gain above the minimum required by the government in new planning applications.

Following this Staffordshire Wildlife Trust Head of Nature Recovery emailed the agent:
'We've looked at the metric and it all looks good. I shall let SMDC know.
Would it be possible for there to be a short report detailing how the habitats will be managed please?'
A further report D18 Report on Habitat Management was then produced and submitted.

The Wildlife Trust wrote to SMDC:

'Staffordshire Wildlife Trust has been asked to review the above application as part of a service level agreement with Staffordshire Moorlands District Council to provide ecology advice regarding planning and development management functions. Following the receipt and review of the documents relating to Biodiversity Net Gain, we wish to remove our HOLDING OBJECTION and no further comments.
Reagrds
David Cadman MCIEEM
Head of Nature Recovery Networks Staffordshire Wildlife Trust'

8 Measures to prevent noise

In the application which is subject to this appeal there are detailed proposals for noise management in a separate report document D11. A programme of secondary glazing to windows looking on to neighbours is also being carried out, and new doors, to further reduce potential noise, and the proposed manager's lodge on site will enable the monitoring of evening activities to ensure a quiet environment for neighbours.

'Peak Venues', who own the Green Man, now also have strict noise management agreements as part of their booking terms which can be seen on the 'Peak Venues' website. The programme of upgrading windows and doors at the original pub building is underway....the appellant has received all the new windows and doors, and the works will have been completed by the end of November 2024 so can be inspected after this date. The Environmental Health Officer met with the appellant on site in Summer 2024 to review procedures for managing noise, and also put in noise monitors to check the sound levels at the bedroom of the nearest residential property across the B5053 Bottom Lane, through a two weeks period. The EHO was happy with the procedures in place and the readings from the noise monitors were within acceptable norms.

The revised planning application SMD/2024/0235 to provide a lodge accommodation for an onsite manager which is the subject of this appeal is specifically to address and rectify the items of concern in the planning officer's reports and the neighbouring objections.

9 The Planning Committee Meeting and Refusal of Permission

This appeal is for a scheme which is similar although modified from that which went to committee and was refused. However many of the points of discussion from the committee meeting are relevant and drove the redesign of this smaller single bed and more biodiverse scheme which is now being appealed for non-determination.

The appellant is grateful to the planning committee for its conduct and discussion of the project.
However, the appellant believes that there was misinformation given between councillors and public speakers which partly contributed to refusal. The unfortunate historic noise and disturbance problems at the site which the manager's proposed lodge introduction is seeking to address also drove a decision to refuse.

The Planning Committee meeting was recorded as a video and this is available online at SMDC's website.

The planning officer's report to the planning committee gave a balanced introduction noting that the site is not in Greenbelt and that policy SS10 had a provision for limited sustainable rural expansion.

Of the councillor comments that were made, the following were of great concern to the appellant:-

Councillor Malyon said that this is a nice location for a house.....so is the intention that it be used as a manager's lodge or purely as a house?
The appellant wishes to construct a lodge for a manager to overcome the historic noise problems. It becomes viable if there are the four proposed holiday lodges on site to manage as well as the 'Green Man' itself. Environmental Health had previously suggested conditions which included restricting occupation of the proposed manager/supervisor's lodge to the site manager/supervisor, and the appellant is in agreement with this condition.

Councillor Malyon, speaking on behalf of the objectors, went on to state that they had seen the planning officer out on site several times, and how come no one for the applicant had been on site to see him?
The applicant nor agent had regrettably not been invited to site for any of these meetings despite requests from the agent for a meeting and feedback in February 2023. The first feedback given was the officer's report to the Planning Committee published just a few days before the meeting. The planning officer for the scheme was courteous on the occasions when he could be contacted, and the appellant recognises the huge workload which the planning department and officers must be experiencing whilst perhaps being under-resourced. However, the lack of feedback and contact and delays in the timescale are beyond a reasonable level for operational businesses hoping to modestly expand and improve.

Summary of Appeal

The application which is the subject of this non-determination appeal seeks to provide a manager/supervisor's lodge with the proposed single bed revised scheme reduced in height and without raised verandahs in contrast to that which was refused by the planning committee in November 2023.

Materials are chosen for the exterior which are in keeping with a countryside woodland location, and the structure of the lodge is in sustainable materials with minimal ground penetration on piles.

A comprehensive scheme of Biodiversity Net Gain is proposed, with an increase over the existing trees screening the site, following feedback from Staffordshire Wildlife Trust and Arc Ecology.

There are no objections from consultees including Highways, Environmental Health, Waste services, Severn Trent Water and Drainage, with positive responses from Highways and Environmental Health regarding the proposals.

A 'tandem' appeal for four holiday lodges has been submitted and also is being appealed for non-determination. The two applications could be linked by planning conditions.

The proposal aligns with the current Governments' presumption in favour of growth and the proposed revisions to NPPF, and with the local plan.

Although the appeal is being made for non-determination in a reasonable time-frame, the appellant welcomes an independent professional assessment based on a presumption in favour of sustainable development, and the written provisions in the updated National Planning Policy Framework and the local plans.

The appellant seeks through these appeals to introduce a modest sustainable expansion of the existing tourism business which is in keeping with the rural location, and which also overcomes historic problems with disturbance from the existing building affecting the nearest neighbours. The proposals will massively increase bio-diversity at the site in addition to existing screening. The appellant is happy to accept associated planning conditions to an approval to ensure an outstandingly successful outcome for both the existing premises, the manager's lodge, and the proposed new holiday lodges.

This proposal is a modest and much needed Management Enhancement to an existing holiday tourist facility. It will be able to utilise existing excellent public transport links to the major local towns and also connect to local footpaths. It will provide a permanent source of noise control of the Green Man facility. It will assist in the employment for local people in terms of security, maintenance, landscaping and cleaning.

Appeal on behalf of 'Peak Venues', GMPH Ltd