

**APPEAL BY LAVER LEISURE (OAKAMOOD) LIMITED**

**LAND AT MONEYSTONE QUARRY**

**APPLICATION FOR APPROVAL OF RESERVED MATTERS () UNDER  
OUTLINE PLANNING PERMISSION FOR THE USE OF THE SITE AS A  
LEISURE PARK/VILLAGE (SMD/2016/0378)**

**OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT<sup>1</sup>**

1. The Appeal Scheme seeks approval of the reserved matters of Layout, Scale, Appearance and Landscaping<sup>2</sup> for Phase 1 of the leisure development at Moneystone Park. The reserved matters application was reported to the Council's Planning Committee on 26 October 2023, but was refused for a single reason which relates to the design of the individual lodges. .
2. The scheme as proposed followed extensive engagement with the officers at the LPA. The out-turn of that joint working was a recommendation for approval. Unfortunately, notwithstanding that recommendation from the Council's

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<sup>1</sup> As delivered. This version forms Inquiry Document 1.

<sup>2</sup> As defined in the Town and Country Planning (Development Management Procedure) Order 2015

professional officers and the absence of any objections from statutory consultees, nor expert design issue which supported the members concerns, the Planning Committee resolved to refuse the application. There is little room for doubt that the decision of the members to refuse permission was made under considerable pressure from objections made by some of the rule 6 parties to this inquiry.

3. As will be apparent from even a cursory examination of the evidence from the rule 6 parties and other Third Party objections, or any knowledge of their engagement in this development to date, many of those objections relate to matters outside the lawful scope of that application and this appeal. Those objections dealing with matters that are within the scope of the appeal are unevidenced and ill-considered. They are based on partisan, long-standing objections to the principle of this scheme, rather than objective and dispassionate consideration.
4. Indeed, the grant of outline consent by the LPA under which this reserved matters application was made was subject to an unsuccessful High Court challenge, which was then the subject of an equally unsuccessful appeal to the Court of Appeal. As has been made clear throughout this application for RM, and the subsequent appeal, issues which do not relate to the determination of the RM proposals are simply not material to the outcome of this appeal.
5. It is essential that valuable inquiry time is solely for issues that can lawfully form part of the decision the Inspector has to make, rather than those that are not for determination, irrespective of how volubly they may be raised. For those reasons we are deliberately limiting the content of these submissions only to those points that are within the scope of this decision.
6. The Appeal Scheme proposes the erection of a leisure development comprising 190 lodges, a new central hub building, children's play areas, multi-use games area, quarry park, parking facilities, site infrastructure and associated landscaping.

7. Quarry 1 encompasses the eastern and western lagoon and seeks to provide a total of 122 lodges. New roads, car parking with each lodge, footpaths and cycleways will also be constructed. This area will also provide a Quarry Park and 4no. natural areas of play. High quality landscaping is proposed including extensive enhanced planting to the site's eastern boundary.
8. Quarry 3 will consist of 68 lodges embedded in high quality landscaping. New roads, car parking with each lodge, footpaths and cycleways will also be provided. A bridge to the south-western corner of the lagoon is also proposed. A second reserved matters application remains with the LPA, presently undetermined which deals with the remainder of the lodges.
9. Finally, the proposed hub area will consist of a central hub building including a swimming pool, restaurant/bar, gym, spa and treatment rooms, cafes, external terrace and seating areas, a farm shop, visitor centre and games area. The hub building will also accommodate a reception area with associated hub management area, toilets, plant rooms and service area. The hub area would also accommodate a 110-space car park and 24-space check in car park.
10. The Council's objection to the scheme relates only to the design of the lodges and even then to essentially three design elements relating to them:
  - 10.1. Lack of architectural quality and insufficient creativity and detailing;
  - 10.2. Response to the character of the local area; and,
  - 10.3. Impact on the wider landscape.
11. The Councillor's main objection appears to be that the lodges would conform with the legal definition of a caravan<sup>3</sup>. As a starting point for assessing the design of

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<sup>3</sup> Section 29(1) Caravan Sites and Control of Development Act 1960 and s.13(1) Caravan Sites Act 1968

the lodges proposed, that is determinative of precisely nothing – the sole question really ought to be whether the lodges are of the requisite design quality or not, noting that design doesn't just mean aesthetics, it encompasses a range of factors, such as function, sustainability, constructability and even flexibility should there be a need to replace a lodge(s) during the life of the scheme. Nonetheless, the Appellant has provided detailed evidence on why they lodges have been designed as they have, including issues of procurement, environmental impact, and construction time.

12. Mercifully the Council and the Appellant are now agreed that the correct approach is whether the lodges are of sufficiently high-quality design by reference to planning policy and guidance. Whether the lodges would or would not meet the definition of a caravan is neither here nor there for the purpose of assessing the quality of the design.
13. Whether the scheme is assessed against the “good design” guidance in the PPG and the National Design Guide – as has been done by Mr Pullan - , or the Council's own criteria, - criteria which are of unknown origin and therefore little utility, however one assesses the appeal scheme it performs well. It is quite clearly a well-designed development.
14. The design of the scheme was informed by the material included in the OPP (and therefore not for further debate), including a detailed understanding of the receiving landscape. This includes the approved design and access statement ('DAS'). The Appeal Scheme is visually contained such that it can draw upon its own character - a natural, rural setting - an approach consistent with that DAS.
15. The design of the scheme is entirely appropriate to the well contained, polite, low key leisure use of this former quarry site, set in what will be generous

landscaping<sup>4</sup>. The proposed pattern of development reinforces the existing landscape framework of the appeal site. The design approach is deliberate in designing buildings and structures that are subservient in scale and appearance to the landscape. The ‘hub’ is an exception, and is a distinctive, contemporary building.

16. The hub centrepiece is of local stone and timber cladding and sedum shaped and flat roofs. It does not reflect local vernacular but draws upon local materials and those appropriate to a rural setting, in what is something of a ‘stand alone’ site. This simple aesthetic is considered an appropriate response to the rural landscape, where buildings are predominantly low and subservient in form and scale.
17. There is space around the lodges which reinforces the landscape led approach. All areas of the layout respond to the existing landform and nestle well within it.
18. The lodges themselves are designed to be subservient in height and scale to the landscape planting. There is a very limited materials palette<sup>5</sup>, which retains an overall degree of consistency to the 190 lodges, whilst allowing for a degree of visual interest. Although there is no requirement for green roofs, these could be added if necessary (as explained in evidence). Albeit the Council criticise them as over simplistic. But the simplicity of the design, with high end finishes (e.g. the glass balustrades and glazing) are what gives life to the detailed thought that went

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<sup>4</sup> The DAS submitted with the Outline Application [CD1.22] references the use of “prefabricated” holiday lodges. The Churnet Valley Masterplan [CD7.6] identifies the need for “low impact holiday lodge development” at Moneystone Park and promotes the use of “sustainable building techniques, low carbon, low impact development with on-site energy generation, green technology, eco-lodges”. The Appeal Scheme complies with these principles. Importantly, the Conservation Officer also states that the “choice of a muted palette of materials is acceptable”.

<sup>5</sup> Mr Phillips suggests that the similarity between the lodges proposed and the limited palette of materials to be used which he says leads to a lack of visual interest. And yet, within the Officer’s Report to Committee it appears to acknowledge the need for a common design approach across the site.

into the design. The design allows the lodges to read as well designed within a rural landscape.

19. As Mr Pullan notes, an “exuberant cacophony” of 190 individual lodges would be harmful to the surrounding landscape and constitute bad design. The more polite approach is patently the right one. One example suffices in opening: Phillips identifies the absence of two-storey lodges from the Appeal Scheme as an inconsistency with the OPP. Q2 (which is the subject of a separate RM application) would however be a more appropriate location for two-storey lodges than Q1 or Q3. This is reflected in the Churnet Valley Masterplan [CD7.6] which includes an artist impression of a two-storey lodge within Zone 2 / Q2. The Illustrative Site Sections drawing submitted with the Outline Application [CD1.8] also shows two-storey lodges in Q2. The Committee Report [CD6.2] acknowledges the need for limited sensitive development in Q1 and Q3, and confirms that the provision of single-storey lodges in these areas is an acceptable approach. Mr Phillips may take a different view – but that is all that it is different – it doesn’t mean that the appeal proposals are somehow harmful or unacceptable simply because Mr Phillips would prefer something else.
20. Despite protestations to the contrary, the lodges will be very similar to those described at the outline stage<sup>6</sup>. Furthermore it is important to remember that lodge design is but one aspect of the overall design of the scheme<sup>7</sup>, and no issue is taken

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<sup>6</sup> For example, the DAS submitted with the Outline Application [CD1.22] contains precedent images and 3-D visuals of typical single-storey lodges, which look very similar to the lodges proposed as part of the Appeal Scheme. And the Illustrative Masterplan submitted with the Outline Application indicates that the lodges would have a typical size of 12m x 6m. The dimensions of the lodges proposed by the Appeal Scheme are very similar.

<sup>7</sup> Mr Phillips’ position that the Appeal Scheme has diminished in quality since the time of the OPP seems to rely on the quality of the lodge design only. He gives little or no consideration to the other credentials of the proposal which make this a high quality scheme in overall terms, such as contributing to “delivering quality and sustainable tourism” (one of the principles of the Churnet Valley Masterplan) through facilitating the development of the area as a visitor destination, promoting increased tourism and economic prosperity,

by the LPA with other aspects of the scheme. Thus, the landscape plan has been prepared in accordance with the outline planning consent approved Parameters Plan. The appeal scheme will retain and enhance the existing landscape character and features of the site where possible as described by the DAS. New areas of landscape have been sympathetically designed incorporating native species and taking inspiration from the surrounding landscape.

21. Although energy and sustainability are not in the reason for refusal, the Appellant will call evidence on it as it has been raised in passing, and because it is assumed that the reference within the reason for refusal to green roofs is a somewhat simplistic attempt to reference sustainability principles. The lodges will in fact use low carbon and renewable technology in accordance with the Approved Document Part L Building Regulations. This will include the use of air source heat pumps for the hot water and heating – underfloor in the Hub, radiators in the lodges. The lodges themselves will be constructed using sustainable construction methods, with decent insulation to minimise heat losses, further enhancing the sustainability credentials of the development.
22. In short, this is a well-designed scheme in accordance with the local and national design guides. It is also in total accordance with the Design and Access statement, as required by condition 14 on the outline permission. The complaint from the Council and third parties is that somehow the Council has been promised one thing in the OPP and given another in the reserved matters application. This is plainly incorrect. The appeal scheme complies with the design vision, the masterplan, and the landscaping and design principles of the DAS.
23. Finally, the delay in determining the RM application has meant that some parts of the ES for the original OPP was becoming dated. It should not however be thought

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enhancing visitor facilities and unlocking the potential of underutilised assets, attracting and retaining visitors, etc.

that this is an inquiry into the updated elements (or even the non-updated elements) of the EIA. The only question for the decision maker is whether at the time of the determination there was sufficiency of environmental information in order to explain any significant environmental effects within an EIA. If there wasn't then consent could not be lawfully granted either at outline or RM. Having updated those parts of the EIA – the Appellant is now satisfied that there is sufficient information and that relevant parts of the EIA are up to date to enable that view to be formed. That all goes to one question – whether the decision maker agrees that there is now sufficient EIA information. If not the solution is for a regulation 25 direction to be issued under the 2017 Regulation; and since one has not been requested by any party as yet, then the Appellant feels confident to submit that this formality has been addressed. What the update is not – is an invitation to re-open issues in oral evidence which are beyond the limited scope of the issues at this appeal.

24. The scheme is compliant with local and national policy and the appeal should be allowed without further delay.

*Added in oral submission*

25. What if the Inspector agrees with the Council's case? If the Inspector has concerns about specific elements of this reserved matters application, then that does not mean the appeal should be dismissed. There are a significant range of RMs that are part of this application upon which no issue is raised by the LPA. Upon which, on the Council's case, the Inspector should have no difficulty granting consent for those matters not in dispute.
26. The Appellant is not suggesting a split decision, though it is an option [open to the Inspector]. Rather, issues of concern should properly lead to further conditions – i.e. grant Reserved Matters subject to further conditions. For example, if the Inspector has concerns with fenestration, it could be conditioned. A concern with



roof pitch could be subject of a condition. Any issue with cladding could be addressed by conditions.

27. It is September 2024, considering an application submitted just shy of 5 years ago, it would be a travesty to the integrity of the planning system if the sort of concerns raised by the Council led to the refusal of the totality of the RMs for a scheme consented so long ago.

**PAUL G. TUCKER KC**

**PHILIP ROBSON**

*24 September 2024*

KINGS CHAMBERS

London, Manchester, Leeds, Birmingham