

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 CLOSING SUBMISSIONS

1. These closing submissions should please be read as following on from the LPA's Opening Statement [ID2]; undue repetition here has been avoided.
2. On 26 October 2016 outline planning permission ("OPP") was granted (ref SMD/2016/0378) for a leisure park development at Moneystone Quarry [CD6.5] subject to conditions and a planning obligation¹. All matters were reserved except for access. The OPP scheme is effectively a part replacement for the scheme for quarry restoration approved by the County Council as minerals planning authority [CD6.14 & CD6.15]. The County Council has served enforcement notices to preserve its position in respect of the restoration in the event that the appeal scheme at this inquiry is either not approved or is not implemented². In addition permission for a solar farm [CD9.5 & CD9.2] at the quarry site has been implemented³.
3. The OPP was the subject of a claim for judicial review brought by a local Whiston resident Mr Paul Housiaux [CD6.6]. The grounds related to the access design at the entrance to the site (the 'no right turn' provision) and a ground relating to sustainable transport. That claim (both grounds) was dismissed on 4 September 2017. An application for permission to appeal to the Court of Appeal was refused.⁴

¹ The s106 agreement is at CD6.16. It (schedule 1, part 2) restricts occupation of the lodges to holiday purposes for not more than 6 consecutive weeks as a time and not as a main place of residence and provides for a Travel Plan.

² See the CD8 series. The County Council has made a series of variations so that the notices have not yet taken effect and so the deadline for appealing them has not passed.

³ The solar farm sites are excluded from the 'red line' of the OPP.

⁴ Meanwhile the Appellant was pursuing an appeal against the refusal by the Council of an earlier scheme (SMD/2014/0682). The differences between the scheme approved and that earlier refused and appealed are summarized at CD1.22, p7. A public inquiry opened. However, during the inquiry the Court of Appeal's decision

Any suggestion now that the OPP was granted unlawfully and cannot be relied on is legally hopeless⁵.

4. 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. NPPF ¶139 is clear that development which is not well-designed should be refused. The Council accordingly did so.
5. The detailed design was carried out⁶ by Mr Andrew Bunce BA BArch ARB of NBDA Architects, Macclesfield, Cheshire⁷. He informs us⁸ that there is a spectrum of holiday park from budget to luxury. The first thing he tells us about the design of these lodges is that they will conform to BS3632:2015 which “lists the design criteria ensuring that all models of holiday lodges and residential park homes are fit for their specific purpose” and “ensures focus upon high levels of thermal insulation, ventilation, stability of the home once it has been sited and the room size”.⁹ They will also have a chassis for ease of procurement, construction and movement. The approach adopted “dictates fundamental aspects of the shape and size of the Lodges”. His claim¹⁰ is that the lodges “will bear no relationship with a Static Caravan and once the skirt is fitted around the base will appear visually to be no different to permanent structures.”
6. Even if that last point is correct, Mr Bunce set off down the wrong road in design-evolution terms. His first port of call should have been the development plan. Had he consulted it, he would have found the following relevant to lodge design:
 - a. In the local plan¹¹, policy DC1 contains the general “design considerations” policy. It requires development to “reenforce local distinctiveness” and to

was promulgated, which left the Appellant with as ‘JR proof’ OPP granted by the Council. It therefore withdrew the appeal bringing the inquiry to an abrupt end.

⁵ Some Interested Parties have suggested so; in particular complaining that conditions requested by the Local Highway Authority on the first outline application were not imposed on the second.

⁶ Mr Bratherton in the Design Review SoC tells us at ¶1.6: “Andrew Bunce has been involved in this Reserved Matters Application since the start as Principal Architects and Designers of the park as a whole, advising on the types of lodges to be used and the detailed designs of the proposed buildings.”

⁷ He did not appear at the inquiry. The reason given was

⁸ He was the author of the Design SoC at appx 1 to the Appellant’s Statement of Case. It contains at ¶2.4 the personal declaration from Mr Bunce as is found in proofs of evidence.

⁹ Design SoC ¶4.3.2 to ¶4.3.5.

¹⁰ ¶5.1.1

¹¹ CD7.3

have regard to the Design Guide SPD. Policy SS11 (the policy directly relevant to this scheme as the biggest tourism opportunity in the Churnet Valley) directs the reader to the Churnet Valley Masterplan, but also requires a “high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area”. The supporting text explain that the Masterplan “provides a comprehensive framework for future development in the Churnet Valley”. Policy E4.B requires the design of tourism development to be “compatible with the local area”. So, the Design Guide SPD, Masterplan and character of the local area¹² should be the ‘design drivers’ not anything else.

- b. The Masterplan’s¹³ requirements for design are clear. Notwithstanding the County Council’s approved restoration scheme for the quarry area, §7.6 is clear that in the Moneystone Character Area there is the opportunity for a “sensitive” and “high quality” new tourism and leisure destination “in line with the Concept Statement”. The Concept Statement requires a scheme that “accords with the overall strategic approach to development within the Churnet Valley” (so a reference back to the high standard of design in SS11 and the local distinctiveness of DC1), the “use of sustainable building techniques” and the landscape character of the sub-area in which the development is located.
7. The Statement of Community Involvement [CD1.23] shows what was pitched to local residents in public consultation: in 2011 the lodge descriptions / photos are on pdf pages 83. In 2014 (the feedback on an response to the 2011 proposals “you spoke, we listened) we were told on page 113 that the holiday accommodation “includes 250 high quality log cabin lodges”; and on page 114 the reader was promised “sensitively designed holiday lodges”. The photographs on page 115 do not suggest a ‘static caravan’ based approach.
8. At the outline planning application stage the D&AS [CD1.22] acknowledges in §6 the consultations in 2011 and 2014, as well as the Churnet Valley Masterplan. Page 43 promised lodges which would provide “high quality accommodation set within the unique landscape”. Page 57 contains “general lodge design principles” including that materials will “reflect local architectural character”. In Quarry 1 a “mixture of single and two storey lodges are proposed” (p62). While something similar to the

¹² Mr Phillips at his appx 1 is the only person to have carried out a study of building character in the local area.

¹³ CD7.6

lodges now proposed was shown in “precedent studies”¹⁴ many other forms of lodge were also included¹⁵. Nothing suggests that a uniform ‘caravans with cladding and skirts’ approach had been pre-determined.

9. What the D&AS foreshadowed is an important material consideration, given that condition 14 on the OPP provides that “All future reserved matters applications for any phase agreed under Condition 5 and particularly those relating to layout, scale and appearance shall be in accordance with the the (sic) principles contained within the submitted Design and Access Statement and incorporate the Mitigation Measures set out in Table 8.9 of Chapter 8, Landscape and Visual of the Environmental Statement.” Given that the Appellant obviously places great store by this condition, its import and effect needs to be correctly understood.
10. First, it cannot be the case that any design which ‘accords with the principles’ will automatically be approved. The principles and the D&AS are not the only relevant matters to consider. As noted above, the policies in the development plan also fall to be considered. Second, whether or not a particular scheme ‘accords with the principles’ is a matter of planning judgment. Third, no particular design of lodge was being approved at the outline stage. Fourth, the D&AS did not make it expressly clear that the D&AS would be used subsequently as having approved or pre-determined the acceptability of a wholesale ‘caravans with cladding and skirts’ approach.
11. Appendix 2 to the Appellant’s Statement of Case is a “Design Quality Review” by John Bratherton BEng, CEng, MICE a chartered civil engineer. His company “specialises in the design and development of Leisure Parks, Holiday Parks and Residential Parks throughout the UK”¹⁶. They “respond to particular needs of our clients with regard to quality of the parks”¹⁷. He rejects the ‘caravans with cladding’ description: “The proposed lodges are very much more than caravans with cladding furthermore the proposed lodges are carefully designed with a high level of creativity in terms of how they will sit within the landscape, how energy consumption will be minimized, their functionality and also, how they will be perceived. Design is much more than just aesthetics. I will comment further on this aspect in Section 4.0.” On pages 9 to 11 he produces ‘before and after’ examples of

¹⁴ See for example, p99.

¹⁵ See p105

¹⁶ ¶1.2

¹⁷ ¶1.4

exchanging “typical static caravans for high quality holiday lodges”. Despite his protestations, the Council submits that the lodges obviously present as ‘caravans with cladding and skirts’.

12. In §4.0 Mr Bratherton points out what he says are the differences between static caravans and holiday lodges which amount to:
 - a. The production line methodology and quality control.
 - b. VAT treatment.
 - c. The input of the requirements of the purchaser.
 - d. The greater variety of cladding used.

13. With respect to Mr Bratherton and his great experience of holiday camp design, none of these matters goes to the heart of the issue in this case - whether the design of the lodges submitted for approval actually resonates with the local character and architectural style. The fact that the lodges are all “bespoke manufactured” to meet the requirements of the client is nothing to the point. He also confirmed that construction off-site methodology could be achieved with on-site assembly of panels rather than arrival on-site on the back of lorries in either one or two parts. He told the inquiry that “you don’t have to have a ‘lodge on a box’” - but that is precisely what is being proposed. In XX he was content to suggest that a chassis was not required and that ‘skids’ could be used instead. His revisiting of the matter in ReX that it would give rise to additional difficulties with services connections simply serves to demonstrate that this matter has been given a higher priority than aesthetic design.

14. What is wrong with the design of the lodges? The Council’s evidence is set out in the proof of Mr Robert Phillips¹⁸. He has approached his evidence as a three-stage process which is an acknowledged methodology¹⁹. He has considered local built form, the character of the Churnet Valley²⁰, the national and local design guides²¹ and planning policy. He has also researched the provenance of the proposed lodges²².

¹⁸ He sets out his qualifications and experience at ¶1.5 to ¶1.7.

¹⁹ See his proof at ¶1.9

²⁰ As described in the Churnet Valley Masterplan SPD at CD7.6

²¹ CD 7.8 & 7.9

²² See proof ¶1.11.

15. The deficiencies in the design quality of the lodges are all connected to the Appellant’s approach to design (or the ‘design driver’) which has been to begin with a caravan²³ rather than start with a design process based on guidance and local character and vernacular as set out in development plan²⁴ and national policy²⁵. As Mr Phillips explained to the inquiry²⁶, taking such an approach effectively predetermines the scale, mass and form of the ‘lodge’ instead of allowing the design to be a response to its context and the Masterplan. It results in a lodge that is clearly a clad caravan in shape and form, sitting on a raised plinth which, in turn, sits on the landscape rather than being integrated within it. This ‘off the shelf’ solution seems to have been deliberate on behalf of the Appellant²⁷. The failings are not simply a “process” issue as suggested to Mr Phillips in XX; they go to the heart of the merits of the design presented.
16. 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 is the Council’s description of ‘caravans with cladding’ inaccurate? The explanation that they have been designed in this way for convenience of procurement and transportation to site²⁸ 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”²⁹ is simply not credible. The fact that the interiors, walls and cladding may be of a higher standard than common static caravans³⁰ is nothing to the point.
17. All this points to what Mr Phillips calls a lack of a proper design evolution process³¹. There is practically nothing in the Design and Access Statement accompanying the reserved matters application³² 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

²³ Echoing the approach of 18th Century recipes “First, catch your hare”.

²⁴ DC1, SS11

²⁵ NPPF ¶133

²⁶ Phillips EiC

²⁷ Phillips proof ¶2.6 and his Appx 7

²⁸ App SoC ¶10.4.13

²⁹ App SoC ¶10.4.14

³⁰ As is claimed in App SoC ¶10.4.16

³¹ Proof ¶3.1 to 3.4

³² CD2.85

Mr Phillips's appendix 1³³. There is nothing in the local vernacular that has informed the design and materials of the lodges. 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 environment and landscape setting, whilst not prevention or discouraging appropriate innovation or change.”*

18. Of course, one cannot completely discount the possibility that even with a flawed design-driver the Appellants have come up with an acceptable design. But a sense check against particularly the Churnet Valley Masterplan and the local Design Guide SPDs shows that the Appellant has not done so.
19. As their chief design witness for the inquiry, the Appellant has brought in³⁴ Mr Pullan of Pegasus Group as Mr Bruce was unable to attend. His evidence addresses layout, scale, appearance matters of the whole development not simply the appearance of the lodges. His evidence contains the following telling extracts in respect of the lodges:
 - a. “The design team have taken an efficient, off-site constructed, modular shell and to this applied a high quality internal and external finish.” (¶6.5). For “modular shell” we submit read “static caravan”. This simply confirms what Mr Phillips has said and the Members so disliked.
 - b. “The aesthetic simplicity and restraint in the design of the lodges I consider to be more appropriate to the landscape setting of the appeal scheme than a design with excessive ornamentation or complexity.” (¶6.11). We submit that this is code for: We started with a static caravan shape, but it reads better in the context of the quarry voids.
 - c. “The simple aesthetic of the lodges I consider an appropriate response to a rural landscape where buildings are predominantly low and subservient in form and scale. The lodges will be at low density and separated by intervening landscaping in an organic layout, so would not be read as a traditional regimented caravan site. Furthermore the detailing and cladding and skirt would mean that they would be read as appropriately sited lodges in

³³ See his proof at ¶3.6

³⁴ He was appointed in July 2024

a well landscaped environment.” (¶7.6). We submit this is so much froth; the lodges are still recognisable as uniform static caravan shaped.

- d. “There is some variation in the ‘creative’ lodge design but ‘less’, I consider, is ‘more’. An exuberant cacophony of 190 individual lodge designs of different height, scale, footprint, roof form, material and aesthetic, would visually place the lodge above the significance of the wider landscape setting and the hub; and would introduce harmful discordance to the surrounding landscape.” (¶7.10) This is code for: Four essentially homogeneous types of static caravan variation is fine. In any event, Mr Phillips was clear in XX that he is not calling for a “exuberant cacophony” that is “shouty”³⁵.
- e. “I acknowledge that a number of examples were illustrated within the outline DAS (CD 5.3) of different lodge designs. However, through the process of resolving a detailed scheme, the approach to articulate and express the hub, whilst ‘hold back’ on the variety in lodge design is wholly appropriate once the details of the wider landscape setting are understood and supported. To have done otherwise would have been an error of approach in my view.” (¶7.23) This, we submit, is code for: we did it properly for the hub building; but we were not prepared to do it for the living accommodation.

20. 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 guidance³⁶. He finds deficiencies in terms of scale and proportion, elevational detailing, materials and finishes, and in terms of interface with immediate surroundings. If approved, 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 design³⁷. The formulaic nature of that which is presented fails to satisfy these criteria. Irrespective of whether or not the site has a high degree of visual containment, this is not going to be a self-contained environment; the public at large are to be invited in through connecting footpaths and bridleways and to make

³⁵ As was put to him in XX and repeated by Mr Pullan in EiC

³⁶ Phillips appx 2 & 3

³⁷ Proof ¶5.3 to ¶5.6

use of on-site facilities. It will be seen and function very much as part of the local area.

21. There has hardly been a dissenting voice for the design quality of the hub building. It is not only unacceptable, but a real shame, that similar care and expertise was not brought to bear in the design of the lodges.
22. During the inquiry, the issue of what the proper approach should be in the event that the inspector finds that the appearance of the lodges is unacceptable in some or even all respects. As we have already noted, this appeal concerns not simply the scale and appearance of the lodges.
23. The plans have been updated from those originally submitted. First the Rev C series was colourised and annotated [CD3.5 to CD3.8]. But the annotations are not definitive. The colourisation and annotation is plainly illustrative. Those plans now promoted for approval by the Appellant are the Rev E series of plans at Mr Suckley's appendix 8³⁸. The colours and annotations are still illustrative. Illustrative roof solar PV cells have been replaced by heat pumps to which the scheme is now committed.
24. Neither of these iterations seems to correspond to the photograph below ¶4.11 in Mr Bratherton's Design Quality Review SoC nor the views in his Appendices A to C³⁹ which are plainly the CGI images at CD3.1 to 3.4. 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 approval⁴⁰. Some of the monochrome original drawings have been replaced with colour versions. Mr Phillips regards these as being illustrative, with the original being definitive⁴¹. 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 amenity⁴².
25. All this points, the Council submits, to a complete revision of the design of the lodges. Even if the Council is correct, however, the Appellant has been very keen on this being left to a condition. Obviously, some detail could be left to subsequent

³⁸ pdf p307 to 310.

³⁹ The photo at Appendix C finds its way onto the cover of Mr Pullan's proof.

⁴⁰ Proof ¶1.16 to ¶1.19

⁴¹ Proof ¶1.22

⁴² Proof ¶1.23. There is already a similar condition at 34 on the OPP (CD 6.5)

approval under a condition - for example, the detail of fenestration or rainwater goods. The question is whether the redesign of the lodges as a whole could be the subject of a condition.

26. NPPF ¶155 advises decision-takers to use conditions to make unacceptable development acceptable. So far as the Council is concerned, the appeal development is acceptable in principle, there is a grant of outline planning permission and there is long-standing strong support for it in the development plan. It is also acceptable in respect of all matters of detail except for the scale and appearance of the lodges. In such a situation the Council accepts that the inspector could issue a ‘split decision’⁴³. The remaining issue for the inspector is whether, in the event that he agrees with the Council, it is “reasonable”, having heard the evidence at this inquiry, in effect, to postpone all that the reason for refusal is concerned with, to a future discharge of condition application, or whether any re-design of the lodges should be the subject of a further planning application.

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⁴³ The Council was not asked to issue a split decision; this is hardly surprising given that the officers’ recommendation was for approval.