



Appeal Decisions

Site visit made on 8 April 2025

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Appeal A Ref: APP/B3438/W/24/3354499

The Green Man, Ashbourne Road, Bottomhouse, Leek, Staffordshire ST13 7QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Justin Heslop of Derwent Venue Ltd against Staffordshire Moorlands District Council.
- The application Ref is SMD/2024/0235.
- The development proposed is: Manager's Lodge to supervise existing holiday accommodation and proposed lodges.

Appeal B Ref: APP/B3438/W/24/3354476

The Green Man, Ashbourne Road, Bottomhouse, Leek, Staffordshire ST13 7QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Simon Justin Heslop of GMPH Ltd against Staffordshire Moorlands District Council.
- The application Ref is SMD/2024/0188.
- The development proposed is: Holiday Lodges supplementing existing holiday accommodation.

Decisions

1. Both appeals are dismissed and planning permission is refused for each appeal.

Preliminary Matters

2. The application forms, appeal forms and submissions indicate that the applications and appeals were made by two companies at the same address, with the same email address for the name of the person in which the appeals were submitted. I shall therefore refer to the appellant in the singular form. The address for Appeal A included a reference to manager's accommodation. Following a request for clarification, the appellant confirmed that the address is that used in my banner heading above.
3. The National Planning Policy Framework (the Framework) was revised in December 2024. The main parties have had an opportunity to consider this within the appeal timetable. The further amendment made in February 2025 does not constitute a change to policy, and therefore no party is prejudiced by a lack of consultation on this amendment.
4. The evidence before me refers to the Churnet Valley Masterplan Supplementary Planning Document 2014 (CVMP), which was not submitted to the appeal. I have therefore viewed this publicly available document on the Council's website.

Background and Main Issues

5. The Green Man is a former public house (PH). It provides guest accommodation with about 34 bedspaces, by virtue of planning permission Ref: 13/00510/FUL for: *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* (the 2013 permission). The full details of this permission are not before me, but the Council's evidence indicates that it is partly implemented, such that for example the two-storey extension has not been built.
6. Appeal B concerns a proposal for four holiday lodges on land southeast of the former PH building, while Appeal A concerns a proposal for a manager's lodge in between. The appeal sites overlap in part in terms of the existing access to The Green Man and a small strip of land within the existing car park. The appeal sites exclude the former PH building and much of the existing car park, and partly overlap the extent of the 2013 permission. Although I have considered each appeal on its own merits, I have considered them together to avoid duplication, except where otherwise indicated.
7. The evidence before me includes various documents and plans for two similar schemes for larger sized lodges refused in November 2023¹. The appellant advises that the manager's lodge was originally proposed during the determination phase of the previous proposal for holiday lodges, in response to concerns regarding noise and disturbance from the use of the existing accommodation at The Green Man.
8. Both appeals are made against the failure of the Council to give notice of its decision within the prescribed period. The Council has submitted a statement of case for both appeals, and this has informed the framing of my main issues. Having regard to all the evidence before me, I consider the main issues for both appeals to be:
 - whether the location is suitable for the proposed developments, having regard to relevant development plan policies;
 - the effect of the proposals upon the character and appearance of the area, including landscape character; and
 - the effect of the proposals upon the living conditions of neighbouring occupiers, with particular regard to levels of noise and disturbance.

Reasons

Location

9. The Green Man is in a rural area and occupies a prominent position at the southwest corner of the crossroads of the A523 Ashbourne Road and the B5053 Bottom Lane, with access from Bottom Lane. There is a farm or residential property to each of the other three corners. The surrounding area is characterised as agricultural fields, with farm buildings dispersed across the landscape.
10. The appellant accepts that the site for the four proposed holiday lodges is derelict, disused and overgrown. The evidence of the main parties indicates that the land

¹ Refs: SMD/2022/0631 and SMD/2022/0426

was once used for caravans, based on (among other things) aerial photographs which are not before me. Although there is some evidence of historic hookup infrastructure which I saw at my visit, this is dilapidated and/or in a major state of disrepair. The land includes some wooden structures, largely in a state of disrepair and a metal faced structure. None of these structures appear to be of permanent construction and appear to have been once used for storage and/or agriculture. Any hardstanding that may or might have existed appears to be covered by vegetation. In my judgement, this land is such that the remains of fixed surface structure have blended into the landscape. Such land is excluded from the definition of previously developed land (PDL) in the Framework.

11. While the appellant contends that guests have used this land, there is no evidence or planning history to suggest the land has any established planning use other than agricultural or horticultural, nor to demonstrate that any use of the land by guests has been lawfully undertaken. For the avoidance of doubt, it is not the role of an Inspector determining a s78 appeal to determine the lawful use of the land. I have considered the applications as submitted, together with the evidence before me and my own observations.
12. The proposed siting of the manager's lodge appears to be largely on undeveloped land, with some land laid to lawn or grass, outside the extent of the 2013 permission. Save for land presently serving as part of the car park and/or access, I find no reason to consider that the land for the siting of the proposed holiday lodges comprises PDL.
13. Policy SS1 of the Staffordshire Moorlands Local Plan 2020 (SMLP) seeks development that contributes positively to the social, economic and environmental improvement of the area. By virtue of SMLP Policy SS2, the appeal sites are outside of any defined settlement boundary and in the countryside, where development is normally unacceptable.
14. SMLP Policy SS10 concerns 'other rural areas' and 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. Part 2 of this policy supports the limited expansion or development of business for employment uses where a rural location can be justified. Part 5 of this policy seeks to enhance tourist opportunities by supporting sustainable tourism development in the Churnet Valley in accordance with SMLP Policy SS11 and the CVMP; and allowing for small scale tourism developments in other areas in accordance with SMLP Policy E4.
15. Policy SS11 seeks to promote the Churnet Valley as a sustainable tourism and recreational resource. The appeal sites lie with the boundary of the CVMP, but they do not form part of any identified site or location for tourism development within that masterplan. Policy E4 supports new tourism development which complements the distinctive character of the district, in conjunction with other policies, including SS10 and SS11. Part 1 of Policy E4 also seeks to ensure that tourism development is located in accordance with one of three locational criteria. Part 2 supports the provision and expansion of tourist, visitor and cultural facilities in rural areas where needs are not met by existing facilities, providing (among other things) it is of an appropriate quality, scale and character.

16. It seems to me that these policies work in concert to ensure the sustainable growth and expansion of rural businesses and sustainable rural tourism development, whilst protecting the character of the countryside, and this policy approach conforms with the objectives of the Framework.
17. The appeal sites are not close to a settlement (being at least 5 miles from Leek and 11 miles from Ashbourne) and are not at a location identified for development in the CVMP. The proposals would therefore not meet two of the locational criteria within part 1 of Policy E4. The main parties are in dispute as to whether the location would meet the other criterion for good connectivity with other tourist destinations, particularly by public transport, walking and cycling.
18. There is a bus stop/shelter on Ashbourne Road, close to the appeal site. However, in order to access this stop, guests would need to exit the car park at Bottom Lane and travel around the corner of The Green Man building. Although the roads have street lighting, there is no footway and both roads are subject to a 50mph speed limit. Such a route would not be inviting for walkers, persons with limited mobility/disabilities, or those with children or pushchairs. The submitted Design and Access Statements indicate that the bus stop could be accessed by a pedestrian gate and the appellant draws my attention to the refused schemes, whereby pedestrian access was proposed via a footpath through the site. However, no such route or gate is shown on the proposed plans for the appeal schemes before me. Such a gate or footpath towards the bus stop would likely be outside the boundary of the appeal sites (as edged red), and there is no proposed mechanism before me to resolve this matter.
19. There is little detail before me concerning bus services, including their frequency, save for the fact that services are provided to Leek, Ashbourne, Cheadle and Tean. This could allow access to nearby settlements to meet the basic needs of guests occupying self-catering accommodation, given that there is no nearby convenience store. While the southern boundary of the Peak District National Park is about half a mile to the north, and Alton Towers is about six miles distant, there is no compelling or robust evidence to demonstrate how accessible these and any other tourist locations would be by public transport, or by walking or cycling, notwithstanding that there are public footpaths in the wider area. While I accept that it would be possible to access the appeal sites and other destinations by cycle, there are no specific measures within the proposals to accommodate this mode of transport, including any cycle storage. Given the rural location and the nature of the nearby road network, it seems to me that cycling is likely to appeal to more proficient and experienced cyclists.
20. The appellant suggests that the local highway authority (LHA) has confirmed that the proposals conform with Policy E4. However, the LHA responses before me do not mention this policy. While the LHA refer to bus stops within walking distance which provide services to the settlements referenced above, no assessment is made in terms of good connectivity to tourist destinations. In summary, the LHA considers that the proposals would not have a detrimental effect upon the adopted highway and no objection is raised on highway grounds.
21. Given all the above, future visitors would largely be reliant on private vehicles to travel to tourist destinations, and indeed to reach the proposed accommodation; and to access services and facilities. It has therefore not been demonstrated that

the proposals would be in a location with good connectivity with other tourist destinations, particularly by public transport, walking and cycling.

22. Turning to the second part of this main issue, I note highly relevant distinctions in Policy SS10 (with my emphasis in italics), with regard to the *limited* expansion of a *business for employment uses* and the *small scale* nature of tourist development sought in other areas under Policy SS10; and the clear reference to the expansion of *facilities* for tourists and visitors in Policy E4. There is no clear definition within the policies or supporting text as to what might be regarded as 'limited' or 'small scale', and therefore it seems to me that this is a matter of planning judgement, taking account of a common dictionary definition of 'limited' as being small in number, size, range or extent.
23. The purpose of the proposals is to extend the existing tourist offering and secure manager accommodation to manage the existing and proposed accommodation at the site. The proposals would result in the expansion of tourist facilities to include four holiday lodges and a manager's lodge, and the existing guest accommodation is clearly within a rural location. While the appellant suggests that it has not been viable to provide manager's accommodation within the existing operation, there is no viability evidence to demonstrate this. I note that the application forms indicate three part time staff are employed (1.5 FTE). The proposed employee data is not the same on each application form, but this appears to indicate there would be one full time employee and 2 or 3 part time staff. This would be a net increase of 0.5-1.0 FTE, which would be a small but nonetheless important increase in terms of employment opportunities.
24. The appellant considers that there is a demand for ensuite bedrooms which cannot be completely satisfied by some of the larger bedrooms within the former PH, and from corporate groups for conferences and meetings. The appellant draws my attention to the policy approach of the Peak District National Park, such that this does not permit lodge accommodation; and that the proposal would meet demand for such accommodation, including that for disabled persons, where a proposed lodge would have disabled access, but this is not shown on the proposed plans. However, the fact of the matter is that any need or demand for the proposed lodges has not been robustly demonstrated in evidence.
25. When taking account of the number of existing bedspaces and those proposed, there would be an increase of some 20 bedspaces which would represent an increase of about 58% (as opposed to the Council's calculation of 66%). The existing site area of The Green Man is about 1,800m², and the four proposed holiday lodges would result in an extended site area of about 5,000m². This is a substantial increase of about 3,260m², equivalent to an increase of about 180%. In terms of plan form or footprint, the four lodges would be about 376m², compared to the existing footprint of the former PH which is given to be about 330-350m². Although this would effectively double the footprint of existing built form, the former PH has more than one storey, and an area of parking, and there are no volume calculations before me. While I accept that a large proportion of the site would be enhanced by landscaping to include woodland planting with an increase in biodiversity, these matters are considered in the next main issue and/or in the planning balance.
26. In my judgement, given the proposal would substantially increase the land occupied by the business operation by about 180% and the capacity of the

business by 58%, this would be more than a 'limited' expansion of a business for employment use, and beyond the small-scale tourist developments sought under the Council's policies for the area.

27. For the reasons above, I conclude that it has not been robustly demonstrated that the site would be in a suitable location for the proposals, in accordance with development plan policies. The proposals therefore conflict with SMLP Policies SS1, SS2, SS10, SS11 and E4, to which I attach substantial weight.

Character and appearance, including landscape character

28. The Council's evidence indicates that the appeal sites are within the 'gritstone highland fringe' landscape character area², which has a high degree of sensitivity to landscape change, scoring 4, with 5 being the highest degree of sensitivity to change, reflecting its openness, the availability of distant views and the proximity of the Peak District National Park. The surrounding landscape is largely open, characterised by fields for grazing. Field boundaries are generally marked by stone walling and hedgerows, to include some tree planting. Woodland planting is not common within the surrounding open landscape.
29. The submitted ecology report demonstrates that the appeal sites are characterised as primarily rank grassland, to include young trees and shrubs, ornamental conifers, which are largely across the middle of the site to form a gappy hedgerow. Furthermore, the report indicates that since the first survey, soft rush is now more prevalent. I note that some coniferous species form a short line of screening along part of the western boundary of the proposed site for the manager's lodge and within the site, but the existing vegetation is such that it does not screen the appeal sites as the appellant appears to suggest.
30. The land proposed for the siting of the four holiday lodges appears as part of the open countryside, and is largely open along its western, southern and eastern boundaries and appears in view when approaching from the west along Ashbourne Road and from the south along Bottom Lane. The rear of the former PH building appears in more distant view from the southern approach, within the setting of the Peak District National Park. When descending from the north, views are screened by the former PH building. The proposed site for the manager's lodge benefits from a line of trees along the boundary to the west, such that it would be largely screened from views along Ashbourne Road.
31. The proposed four holiday lodges would be units of a high-quality construction, assembled off site. Each would be about 3.5m high, 6.8m wide, and 12.3m-15.3m long, each with two car parking spaces, patio areas and associated driveways and pathways. The manager's lodge would be of a smaller size, being a one bedroomed unit, about 10.2m x 5.5m, also with its own patio area. Each lodge would be externally finished in waney edge timber cladding, with a simple roof of shingle tiles or standing seam metal. Although such materials would not reflect the traditional stone materials distinctive of the surrounding and wider area, the lodges would have a low profile and a rustic appearance. They would not be entirely at odds with the nature of some agricultural buildings in the wider area. Due to their size and siting, the presence of five lodges would result in a significant volume of built form. They would form a clustered arrangement around a winding driveway to include car park spaces. This would be incongruous with the existing development

² As identified in the Landscape and Settlement Character Assessment 2008.

pattern where buildings are sited near to the carriageway at the crossroads or at some distance from the road network within the field landscape as farmsteads. Consequently, there would be a somewhat urbanising effect within a highly sensitive landscape.

32. Although the proposal includes significant tree planting to provide screening, this would require a significant time to mature to provide effective screening, even if trees are planted as standards. The presence of such an extent of tree cover would not be sympathetic to the open landscape character of the gritstone highland fringe. To my mind, the proposed landscaping emphasises the fact that the proposed lodges would be of such a size, scale and number that they would be intrusive within the landscape in this location, such that a high density of planting would be required. Given time, the proposed landscaping would significantly screen the site. Overall, the proposed landscaping, which includes wildflower planting would enhance biodiversity, but it would not be appropriate to the open landscape character of the area.
33. For the above reasons, the proposals would harm the character and appearance of the area, and the landscape character of the area, in conflict with SMLP Policies DC3 and DC1. Taken together and among other things, these policies seek to protect the landscape character of the area, to ensure development is of high quality and reinforces local distinctiveness and enhances biodiversity where appropriate. The proposals would also conflict with part 2 of SMLP Policy E4, whose objectives I have set out in the first main issue. I attach moderate weight to this conflict.

Living conditions of neighbouring occupiers

34. The proposals and existing accommodation are near to residential properties at the crossroads. The proposed lodges could accommodate up to 20 persons, with the existing offer accommodating some 34 persons. Together, this could result in an occupancy level of 54 persons if all spaces were occupied. The proposed holiday lodges would be let independently and in conjunction with the existing accommodation, to include larger groups, corporate events and meetings. Consequently, large groups could congregate outside within the vicinity of the proposed holiday lodges and/or within the wider site during hours of daylight and darkness. The proposals would therefore have the potential to generate significant levels of noise and disturbance to neighbouring occupiers, even if not fully occupied at all times. It is not disputed that there have been historic complaints of noise and disturbance from visitors to the existing accommodation, primarily relating to loud music and people noise at nighttime. The Council advises that further complaints have been received during the period from September 2024 to November 2024.
35. The stated purpose of the manager's lodge is to manage potential levels of noise and disturbance across the whole operation, and a Noise Management Plan was submitted with the proposals. The Council has not sought a further consultation response from Environmental Health officers beyond that provided in respect of the previously refused schemes in November 2023, where no objection was made, subject to conditions.
36. The presence of an on-site manager would assist in managing levels of noise and disturbance both at the existing accommodation and proposed holiday lodges, and

when let in conjunction. The introduction of noise monitoring devices at the former PH building, linked to a monitoring station within the manager's lodge, scheduled on site checks and interventions would assist in this regard, as would changes to booking conditions, the provision of information to guests and site restrictions. The Noise Management Plan indicates that secondary/double glazing was to be installed to the former PH building and I saw evidence of this at my visit. I find no reason to consider that the measures outlined in the proposed Noise Management Plan would not provide suitable arrangements to minimise, prevent and/or address noise and disturbance across the existing and expanded accommodation offer, subject to detailed measures being suitably secured.

37. The Council's submissions identify concerns in respect of enforceability by conditions to secure these matters. The appellant suggests that as the Council has submitted suggested conditions, this demonstrates enforceability. However, as part of the appeal process, local planning authorities are asked to provide suggested conditions if an appeal were to be allowed. Furthermore, the Framework makes clear that local planning authorities (and by extension an Inspector) should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, and to have regard to the relevant tests.
38. A description of development alone would not control the use and occupation of a development. With some minor changes, I consider that the Council's suggested conditions might be sufficient to secure the implementation of noise management measures in relation to the proposed holiday lodges and the manager's lodge as a means of control. However, conditions to secure and control such matters in relation to the existing accommodation would relate to land outside of the application sites as edged red. Such conditions would therefore likely fail the tests. Furthermore, the Council advises that the former PH, car park and the land forming the appeal proposals are part of a larger parcel of land of about 1.0ha, which is the subject of two titles, with one being titled as "being the Green Man Inn" commensurate with the site of the 2013 permission, and the other being titled "land adjoining the Green Man Inn." Although the application plans include land edged blue, this is not commensurate with that shown in the 2023 permission, which appears to exclude a section in the northwest corner. These matters are not disputed by the appellant, and there are no titles before me.
39. In such circumstances, I am therefore not satisfied that the use and occupation of the proposed manager's lodge in relation to the proposed and existing accommodation would be suitably controlled by conditions attached to any permission for the manager's lodge. There is no other proposed mechanism before me to secure these matters. Consequently, and in the absence of any other evidence to suggest otherwise, I consider that any measures to control cumulative noise and disturbance that might arise from the proposals before me cannot be suitably secured by conditions.
40. For the above reasons, I conclude that it has not been demonstrated that the proposals would not unacceptably harm the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The proposals therefore conflict with SMLP Policies E4 and DC1, insofar as these policies seek to protect neighbouring residential amenity.

Other Matters

41. Although the Framework advises that significant weight should be placed on the need to support economic growth and productivity, its support for economic growth is not unfettered. With my emphasis in italics, paragraph 88 also requires planning policies and decisions to enable the *sustainable* growth and expansion of all types of businesses in rural areas; and *sustainable* rural tourism and leisure developments which respect the character of the countryside. While paragraph 89 sets out that 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, this support is also not unfettered. It continues to set out that ... 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). Consequently, the economic benefits of the proposal attract only limited weight in the context of the policy approach of the SMLP.
42. The evidence indicates that the proposal for the manager's lodge would deliver almost 13% biodiversity net gain (BNG), and the proposal for the lodge would deliver 16%. This would be slightly above the mandatory 10% BNG required by statute. Given the conflict with the landscape character of the area, this would attract very limited weight in favour of the proposals. An increase in employment of 0.5 to 1.0 FTE would be a positive benefit in favour of the proposals but limited in scale. Temporary economic benefits would arise during the construction phase, but these would be limited. Permanent economic benefits would likely arise thereafter through further expenditure within the economy, to include visitor spend. Collectively, these benefits attract moderate weight in favour of the proposals.
43. Concerns raised by interested parties largely relate to the main issues. The potential effects upon wildlife have been taken into account, and I find no reason to consider that the proposals would adversely affect any protected species. While concerns are raised about precedent, no similar/comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not affect my consideration of the proposals.

Planning Balance and Conclusion

44. For the above reasons, I have found against the proposals in relation to each main issue, and conflict with policies of the development plan. The collective benefits of the proposals, do not outweigh the totality of the harm that I have found, including the unacceptable harm to living conditions of neighbouring occupiers. The proposals conflict with the development plan read as a whole, and there are no material considerations to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeals are dismissed, and planning permission should be refused for each appeal.

J Moore

INSPECTOR