

APP/B3438/W/24/3344014

SMD/2019/0646 - MONEYSTONE QUARRY (RESERVED MATTERS)

Relating to an appeal made by Laver Leisure (Oakamoor) Ltd following refusal of a reserved matters application for a proposed Leisure Development (Phase 1) at the former Moneystone Quarry, Eaves Lane, Oakamoor, Staffordshire, ST10 2DZ, now known as Moneystone Park.

LPA's OPENING STATEMENT

Appearances for the Council:

- Hugh Richards, of Counsel, No5 Barristers' Chambers

instructed by

- Nicola de Bruin, Council solicitor

calling:

- Robert Phillips MTCP (Hons), MA:UD, MRTPI

1. On 26 October 2016 outline planning permission ("OPP") was granted (ref SMD/2016/0378) for a leisure park development at Moneystone Quarry [CD6.5]. All matters were reserved except for access.
2. Details of the reserved matters (that is to say layout, scale, appearance and landscaping) were submitted to the Council on 21 October 2019 (ref SMD/2019/0646). On 14 November 2023 the Council refused the application [CD6.8]. There is a single reason for refusal which relates solely to the design and appearance of the proposed holiday lodges:

It is considered that the proposed lodges, which are little more than caravans with cladding, fail to deliver the required high standard of design. Owing to the proposed materials and lack of any green roofs, lack of creativity and detailing the lodges could not be said to be of an appropriate high quality nor do they add value to the local area. They have not been designed to respect this sensitive site or its surroundings, noting that it is in part adjacent to the Whiston Eaves SSSI For these reasons the proposal fails to comply with Policies SS1, SS11, DC1 and E4 of the Staffordshire Moorlands Local Plan and the National Planning Policy Framework including but not limited to Chapters 12 which says that good

design is a key aspect of sustainable development and Chapter 15 which says that planning decisions should contribute to and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside and minimising impacts on biodiversity

(emphasis has been added to highlight the issues raised.)

3. The Council did not issue a ‘split decision’ approving any other elements of the application. So in this appeal the appellant seeks approval of all the reserved matters submitted, but the Council resists only the approval of the design and appearance of the lodges. There is no objection to the design of the hub building or to the retention and reuse of other existing building on the site. The submitted landscaping details are not objected to; the same applies to the proposed layout. The Council only objects to the lodges and their platforms¹. The two r6 parties (Kingsley Parish Council (“KPC”) and the Churnet Valley Conservation Society (“CVCS”)) and other interested parties (“IP”) object to much more. The OPP in condition 14 set some parameters by which the reserved matters would be judged to be acceptable: they “... shall be in accordance with the principles contained within the submitted Design and Access Statement ...”.
4. The OPP also required some other details to be provided with the reserved matters application- for example ground levels and recontouring in condition 11, bridleway details in condition 12, drainage in condition 27, structural landscaping in condition 44. This was so that the detail of the proposed development could be judged as a whole. This information is before the inquiry.
5. However, some of the objections of the two r6 parties and those of some other Interested Parties (“IP”), go beyond the scope of the reserved matters of layout, scale, appearance and landscaping. They go to matters of principle and detail that were approved by the OPP or will be approved under other conditions. For example, the access arrangements to and from the public highway, together with some off-site highway works, were approved. Conditions 4, 22, 23, 24 and 25 on the OPP deal with highways matters and require, inter alia, the development to be carried out in accordance with the Eaves Lane Access Plan PB5196-0100 rev C, and the Proposed Layout of A52/Whiston Eaves Lane Junction PB1608/SK001 rev C.

¹ Various described as ‘plinths’ or ‘pads’

None of that is for re-consideration now. Maximum floorspace and uses were fixed by condition 6. The number of accommodation lodges across the whole site was capped at 250 by condition 8. The use of the development as a leisure complex (rather than, say, as a residential village) is controlled by condition 15. Other conditions dealt with managing the impact of the construction phase on people and the natural environment. The installation of potentially noisy plant and equipment is dealt with by condition 34. There is a comprehensive Statement of Common Ground between the Council and the Appellant which includes the conditions to which an approval of the reserved matters should be subject.

6. There are other disputes between the r6 parties and IP with the Appellant, for example over the adequacy of the environmental information submitted with the application. The Council will involve itself in these matters if the Inspector so wishes. But for the moment, the Council confirms that it has detected no legal obstacle to the Inspector continuing to determine this appeal.
7. What is wrong with the design of the lodges? The Council's evidence is set out in the proof of Mr Robert Phillips². He has approached his evidence as a three-stage process which is an acknowledged methodology³. He has considered local built form, the character of the Churnet Valley⁴, the national and local design guides⁵ and planning policy and researched the provenance of the proposed lodges⁶.
8. Mr Phillips has considered the CGI images of the proposed lodges submitted by the Appellant. He finds them to be not wholly representative of the plans and drawings submitted for approval⁷. Some of the monochrome original drawings have been replaced with colour versions. Mr Phillips regards these as being illustrative, with the original being definitive⁸. He also comments on the energy statement and opines that the proposed heat pumps and solar panels appear to be somewhat 'bolt on' and that a condition will be needed to ensure the detailed design and performance of plant and equipment is satisfactory in terms of effect on amenity⁹.

² He sets out his qualifications and experience at ¶1.5 to ¶1.7.

³ See his proof at ¶1.9

⁴ As described in the Churnet Valley Masterplan SPD at CD7.6

⁵ CD 7.8 & 7.9

⁶ See proof ¶1.11.

⁷ Proof ¶1.16 to ¶1.19

⁸ Proof ¶1.22

⁹ Proof ¶1.23. There is already a similar condition at 34 on the OPP (CD 6.5)

9. The deficiencies in the design quality of the lodges begins with the Appellant's approach to design (or the 'design driver') which has been to begin with a caravan rather than start with a design process based on guidance and local character and vernacular as set out in development plan¹⁰ and national policy¹¹. It results in a lodge that is clearly a clad caravan in form, sitting on a raised plinth which sits on the landscape rather than being integrated within it. This 'off the shelf' solution seems to have been deliberate on behalf of the Appellant¹².
10. The Appellants Planning Statement of Case at ¶1.9 denies this; it appears that the Appellant says they have been "designed" (presumably deliberately) to comply with the Caravan Sites Act 1968. In which case why is the Appellant so coy about saying that they are caravans at heart? And why does the Appellant assert that the Council's description of 'caravans with cladding' is inaccurate? The explanation that they have been designed in this way for convenience of procurement and transportation to site¹³ simply shows that these factors have taken precedence over local character, design guides and policy. The claim that "they will bear no relationship with a Static Caravan and once the skirt is fitted around the base will appear no different to permanent structures"¹⁴ is simply not credible. The fact that the interiors, walls and cladding may be of a higher standard than common static caravans¹⁵ is nothing to the point.
11. All this points to what Mr Phillips calls a lack of a proper design evolution process¹⁶. There is practically nothing in the Design and Access Statement accompanying the reserved matters application¹⁷ to show why the caravan approach was adopted having regard to the design approach called for in the local landscape. There is no explanation of the response to context and character called for in policy DC1. That was in complete contrast, for example, to the Hub building. There is nothing akin to Mr Phillips's appendix 1¹⁸. There is nothing to show how ¶115c of the NPPF was taken into account: design solutions should be "*sympathetic to the local character and history, including the surrounding built and*

¹⁰ DC1, SS11

¹¹ NPPF ¶133

¹² Phillips proof ¶2.6 and his Appx 7

¹³ App SoC ¶10.4.13

¹⁴ App SoC ¶10.4.14

¹⁵ As is claimed in App SoC ¶10.4.16

¹⁶ Proof ¶3.1 to 3.4

¹⁷ CD2.85

¹⁸ See his proof at ¶3.6

environment and landscape setting, whilst not prevention or discouraging appropriate innovation or change.”

12. All this is particularly disappointing given the promises made in the D&AS¹⁹ that accompanied the outline application and which so impressed the committee that it was made the subject of condition 14. Once such ‘principle’ concerned the lodges. As Mr Phillips notes²⁰, the detail now presented is a far cry from that originally promised and the precedent studies relied on²¹.
13. The design solution also falls short of the expectations set out in the Churnet Valley Masterplan SPD²² which again gave clear guidance as to what design is appropriate²³.
14. In taking the design approach that it has, the Appellant has come up with details of lodge design that are, in the opinion of the Council, unacceptable. Mr Phillips has assessed what is presented against local and national design guidance²⁴. He finds deficiencies in terms of scale and proportion, elevational detailing, materials and finishes, and in terms of interface with immediate surroundings. There are going to be 190 of these proposed poor quality buildings, and they will set the precedent for the remaining 60. Mr Phillips has also assessed the proposals against criteria derived from local development plan policy which all seek high quality design²⁵. That which is presented fails to satisfy these criteria.
15. NPPF ¶139 is clear that development which is not well-designed should be refused. The Council did so. The inspector is now invited to do so as well.

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¹⁹ CD1.22

²⁰ Proof ¶3.9 to ¶3.13

²¹ Proof 3.15 to ¶3.18.

²² CD 7.6

²³ See the Design Principles on p121 at §8.7

²⁴ Phillips appx 2 & 3

²⁵ Proof ¶5.3 to ¶5.6