

Local Planning Authority Ref: SMD/2024/0188
Planning Inspectorate Ref: APP/B3438/W/24/3354476
(Lead appeal ref. 3354499)
Ordnance Survey Ref: SJ 040 527

Town and Country Planning Act, 1990

LPA Appeal Statement

**Statement by Staffordshire Moorlands District Council
in respect of the appeal by Mr Roger Langham of Pinelog Ltd on behalf of Mr
Simon Justin Heslop of GMPH Ltd
against the failure of the Local Planning Authority to give notice of a decision
within the 8 week determination period
for an application for planning permission for the development of
'Holiday lodges supplementing existing holiday accommodation' on land
described as 'site for four holiday lodges' at The Green Man, Ashbourne Road,
Bottom House Leek, Staffordshire**

1. Introduction

- 1.1 This statement is made by Staffordshire Moorlands District Council in response to the appeal made by Mr Roger Langham of Pinelog Ltd on behalf of Mr Simon Justin Heslop of GMPH Ltd against the failure of the Local Planning Authority to give notice of a decision within the 8 week determination period for an application for planning permission for the development of 'Holiday lodges supplementing existing holiday accommodation' on land described as 'site for four holiday lodges' at The Green Man, Ashbourne Road, Bottom House Leek, Staffordshire.
- 1.2 The original application was received 22nd April 2024 (15th May in the case of SMD/2024/0235) and made valid on the 20th May 2024 (15th May in the case of SMD/2024/0235). A site notice was posted by the LPA on 20th June 2024 for both. Neighbour notices were issued for response by 27th June 2024 (and 10th June). The LPA considers the main planning issues to relate to:
- Landscape character and appearance
 - Design and scale
 - Neighbour amenity

- Locational sustainability

- 1.3 Procedurally the LPA would wish the description of the development under (SMD/2024/0188 APP/B3438/W/24/3354476) to be made more clear and more precise by simple amendment to read: Four holiday lodges. The reference to any existing holiday accommodation seems to the LPA superfluous and inaccurate as the application land is not part of (or certainly in the main not part of) the existing premises in terms of planning unit. It is important meanwhile to specify the number to ensure the description matches the proposal as submitted and ensure it is not open-ended in terms of the amount. A fuller description of the development could read: 'Four holiday lodges on land adjacent to and sharing access via existing holiday accommodation at the Green Man, Bottom House'.
- 1.4 This appeal is presented in tandem with APP/B3438/W/24/3354499 against non-determination of SMD/2024/0235 for 'Manager's Lodge to supervise existing holiday accommodation and proposed lodges'. It is this latter that has been nominated by PINS as the lead appeal. Notwithstanding that the application / appeal description specifies in part 'to supervise existing holiday accommodation' it is the LPA's view that it would be impossible to devise a condition that could enact and enforce such a role for the manager's lodge in relation to the existing accommodation. Yet the introduction of on-site supervision is put by the appellant as a significant plank in their case in support of the scheme. However, if there is (as the LPA believes) no planning mechanism to tie the occupancy and use of the existing development in its existing permitted holiday use to a requirement for on-site supervision through the manager accommodation subject of this appeal, that potential reason in support falls away.
- 1.5 The LPA can see a possibility that the development of the four lodges could be made contingent on the development of the manager's lodge and an associated management role in relation to the lodges. However, if as the LPA believes, the four lodges cannot be supported in any event, the development of the manager's lodge would have no practical or relevant requirement (noting the view set out at 1.4 above). The LPA will attempt therefore to rely on this statement focussed on the four lodges to present its case in chief against the two appeals.

2. **Site and Setting**

- 2.1 The Green Man is a former pub which occupies a landmark position at the Bottom House cross roads. The appeal site is in a prominent rural location in a relatively – perhaps strikingly – expansive landscape. The A523 Ashbourne Road from Leek bounds its north east side and the B5053 Bottom Lane borders its south east side. The pub has a large car park to its rear (westerly aspect) and stands in an overall ownership plot of 1 hectare (2.471 acres). The application site occupies 0.35 hectares (0.9 acres) accessed midway along the border with Bottom Lane (see fig.1 below).



Fig.1 – Four holiday lodges appeal 3354476

- 2.2 For comparison an extract of the site red edge for the lead appeal (3354499) LPA refence SMD/2024/0235 is shown at fig.2 below.



Fig.2 – appeal 3354499 manager's lodge

- 2.3 The surroundings of the location generally comprise rural agricultural fields. There is a farm or residential property to each of the other corners at the cross roads and similar loosely dispersed properties to the wider surrounding countryside.
- 2.4 It is to be noted that the applicant's land ownership is contained in two separate property titles: land "being the Green Man Inn" is approximately as shown in a 2013 planning application – see fig. 3 below – with the remainder of the land being "land adjoining Green Man Inn". The current application blue edged land includes – presumably in error – a small section in the north east corner not included in either title.

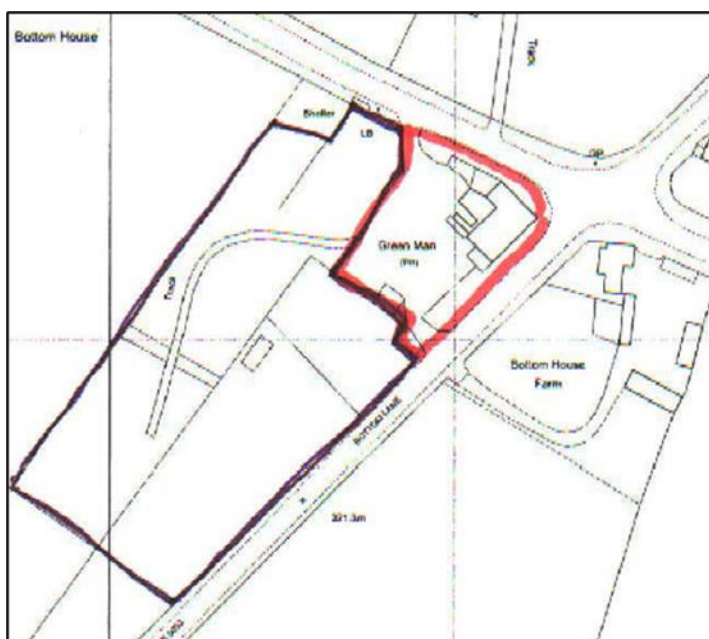


Fig. 3 – site granted consent under 13/0510/FUL

3. **Proposal**

- 3.1 From the submitted design and access statement (DAS): “Erection of four lodges to complement and expand the existing holiday accommodation and tourist facility at ‘The Green Man’, former public house.” The converted pub is available for holiday accommodation for a large group of between 24 and 34 persons. Hire includes self-catering accommodation with the original bar area in situ and “use of all the old pub areas” including private dining space, social areas, games room and enclosed lawned outdoor areas. “A concurrent tandem planning application to provide a lodge accommodation for an onsite manager to continually monitor the site has also been submitted”.
- 3.2 The DAS says, “The land to the rear (south-west) of the Green Man is derelict and overgrown but was formerly used as a caravan site, and many electrical hook-up points and water points are still visible, and a concrete base. No formal planning approval exists and it appears that the small scale development was carried out for many years under permitted development in conjunction with the former public house.” To extend the existing tourist offering at the converted public house, the holiday operators (Peak Venues Ltd) wish to provide the four holiday lodge units (two x 2 bed, two x 3 bed) to cater for smaller groups of between 2 to 6, and bring the overgrown and disused land out of dereliction. The lodges could be used independently or in conjunction with the larger scale facilities within the former Green Man public house.”
- 3.3 Access would be off the B5053, using the existing commercial entrance to the former pub car park, which is still in use.
- 3.4 For the proposed holiday lodges materials would be timber cladding, with roof

materials of simulated shingle tiles or standing seam metal roofs to reflect materials on agricultural buildings in the vicinity – design selected from the 'Pinelog' 'Woodsmen Lodge' range. The application says these are constructed based on mobile home construction, built off-site and transported in a completed state and installed clear of the ground on small piers or mini-piles so that drainage and tree roots are not affected as no permanent concrete base is required.

- 3.5 Elevations and floor plans are shown on drawings D08 and D09. The site plan layout drawing D01 shows a cul de sac development of four of these each with a pair of parking spaces. The buildings in D08 would be 12.3m x 6.8m each having one double and one twin bedroom and are shown therefore as each accommodating 4 people. The D09 buildings would be 15.35m x 6.8m each having one double and two twin bedrooms accommodating 6 up to people. The development would add 20 bed spaces across the four units.
- 3.6 The application is accompanied by an ecological appraisal (up-dated); noise management proposal; design and access statement and Biodiversity Net Gain submissions including small site metric.

4. Planning History

- 4.1 There is a lengthy planning history made complicated by often only relating to parts of the overall ownership and overlapping with the current site to varying degrees, often only in part.
- 4.2 80/09061/OLDDC – Site for touring caravans – refused – mainly land outside the current application alongside Bottom Lane and extending to the south west limit of the ownership boundary.
- 4.3 12/00043/FUL – Refurbishment, alterations and extension to existing public house to provide improved facilities including lettable rooms and improved landscaping – approved.
- 4.4 13/00510/FUL – Change of use of part of ground floor and first floor to guest bedrooms and erection of 2 storey extension fronting the A523 (to provide managers flat and guest bedrooms) and erection of ground floor kitchen/dining room extension – permission granted. [at least in part not implemented eg two storey extension not built.]
- 4.5 07/00129/BOC – enforcement
- 4.6 SMC/2015/0555 – enforcement
- 4.7 SMD/2008/0114 – enforcement
- 4.8 09/00798/FUL and 10/00135/FUL both relate to an MOT bay and view area

centred on Smithy Garage 85m to the north west but which took in land overlapping along the north west side of the current application site.

- 4.9 Pre-application advice was given under PAD/2020/0053 firstly for 16 lodges then reduced to a proposal for eight.
- 4.10 The appellant previously applied for planning permission in 2022 under reference SMD/2022/0426 for “Four new holiday lodges supplementing existing holiday accommodation” refused by decision of the Council’s Planning Applications Committee (22.11.2023) in line with officer recommendation.
- 4.11 SMD/2022/0631 for “Manager’s Static Caravan to supervise existing holiday accommodation and proposed lodges” was also refused by decision of the Council’s Planning Applications Committee (22.11.2023) also in line with officer recommendation.

5. Planning Policy

5.1 Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
SS11 Churnet Valley Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
E1 New Employment Development
E4 Tourism and Cultural Development
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (December 2024)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 9 Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. **Public Comments**

- 6.1 Representations raising objections from four separate individuals or parties have been received variously concerned by the following:
- no benefit to the community
 - noise and disturbance from potentially 54 people on the site
 - as a public house the venue provided a community meeting point
 - SMDC Environmental Health have said it is impossible to stop noise permeating my property because of the close proximity to my family home.
 - the existing development has been a constant source of noise, nuisance, trespass, sleepless nights to the families who live at the crossroads for years.
 - attempting to rectify now is too late
 - property has proven itself over the years to be a nuisance and is not suitable in this quiet area to be used for a party house.
 - lewd behaviour at the existing premises
 - The applications are opportunistic and speculative and have no clear business plan
 - proposal for a managers' lodge show no mechanism for how disturbances would cease or ensure that this could or can happen.
 - location does not offer good connectivity
 - harmful to the environment.
 - increasing the guest number to c.54 increases the risk of uncontrollable neighbour disturbances especially at anti-social evening and night time hours
 - extends into undeveloped rural land and doubles the size of the existing building and occupancy.
 - had the 2013 business plan been completed which was acceptable to the planning council at that time the issues that have subsequently arisen over the past 11 years which have included uncontrolled parties would not have occurred since within that original plan there was capacity in the plan for additional guests, a managers' apartment and licensing laws were controlled.
 - The 2013 application was for extra lettable rooms to a Public House. The licence was surrendered soon after planning was approved.
 - associated activities: bouncy castles, water slides and fancy-dress parties; all-day bar; night disco;
 - are wedding parties to be anticipated?
 - current application is unnecessary as SMD/2013/0257 already included a managers' flat within the building.
 - lacks detail of the true use of its plan. The use is unclear.
 - conflicts with naturally quiet area free of noise and light pollution
 - NPPF states very clearly that natural environments should be protected. NPPF in particular point 15: Conserving and enhancing the natural environment.
 - Also, NPPF point 185: mitigate and reduce potential adverse impacts from noise... significant adverse impact on health and quality of life (b) identify and protect tranquil areas ...(c) light pollution on local amenity, intrinsically dark landscapes for nature conservation. The site now adversely impacts the area and

significantly demonstrates and outweighs any benefits. The proprietor/s have shown little regard for the adjacent property owners, wider community, the special sensitive green area and the wider community.

- Owls and offspring, curlews and hunting birds all use our fields and adjacent grassland for hunting and breeding. All are protected species.
- parking is inadequate for the potential numbers – the proposal adds 20 people to the existing 34; There are only 35 car spaces currently and 9 proposed making a total of 44 spaces.
- will new trees be mature to screen the development?
- we went from a little noise during public house opening hours to noise and rowdy behaviour through the night and into the morning.
- There are 4 properties within 110 metres of the Green Man boundary.
- We would like to point out that on the location map, on both applications, the blue boundary line is incorrect. It includes part of our field (where the word "shelter" is written), which belongs to Smithy House, not the Green Man. It is where our field gate and access from the main A532 is.

6.2 Additional comments in respect of Manager's Accommodation appeal 3354499:

- Both Green Man planning applications ending 0235 and 0188 should be rejected. Neither meet NPPF rules and this premises should have had restrictions placed upon it when the Public House License was surrendered in 2013 after the owners had been given planning permission to alter and extend the public house and to include a manager's apartment.
- site would be exposed, prominent and intrusive
- detrimental to attractive stone historic farmsteads and other characteristics of the location
- note eg views from Onecote road to the east
- conflicts with LP policies SS10, DC1, DC2 and DC3
- proposal for a manager's lodge show no mechanism for how disturbances would cease or ensure that this could or can happen.
- Who will ensure that a manger is in the building and will supervise given the troublesome long history at this site? The current one noise monitor has the support of an App manageable from different long distance locations ie. the owner's homes/ office and has been ineffective since installation 09/02/2023 as residents continue to complain directly to the owners [and agencies etc.]
- submitted photographs of the site, entrances and plot have been taken from a great distance using a wide angled lens camera. These images are misleading as the adjacent family homes in some case are within a few metres. The site is not hidden from the Peak Park Boundary and visible from all viewpoints and not as stated in E14 Managers Lodge Biodiversity Survey.
- by offering a Party House and events, the guests are allowed to rise to the occasion of a veritable all day pub and all night, night club. The property has had the opportunity to put forward a revised Business Plan and manage the noise via the one noise monitor.
- There is ample room for a manger inside the property.
- This manager's lodge building is still 30 metres away from the Green Man Party House building
- one of the neighbour dwellings is 15 metres away

7. Consultee Comments

Parish Council

7.1 Ipstones Parish Council recommend refusal for the following reasons:

- It is in a special landscape area
- Inappropriate development in open space
- The proposed development is too large for the area
- It would set a dangerous precedent for the future
- Detrimental to wildlife in the area

Ditto re 3354499 –

- It is in a special landscape area
- Inappropriate development in open space
- Detrimental to wildlife in the area
- That a decision has not yet been made the application No SMD/2024/0188 for Holiday Lodges

Waste collection services

7.2 No issues regarding waste collections. Ditto 3354499

Staffordshire County Council Highways Authority

7.3 There are no objections on Highway grounds subject to the following condition being included on any approval:

The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans Drwg. D01. The parking and turning areas shall thereafter be retained for the purposes of parking and turning for the life of the development.

Reasons - To comply with NPPF; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety

7.4 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. Bus stops within walking distance provide services to Leek, Ashbourne, Cheadle and Tean. Access will utilise the existing commercial access to the pub car park. The existing access has good visibility in both directions and no modification is proposed or required.

7.5 Current records show that there was 1 personal injury collision (PIC) on Bottom Lane/Ashbourne 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.

7.6 re 3354499 - 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 no objection (SMD/2024/0235).

Staffordshire Wildlife Trust (no additional comments for 3354499)

- 7.6 Two consultation responses have been received. The second of these dated 6th September 2024 withdrew an earlier holding objection relating to BNG submissions saying that following the receipt and review of the documents relating to Biodiversity Net Gain, we wish to remove our Holding Objection and [make] no further comments. The first response received dated 28.06.2024 commented in addition to BNG and recommended:
- The detail of proposed species, seed mixes, soil preparation, seeding/planting and aftercare should be secured via planning condition.
 - The way in which retained habitats and trees will be protected during construction should be secured via planning condition.
 - No evidence of badger was recorded but as suitable habitat is present on site an update survey for badger is recommended if the development has not commenced within 12 months of the date of the survey. The update badger survey can be secured by condition.
 - Potential for nesting birds is noted within the assessment and a suitable approach to avoiding harm to these protected species is provided and to be welcomed. The measures should take account of potential for ground nesting birds as well as those that nest in trees, shrubs, scrub, etc. The precautionary working measures for nesting birds, including ground nesting species, can be secured by condition.
 - No bat roost potential has been identified in the trees or buildings across the site and no further surveys are recommended for bats. However, the assessment does not appear to use the most current version of guidance in relation to professional bats surveys (which is Collins 20231). The bat survey methodology and evaluation approach should be re-evaluated and brought in line with this latest guidance.
 - Similarly, if trees of a Moderate or Large classification are present on site (as referred to in the BNG assessment) then the potential for bat roost features in these larger trees should be clarified and the Updated Ecological Appraisal amended to include reference to these larger trees and evaluation with reference to Collins (2023). The BNG statement also includes reference to 'mature' trees which further underlines the need for clarification.

8. Local Planning Authority Assessment

Principle of Development

- 8.1 The location is not Green Belt and lies outside of any defined development boundary. The location is in the open rural areas governed by Local Plan policy SS10. It is necessary to examine whether past or current uses, either by permission or by passage of time, have created a developed status for the land.

The applicant has for example made some reference to a suggestion of there being caravans on the land at some point. Figure 1 above shows the proposed site red edge for this application. The most recent consent at the Green Man is 13/00510/FUL and the site to which that permission refers (defined by its red edge) is shown in figure 3.

- 8.2 Policy SS10 for the rural areas supports only development which meets an essential local need and supports rural diversification and sustainability of the rural areas or supports sustainable tourism or enhances the countryside.
- 8.3 In terms of relationship to the active and permitted use of the Green Man Inn there is some marginal overlap of the appeal site where access to the proposal land would use a strip of the existing car park on its south west edge. Otherwise the current application / appeal would appear to occupy land wholly outside the planning unit of the accommodation building as shown in the 2013 approval – see red edge in fig 3. [For reference, the south westerly limit of the 2013 land aligns approximately on the plan with an entrance drive to Bottom House Farm opposite.]
- 8.4 There is no planning history to suggest that land outside the 2013 red edge has any established planning use status other than rural agricultural / horticultural.
- 8.5 A series of air photos is publicly available (sequence collated on file) for the years 2003, 2006, 2013 and 2017. These indicate a somewhat haphazard and varying use of the application land. Some compartment boundary features remain consistent through the sequence but the uses ebb and flow between the compartments. The uses of the land in the air photo history include, in 2003 some 5 to 7 touring caravans widely dispersed through at least two of the compartments; in 2006 an evident livestock shelter with a large midden is present and much of the land appears over-grazed, also in 2006 there are two or so possible touring caravans parked, a parked vehicle and a series of small sheds. There are no vehicles or caravans in 2013 and fewer sheds. The parked vehicles and sheds when present in 2003 and 2006 were mainly in a poorly defined area within a northerly portion of the current application land.
- 8.6 Consideration should be given as to whether the application land meets the definition of being previously developed (NPPF glossary). The NPPF (2024) definition is:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management

procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 8.7 Apart from the strip of car park which would appear to be within the Green Man planning unit and its curtilage, none of the application site can be considered previously developed. None of the structures which have been present appear to have been permanent and it may also be said that the remains have now “blended into the landscape”.
- 8.8 As noted above, the policy starting point here is SS10 and more specifically relevant would be SS10(2) which is to “Sustain the rural economy by: (inter alia) Enabling the limited expansion or development of business for employment uses where a rural location can be justified”.
- 8.9 SS10(3) is expressly to “Enhance and conserve the quality of the countryside by (inter alia): Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape [first point]; and, Limiting uses which generate a substantial number of regular trips in areas that are not well served by public transport [second point].
- 8.10 SS10(5) is to “Enhance tourist opportunities by: Supporting sustainable tourism developments and measures in the Churnet Valley in accordance with Policy SS11 and the Churnet Valley Masterplan SPD; Allowing for small-scale tourism developments in other areas (in accordance with policy E4); Establishing strong linkages between recreational and tourist resources; Recognising and developing the close linkages to the Peak District National Park.
- 8.11 This site is within the Churnet Valley Masterplan Area and SS11 is that “development should be in accordance with the Masterplan”.
- 8.12 Policy SS11 is that: “Any development should be of a scale and nature and of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area. Strong sustainable development and environmental management principles should also be demonstrated. The consideration of landscape character will be paramount in all development proposals in order to protect and conserve locally distinctive qualities and sense of place and to maximise opportunities for restoring, strengthening and enhancing distinctive landscape features. Complementary and sensitive highway improvements to access routes and/or measures to support other alternative means of access will be required to serve any developments which generate significant additional demand for travel.”
- 8.13 This site lies on the boundary of the ‘central area’ and the ‘Peak District fringe’ as identified in the Masterplan. The underlying tenets of the masterplan are to focus tourism development such as accommodation provision to identified locations

and avoid a general or random dispersal of new development. This location is not one of those identified in the Masterplan and the development proposed would be random in that sense.

- 8.14 The Masterplan does not override the Local Plan policy E4 for Tourism and Cultural development which is that: “New tourism and cultural development which complements the distinctive character and quality of the District will be supported having regard to the Area Strategies in Policies SS5 to SS10 and Churnet Valley Strategy Policy SS11.”
- 8.15 E4(1) is that: “New tourist, visitor and cultural accommodation, attractions and facilities should be developed in locations that offer, or are capable of offering either:
- A) good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling; or
 - B) in locations in or close to settlements where local services, facilities and public transport are available; or
 - C) in areas specifically identified for tourism development in the Churnet Valley Masterplan or other relevant documents.
- 8.16 New accommodation, attractions and facilities should:
- A) support the provision and expansion of tourist, visitor and cultural facilities in the rural areas where needs are not met by existing facilities; and
 - B) all development shall be of an appropriate quality, scale and character compatible with the local area, protect the residential amenity of the area, enhance the heritage, landscape and biodiversity of the area and shall not harm interests of acknowledged importance.
- 8.17 As this site is not in an area identified in the Churnet Valley Masterplan it does not gain support from SS11 and indeed would be somewhat contrary to it. The location is not close to settlement so E4 (1) B cannot apply. It is not apparent or demonstrated that the site has good connectivity with public transport, walking and cycling and therefore E4 (1) A is not found to apply.
- 8.18 Moreover and somewhat fundamentally, whilst SS10 through SS10(2) refers to sustaining the rural economy by (inter alia) enabling the limited expansion or development of business for employment uses where a rural location can be justified, this scheme cannot be assessed as a ‘limited’ expansion. The extended site area would add some 3,260m² to the current site’s c.1,800m², an expansion of some 180% (or 1.8x the current site) taking the total to 5000m². This is without taking account of the area for the concurrent appeal on SMD/2024/0235 (APP/B3438/W/24/3354499).
- 8.19 The combined ground plan area directly occupied by the physical form of the four lodges would be 376m². [Two at 12.3m x 6.8m plus two at 15.35m x 6.8m.] The existing premises occupy a building in the order of 330m² to 350m² in plan area. The proposal would therefore more than double the existing built ground plan

area. Again, this is without taking account of the concurrent appeal building (10.2m x 5.5m) on SMD/2024/0235 (APP/B3438/W/24/3354499).

- 8.20 As already noted (3.5 above) this proposal would add 20 guest bed-spaces to the current enterprise which caters for 34 taking the guest number to 54 in total, an increase of 66%.
- 8.21 Taken together the figures presented at 8.18 to 8.20 lead the LPA to conclude that this proposal significantly exceeds anything that might be considered a limited expansion and is certainly not small scale. It is found contrary as a matter of principle to SS10 by reference to SS10(5) and E4.

Character and Appearance, Design

- 8.22 By reference to the Council's Landscape and Settlement Character Assessment (2008) the appeal site is within the 'Gritstone highland fringe' landscape character type. The landscape quality is ranked 'high' at level 4 on a five point county-wide scale where 5 is highest. Additionally the area is seen as having the highest sensitivity to landscape change reflecting its openness to far off views and proximity to the Peak District National Park boundary which follows the overlooking ridge top some 900m to the north east. Thereby the site is within an area which forms the National Park setting.
- 8.23 The landscape planning guidelines given in the assessment include for this area that:
- The grouping and form of new buildings should reflect the juxtaposition, scale, form, enclosure and materials of traditional stone buildings characteristic of this area.
 - The colour of prefabricated agricultural buildings should be determined taking careful account of position, predominant tones of adjacent vegetation, local materials and sky, so as to minimise the visual impact of the development.
- 8.24 In design height the lodges are relatively low profile and a timber finish is probably the most appropriate for this type of development but as an array of four such buildings (five with the manager's lodge) they will exert a prominent design impact on the landscape. The location is conspicuous especially from Bottom Lane and by degrees from the main A523 Ashbourne Road. As such the development would not fit in harmoniously with the general pattern but would add an irregularity to detract from the core development which is the cross roads and its corner buildings. The lodges ultimately would be visibly out of character with the pattern of land development in the area and out of character with the strong two-storeyed stone gable ended chimneyed vernacular of the junction corner buildings. The spread and scale of the development mean its impacts would be visibly apparent as a landscape incongruity from locations in the wider surroundings.

Neighbour living conditions / amenity

- 8.25 In relation to the earlier refused lodge development the Council's Environmental Health Officer (EHO) recommended refusal commenting (11th October 2022):
- The Green Man holiday accommodation is currently subject to complaints of noise from local residents. The alleged noise is generally caused by loud music and people noise at night. There is no on site supervision to investigate or address complaints from neighbours when issues arise and management of the noise is generally done remotely.
 - This application represents an intensification of hospitality use at the site and has the potential to cause an increase in complaints of noise. There is insufficient advice contained in the planning application for the Environmental Health to consider how this intensification will impact local neighbourhood amenity or be managed to prevent adverse impacts to amenity.
 - Environmental Health recommend refusal of the application due to insufficient information being provided to address/mitigate the potential noise impacts this development maybe likely to cause.
- 8.26 Commenting (8th February 2023) on the earlier refused manager's lodge application (SMD/2022/0631) EHO said:
- (1) 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.
 - (2) If permission is granted then there will be a requirement that the use would be subject to the Local Authority's licence requirements and conditions. The developer should contact Environmental Health if permission is granted and the site should not be used until a licence is approved.
 - (3) The caravan should not [sic] be restricted to warden/site management use only. [Nb - use of the word 'not' assumed to be in error.]
 - (4) Access path/road and hard standing: Any material imported onto site to use as hard standing or for the access path should not compromise local environmental quality or risk soil contamination. Condition advised.
- 8.27 Whilst these views have not been updated for the current appeals, the LPA is aware that on-going complaints are being received confidentially by the Council referring to / itemising a number of incidents chiefly about noise relating to nine days in September, October and November 2024.
- 8.28 The appellant has drawn attention to the EHO's supportive comments at 8.26(1) above but the LPA would have to be satisfied of the enforceability of any such role or benefit if it were to give any weight to this. The appellant's 'Noise Management Plan (item D11) accompanying SMD/2024/0235 (appeal 3354499) is noted but it suffers as noted at the outset at 1.4 (above) that the LPA cannot see these aims being achievable and enforceable in Planning control terms. Nor has the appellant suggested how this might be done notwithstanding the 'methodology' they have put forward.

- 8.29 In space terms the 50m² gross internal floor area of the proposed manager's lodge would just meet the nationally described minimum space standard (NDSS) for a one-bedroomed two person dwelling.

Highways

- 8.30 In highways safety terms the SCC Highways responses show the schemes to be acceptable with no issues subject to condition.

Other matters

- 8.31 The appellant's submitted ecology reports take into consideration badgers, bats and birds. They recognise that nesting birds are likely and the LPA would say highly likely in the season February/March to July. Objectors have raised concern about ground nesting birds on adjacent land. There is a potential for disturbance from the site to displace birds on adjacent land. How significant this would be is perhaps difficult to gauge. There is no specific survey information on the adjoining land and its bird fauna.

Conclusion and planning balance

- 8.32 The main issue with the four lodges application / appeal is its scale and the extent of development into undeveloped land in the countryside. It would extend well beyond the curtilage of the current business occupying the former Green Man public house. It does not find policy support in principle. Part of the application land has become unkempt and suffers from some indiscriminate abandonment of untidy and decaying storage containers in the form of van backs etc. and some dumping; although unsightly at close quarters these are only partially visible from the roads but give an indication of likely much greater prominence of the expansive proposal scheme. The untidy maintenance of the land (which will have ecological value) does not justify the much greater impacts of the scheme as discussed in this statement in terms of character and appearance of the area.
- 8.33 It may be assumed that there would be some increased input to the local economy but no specific details are provided. It is suggested that the scheme would enable an on-site warden to be employed (subject of the separate appeal). There is no planning mechanism by which this could be made to cover the whole development at The Green Man, in particular not the existing premises.
- 8.34 In the planning balance the greater weight must be given to the visual landscape harm at this exposed and prominent location. This is exacerbated by the individual building sizes and the expansive layout which does not relate to the

existing location in which development is quite tightly centred on the cross roads junction. The buildings proposed would be obviously at odds with the predominate style encapsulated in the cross roads buildings.

- 8.35 The proposed holiday lodges would not be in a location that offers, or is capable of offering good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling. Users of the development would inevitably be reliant on the private car as notwithstanding that there are limited bus services on the Leek to Ashbourne road they would otherwise be 'marooned' at this sparse stage post location.
- 8.36 Neighbours are concerned by the greatly increased capacity of the site that would result and, owing to noise disturbance at anti-social times from the existing business, complaints about which are confirmed by the Council's EHO, they are very concerned about the prospect of this increasing further. The buildings proposed may appeal to group hirings and the potential for noise and disturbance inevitably increases still further as a result. The risk is especially so if this is the market pattern at this site.
- 8.37 For the above reasons the Inspector is respectfully asked to dismiss the appeals.
- 8.38 It is the LPA's firm view that the manager's lodge appeal could only have logic if the four lodges appeal were allowed and only then if it could be successfully tied to managing the four lodges. It is the LPA's view that the manager's lodge could not in planning terms be tied to management of the existing development at The Green Man. This aspect of the appellant's case the LPA therefore respectfully submits can gain little or no weight.

Staffordshire Moorlands District Council
24th December 2024