



Appeal Decision

Inquiry held on 24, 25, 26 September and 8 October 2024

Site visit made on 27 September 2024

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal Ref: APP/B3438/W/24/3344014

Moneystone Quarry, Eaves Lane, Oakamoor, Staffordshire, ST10 2DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Laver Leisure (Oakamoor) Limited against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2019/0646.
 - The development proposed is reserved matters application for details of the appearance, scale, layout and landscaping for phase 1 of the leisure development comprising 190 lodges; erection of a new central hub building (providing farm shop, gym, swimming pool, spa, restaurant, cafe, games room, visitor centre, hub management and plant areas): reuse and external alterations to the existing office building to provide housekeeping and maintenance accommodation (including meeting rooms, offices, storage, staff areas and workshop); children's play areas; multi use games area; quarry park; car parking; refuse and lighting arrangements; and managed footpaths, cycleways and bridleways set in attractive hard and soft landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for details of the appearance, scale, layout and landscaping for phase 1 of the leisure development comprising 190 lodges; erection of a new central hub building (providing farm shop, gym, swimming pool, spa, restaurant, cafe, games room, visitor centre, hub management and plant areas): reuse and external alterations to the existing office building to provide housekeeping and maintenance accommodation (including meeting rooms, offices, storage, staff areas and workshop); children's play areas; multi use games area; quarry park; car parking; refuse and lighting arrangements; and managed footpaths, cycleways and bridleways set in attractive hard and soft landscaping in accordance with the terms of the application, Ref SMD/2019/0646, dated 18 October 2019, subject to the conditions in the conditions annexe, but not the obligation within the unilateral undertaking, dated 14 October 2024.

Preliminary Matters

2. The site address as above is taken from the decision notice as it is the most comprehensive.
3. Churnet Valley Conservation Society and Kingsley Parish Council both participated in the Inquiry as Rule 6 Parties.

4. The original outline application¹ relating to this reserved matters proposal was the subject of an Environmental Impact Assessment (EIA) and reported in an Environmental Statement (ES) in 2016. It provides an overview of the environmental impact of the proposal with a summary of mitigation measures proposed and contains a methodology for assessing the significance of the range of environmental effects and accumulative impact.
5. Having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and in particular Regulation 25, in view of the time lapsed, the supporting EIA topic chapters within the ES were updated to take account of any changes in the baseline. The additional information to the ES was provided as an Addendum to the ES² dated August 2024. It assesses any changes affecting the conclusions and where there was no change then this was justified with a statement to that effect.
6. A Unilateral Undertaking was submitted on 14 October 2024, which makes provision for contributions of £4,500 towards air quality monitoring together with £218.83 for management, following a request from the Council in the light of the ES Addendum. I consider this latterly.
7. As requested by the Appellant, my site visit included another holiday lodge development, recently opened, at Rivendale Lodge Retreat near Ashbourne.

Background

8. Outline planning permission was granted on the appeal site for a 'leisure development' on 26 October 2016. This was challenged in the High Court on grounds of the design of the vehicular access and sustainable transport, but the claim was dismissed in 2017. Accordingly, the principle of the leisure use has been permitted.
9. The outline permission is for 250 lodges across three quarry sites. This appeal proposal is for Quarries 1 and 3, for 190 lodges. I am advised that the other lodges, in Quarry 2, are the subject of another reserved matters application being considered by the Council.
10. Condition 4 of the outline permission requires compliance with the submitted parameters plan and character areas plan, which guide the layout for the development as well as the ES. In addition, condition 14 requires accordance with the principles in the submitted (outline application) Design and Access Statement as well as the mitigation measures in Table 8.9 Chapter 8 of the ES.
11. This appeal proposal is limited to the details relating to appearance, scale, layout and landscaping as required by condition 1 of the outline permission. The Council wholly agree³ that the vehicular access was permitted as part of the outline application and the wider highway matters were considered then and should not be re-considered here⁴.

¹ SMD/2016/0378

² As requested, 17 July 2024 letter from the Inspectorate

³ Paragraph 4.3 Statement of Common Ground

⁴ Paragraph 5 Council Opening

Main Issue

12. The main issue is whether the proposed details in terms of appearance, scale, layout and landscaping would harm the character and appearance of the area.

Reasons

13. Policy SS1 of the Staffordshire Moorlands Local Plan (LP), adopted September 2020, seeks development that contributes positively to the social, economic and environmental improvement of the area. It also promotes quality services and tourist facilities. Policy SS11 has a strategy for the Churnet Valley promoting overnight visitor accommodation, expansion of tourist facilities, protection of landscape and heritage, remediation of derelict land and ecology. A high standard of design is required, and consideration of landscape character is paramount. Policy DC1 also requires development to be well designed and reinforces local distinctiveness. Creativity, detailing and materials should be appropriate to the area. Development should respect the site and surroundings and promote a positive sense of place. Policy E4 promotes tourism development which compliments the distinctive character and quality of the District. Such development should be of an appropriate quality, scale and character.
14. The Churnet Valley Masterplan was adopted in 2014 and Policy SS1, requires development to be in accordance with it. The Masterplan foresees a new sensitive and high quality leisure development based around the restoration of the quarry with a maximum of 250 holiday lodges. It seeks a high quality design which is in keeping with the landscape. The energy efficiency of the lodges is also promoted. Staffordshire Moorlands Design Guide SPD was adopted in 2018 and also seeks good design, particularly in relation to the setting of settlements and the landscape.
15. All the parties agree that the appeal site is not within a designated landscape, nor forms the setting for the Peak District National Park.
16. The appeal site is a former quarry and was used for sand and gravel extraction between 1948 and 2011. Three lakes have been formed by the water level rising naturally and there is an exposed quarry face to the east (Eaves Lane), whilst there is an open aspect westwards. There is very limited spoil and quarry waste evident, and indeed some naturalised tree and shrub growth has occurred already.
17. The three quarries are conditioned to be restored in accordance with a plan approved by the County Council in 2014. This appeal proposal also seeks to restore the quarry workings, albeit in a different scheme and no party objected in this particular regard.
18. The Landscape and Visual effects were considered as part of the ES, including the character of the site, the surroundings and the nature of the proposal. Analysis of the surrounding viewpoints demonstrates that the appeal site is largely obscured from outside view, partly due to its steep sides; no party made any reference to harm to a public view outside the appeal site, and the Council accepted the appeal proposal would be experienced largely from within the site itself.
19. The lodges would be distributed around the edge of the lakes with a larger hub building in between, on an access road which broadly bisects the overall site.

This layout reflects that envisaged in the parameters plan and character areas plan of the outline permission. I find that the layout in terms of the lodges and hub building would respect the site's woodland and waterside.

20. The Council's only objection relates to the design of the lodges⁵, which needs to be considered in several respects.
21. The Council accepted that timber boarding for the walls would be appropriate⁶. I concur as the timber would empathise with the surrounding woodland and new planting: it would contribute to a low key appearance.
22. The reason for refusal suggests the lodges would be akin to caravans, as they would have a chassis and wheels. The Appellant advises that this helps with efficient procurement and installation, but they are not intended to be moved. The chassis and wheels would be obscured by extending the walling to the ground, so that the features associated with caravans would not be perceptible and would appear permanent, particularly being connected to decking. In any event, the appearance of the lodges is the critical consideration, rather than the basis of their construction.
23. The decking surface would be integral to the lodges and use similar timber boarding for the walls so that a coherent appearance would result. In addition, the associated balustrade would be in glass which would allow views through to help a sense of openness.
24. The absence of grass roofs is specifically mentioned in the reason for refusal. Mr Phillips, representing the Council at the Inquiry, considered that they were not necessary and similarly, neither Rule 6 party offered evidence in support of them. I find that they would be likely to lead to a thicker roof compared to the thin sheeting proposed, which would look disproportionate and bulky. In any event, the proposed sheet roofing would be akin to the colour of slate; such a dark colour offers pleasing contrast to timber walling and would be subdued, thereby not distracting from the landscape. I therefore find that the sheet roofing proposed would be appropriate.
25. The height of the lodges is within that set in the parameters plan for the outline permission. The lodges would have a low pitch roof, which would contribute to a low overall height, so that the buildings stand out less and obscure less views of the landscape. Conversely the Council at the Inquiry suggested the lodges potentially could be two storey to give more variety, but such larger buildings would attract attention and harm the landscape. I return to the question of variety later.
26. The submitted elevations show that there would be over-sail at the eaves, which would help create a soft roofline and a rustic style associated with lodges. The Council suggested that projections, including bay windows would break up the form of the lodges. However, such additions would appear fussy, and divert attention away from the landscape views.
27. Grey facias and fenestration are proposed which would also match the roofing, helping to give the lodges coherency. In addition, the extent of fenestration appears appropriate for the use: the lodges would have more glazing overlooking views and less so on utilitarian elevations.

⁵⁵ Paragraph 9.2 Statement of Common Ground

⁶ Paragraph 4.3 Council Statement of Case

28. The decking would project from the walls of the lodges and thereby appear as an intrinsic component. On at least one elevation there would be no decking, and that wall would be bigger to cover the chassis and wheels but would not be of a size to upset the overall appearance.
29. Four differently designed lodges are proposed, although they would have similar materials. The Council suggested the need for greater variation, across the 190 lodges. However the appeal proposal's repetition would allow simplicity, which collectively helps the landscape setting: as one building's design would have been already seen and experienced, so the eye would then be drawn to the landscaping rather than another lodge, whereas individualising buildings would cause them to stand out forming the focus rather than the surroundings.
30. The lodges would also be deferential to the hub building which would allow it to stand out as the heart of the leisure complex, commensurate with its facilities. In addition, the hub building also needs to predominate to provide a sense of arrival, reflecting its siting on the approach road. The design therefore would appear rational.
31. The proposal includes generic materials⁷, which I find would contribute to a low key rustic appearance, appropriate for the site and the surroundings. A condition is suggested to require approval of specific samples, which gives the Council detailed control over the very precise colours and textures. The glazing to windows and balustrades could be controlled to ensure it would be non-reflective.
32. The Council expressed concern about the lack of storage space and size of the lodges potentially leading to paraphernalia outside. However, the occupants' belongings would be likely to be commensurate with a car load which would be proportionate to a lodge size. In any event outside storage would be a management issue.
33. The Council also expressed concern about the appearance of the plinth bases for the lodges and relatedly the Council suggest the lodges would be on the landscape rather than in it. However, most of the plinths would be obscured by the decking with its timber supporting walls. The few plinths which would be likely to be seen would be the cantilevered lodges on the hillside above the western lake, even those would be filtered by the planting. Moreover, the plinths could be a muted shade and conditioned for approval. Consequently, I do not find that the plinths would be harmful.
34. I saw very similar lodges at Rivendale in terms of their low pitch roofs, fenestration, walling down to the ground and attached decking. This too is a restored quarry site with purposeful landscaping. The lodges are attractive and indeed have been deemed appropriate within a national park, which would be expected to warrant a very sensitive design. This adds support to the proposal here.
35. The appeal site lodges would use air source heat pumps and no party considered that they would harm the appearance of the area. I concur as they are small scale.

⁷ Mr Suckley Proof of Evidence Appendix 12

36. There was dispute over the representative precision of the photomontages and the detailing of the lodges. I have treated them with caution but nonetheless, even taken as a ballpark, they show an indication of the general concept, whereby the lodges would integrate with the evolving landscaping.
37. The Council submitted a study of vernacular buildings in the area to compare with the lodges. However, only agricultural buildings were assessed. These are designed for purposes such as storage or housing livestock and are wholly different from holiday accommodation overlooking lakes. The needs of the occupants, the context and role of the site are wholly incomparable, and I therefore do not find that this would be an appropriate design response.
38. This proposal includes a bridge stretching over the corner of Quarry 3. The water line here is in a very angular corner and the bridge would soften it. The bridge would also help access around the lake, which would encourage walking. The scheme includes the use of gabion walling to stabilise some slopes, and if these were filled with muted materials, would blend with the landscape. No party raised any specific concern about the appearance of the above, and I concur. One of the Rule 6 Parties had concern about the density and proportion of lodges in this part of the proposal. However, no particular view has been singled out as overly dense and I find that the layout would be low density, spread out to allow the landscape to dominate. Indeed, the number of lodges is governed by the outline permission.
39. The Council's Committee were 'particularly complementary about the qualities of the hub building'⁸ and I concur. Whilst the Council were critical that the design of the lodges lacks creativity in their design, that is demonstrated by the hub building and the lodges would be deferential and subservient. The proposal needs to be considered as a whole and I find that the hub building, lodges and landscaping would collectively and cohesively enhance the site and its surroundings, remediating the impact of the former quarry.
40. There is a recently constructed solar farm on the eastern edge of the appeal site. No party raised any accumulative landscape impact and I similarly concur bearing in mind its low height and boundary planting.
41. I find that the proposal would comply with the principles in the Mitigation Measures in the ES, parameters plan, character areas plan as required by conditions 4 and 14 of the outline permission. The proposal would comply with Policies SS1, SS11, E4 and DC1 of the LP as the details of appearance, scale, layout and landscaping are high quality and respond to local distinctiveness, reflecting both the lakesides and woodland contexts and so would not be harmful. For the same reasons I find that the proposal would accord with The Churnet Valley Masterplan and Staffordshire Moorlands Design Guide SPD.
42. The above policies echo the National Planning Policy Framework (the Framework) which similarly places emphasis on good design and creating a sense of place, responding to the context of the site as well as respecting landscape character. In such regards the proposal would in particular accord with the Framework.

⁸ Paragraph 2.3 Council Statement of Case

Environmental Impact Assessment

43. The ES Addendum was submitted on 27 August 2024. The availability of the Addendum was publicised in accordance with Regulations 25(3), 25(4) and 25(8) of the EIA Regulations and electronic copies were sent to statutory consultees, placed on the Council's website and a hard copy was made available at the Council offices. A local newspaper advert was published on the 28 August. There was a 30 day period, wherein the public and consultees had the chance to comment, which expired on 29 September 2024.
44. No statutory consultee commented that the Addendum needed further information. One of the Rule 6 Parties emphasised that the need for an up to date EIA is 'paramount' as the scheme was compiled in 2014 and has to reflect 'legal changes in the long term effects of EIAs'. This Addendum looked at possible changes to the baseline.
45. The ES Addendum provides an assessment of greenhouse gasses arising from the proposal during construction, operation and decommissioning. It notes the legislative and planning policy context, and the assessment was made in line with the Institute of Environmental Management and Assessment guidelines. The Addendum considers the potential climate change effects of the proposal. It also looks at the potential resulting secondary and in-direct effects of the proposal⁹.
46. The Addendum considered the likely significant effects on the landscape and visual receptors and found there has been no change to the 2016 baseline of the 2016 ES. Similarly, the significant likely effects on ecology receptors were considered by appropriate surveys in optimal seasons. Whilst there have been some habitat changes, the baseline conditions are similar to 2016, and the 2016 submitted management plan provides ecological benefits. Assessment of archaeology and heritage was also undertaken and no new or altered significant effects were found. Ground conditions and drainage/flood risk, waste, and noise/vibration were similarly considered and found unchanged.
47. The Addendum considered the likely significant effect on transport and access receptors by assessment of traffic flows and the measures in the 2016 ES were shown to be sufficient.
48. I therefore find that the ES Addendum has been prepared in accordance with the 2017 EIA Regulations, the relevant environmental information has been comprehensive and accessible to the public and consultees, and the June 2016 ES and subsequent EIA related assessments remain valid and unchanged.

Planning Obligation

49. The submitted Unilateral Undertaking makes provision for a potential contribution towards air quality monitoring within the Cellarhead Air Quality Management Area (AQMA)¹⁰ as well as a sum for management. This follows a request from the Council's Pollution Officer in response to the ES Addendum and such monitoring is part of the Council's draft air quality action plan.

⁹ Friends of the Earth v SOSLUHC [2024] EWHC 2349 (Admin) and (Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20; [2024] PTSR 988.

¹⁰ This is outside the appeal site, based around the A520/A52 junction

50. The ES Addendum air quality assessment found negligible impact on the AQMA, which whilst accepted by the Council's Officer, he nonetheless suggested that there are uncertainties and so a contribution was warranted. However, the calculated negligible effect is a low benchmark from which any uncertainties would manifestly become significant. Moreover, the proposal includes measures in the Travel Plan and Energy Strategy to limit the extent of emissions from vehicles and the buildings, which are the main influences to air quality here.
51. The Staffordshire Moorlands Developer Contributions SPD states air quality assessments may be required on large developments and financial contributions may be required to offset impacts. In addition, the 2010 CIL Community Infrastructure Levy Regulations and paragraph 57 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
52. I therefore find that based on the evidence before the Inquiry, the obligations in the submitted Unilateral Undertaking are unnecessary and therefore fail the above tests.

Other Matters

53. Nearby are the Grade II listed 'Little Eaves Farmhouse'¹¹ and the Grade II listed 'Barn approximately 5 metres east of Little Eaves Farmhouse'¹². Both are suggested as dating from the 18th century in the list descriptions. Their significance and special interest is derived from their simple architecture following the local vernacular and their stone walling. Their immediate setting is the surrounding agricultural style outbuildings and thereafter the surrounding farmland, and countryside including the appeal site. This setting compliments the rustic appeal of the architecture. Although the design and landscaping would not be harmful, the appeal proposal would lead to the loss of adjoining countryside, albeit largely quarry remains, which would harm the setting. I find that less than substantial harm would result, which I return to latterly.
54. Whilst the reason for refusal makes reference to the nearby Whiston Eaves SSSI, the Council subsequently confirmed that there would be no ecological impact. The Ecological Statement of Case, August 2024, notes the various surveys on the site and considers the connectivity to wildlife interest elsewhere. It shows no protected species or habitat would be harmed. In addition, the proposal would lead to the creation and management of broadleaf woodland and wetland habitats, adding to the biodiversity of the area. The Council, Natural England and Staffordshire Wildlife¹³ Trust found no ecological harm arising from the proposal and I concur.
55. Local residents expressed concern about the potential traffic generation arising. However, the access and the resultant traffic management were researched and considered in the earlier outline permission and condition 4

¹¹ List entry 1038028

¹² List entry 1294408

¹³ Paragraph 8.5 Statement of Common Ground

refers to the details of the Eaves Lane access and layout of the A52 /Whiston Eaves Lane junction.

56. There is an extant outline planning permission for the access and the proposed use, indeed throughout the Inquiry the Council wholly confirmed the legality of the outline permission. The relevant considerations in this appeal are limited to the proposed details in terms of appearance, scale, layout and landscaping rather than the access. Whilst one of the local residents refers to concerned comments from a former highways officer and the Rule 6 Parties referred to an independent highway consultant's report which supported their concerns, this does not have a bearing on the appeal before me.
57. Several local residents expressed concern about the safety of the occupants of the lodges in and around the deep water and highlighted the current warning signs around the appeal site. However, this is an issue for the management of the site. There was also concern about the land stability bearing in mind that this is a former quarry. However, the positioning of the lodges was broadly set by the parameters plan at the outline stage and the suggested conditions would require approval of the detailed engineering to secure slope stability. There was also concern about the toxic effects of silica sand, but this would be covered by conditions 36-39 in the outline permission.
58. Comments were made on the proportion of lodges for ownership compared to rental. The Appellant advises that they have a business aspiration of a mix, but in any event, I find that this is beyond the scope of the submitted reserved matters being considered here.
59. The site is the subject of restrictive covenants. However, the applicability and enforceability of such covenants is outside the jurisdiction of this appeal¹⁴.
60. Materials from a building demolished outside the appeal site have been stored here. The Conservation Society were concerned that this proposal would jeopardise its re-building but that would involve another site, outside the red line of the appeal site, and is not a matter for my consideration.

Heritage and Planning Balances

61. The Council's Tourism Strategy comments on the domination of day visitors, accounting for around 90% of all visitors,¹⁵ which the Council is seeking to re-address by more accommodation. The Appellant's uncontested Economic and Tourism Benefits Assessment, finds that 42,000 visitors per year would stay in the 190 lodges and 190 full time jobs on site and 50 off-site from the 250 lodges would result¹⁶. The current rate of economic activity in Staffordshire Moorlands is below the national average and the economic benefits would be likely to spread beyond the site itself by visitor spending in local towns. The development would also support employment in construction, albeit not all of which would be local.
62. The lodges would provide direct and easy access to the countryside for visitors, which would support their health and well-being. The proposal would increase the publicly accessible footpaths across the site, which would also

¹⁴ Letter 3 October Blacks Solicitors

¹⁵ Page 11 Tourism Strategy for Staffordshire Moorlands 2022-2027

¹⁶ Paragraphs 2.8 and 4.16

benefit the local community and visitors. The Appellant indicates that the café, farm shop and facilities would also be available to the local community.

63. The lodges would use air source heat pumps which would limit their carbon generation. Similarly, the walling and roofing of the lodges would be formed off-site in large scale production which would help low energy construction. The proposal would also enhance the biodiversity opportunities of the existing site. The proposal would therefore have environmental benefits.
64. No evidence was put forward at the Inquiry to question these benefits and I find that they would be substantial.
65. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the National Planning Policy Framework (the Framework) that relate to the significance of designated heritage assets and their settings. As I have found above the public benefits of the proposal would be considerable, and taken together as a whole, I conclude that they would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets.
66. As I found above the proposal would comply with Policies SS1, SS11, E4 and DC1 of the LP. I conclude that the proposal accords with the Development Plan when taken as a whole. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. This is re-iterated in paragraph 2 of the Framework.
67. As the proposal accords with the Development Plan when taken as a whole and material considerations do not indicate otherwise, rather the above benefits additionally support the proposal, I therefore find the proposal should be approved.

Conditions

68. Paragraph 56 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. There was considerable agreement on the suggested wording of conditions, and they can only relate to the reserved matters which are the subject of this proposal. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
69. A condition which specifies the number of lodges in this part of the scheme would help clarity. A condition requiring compliance with the approved plans is similarly necessary, but there was disagreement at the Inquiry over which elevations should be approved. Coloured elevations were provided before the Inquiry¹⁷, which apart from the colour, are the same as those black and white ones submitted and considered earlier at the application stage. The Council suggested that they would favour the black and white elevations being the subject of a compliance condition because that would allow flexibility over the

¹⁷ Mr Suckley Proof of Evidence Appendix 8

choice of materials. Nonetheless, I find the coloured elevations are helpful to show the generic scope of the proposed materials and provide the basis for approval of specific samples, so the condition is worded to accord with them.

70. Conditions are also necessary on the compliance of future replacement lodges with the approved plans in the interest of the character and appearance of the area. Similarly, the condition on the prevention of touring caravans would prevent harm to the landscape.
71. Conditions requiring details on the materials for the hub building, plinths, lodges and Quarry 3 bridge are necessary for their appearance as I have found earlier. Conditions to control the servicing ducts in the roof of the hub building are warranted to ensure that the roofline is not harmed by any protrusions.
72. A condition is needed on the gabion walls to ensure that they blend into the landscape. A condition is also needed to ensure implementation of the landscaping and the replacement of any soft landscaping if it fails. This condition also includes habitat management in the interest of biodiversity of the site. Conditions on tree protection are needed to ensure that the significant existing trees are safeguarded in the interest of the landscape character. Condition 10 is worded so that paths are constructed in general accordance with the submitted plans but the precise positioning on the ground is subject to pegging out and agreement with the Council to ensure that tree roots are protected.
73. As raised earlier, conditions are also warranted on the detailed ground works to ensure that land stability is maintained during the development in the aftermath of the former quarrying. Similarly, the condition on the implementation of the surface water outfall is necessary to ensure the water levels are properly controlled in the light of the excavations.
74. The condition on waste arrangements is necessary to ensure that the character and appearance of the development is not undermined.
75. The conditions on the one way traffic system around the site and internal signage/street furniture would ensure that the layout is accessible and safe for all users.
76. A condition promoting the energy efficiency of the lodges is warranted to limit greenhouse gas emissions and such measures are promoted in the Churnet Valley Masterplan.
77. A condition promoting crime prevention measures is necessary to support the well-being of the occupants and avoid placing pressure on the emergency services.
78. An existing building adjacent to the red line of this appeal site has permission for use and conversion for leisure facilities. A condition is warranted to connect the implementation of that scheme with this appeal proposal, leading to a comprehensive development which provides facilities for the occupants of the lodges. Similarly, a condition on implementation of the recreational facilities within the appeal site is necessary.

Conclusion

79. I therefore conclude that the proposal accords with the Development Plan when taken as a whole and the appeal should be allowed, subject to the conditions in the conditions annexe below, but not the 'Air Quality Monitoring Contribution' within Schedule 1 of the Unilateral Undertaking, dated 14 October 2024.

John Longmuir

INSPECTOR

Appearances

For the Council

Hugh Richards, Counsel, No.5 Chambers

Robert Phillips MTCP(Hons) MA UD MRTPI, Director Urban Imprint

For the Appellant

Paul G. Tucker, Kings Counsel, assisted by Mr Philip Robson, Kings Chambers

Jon Suckley MTCP FRTPI, Managing Partner of Asteer Planning (Planning)

Colin Michael Pullan BA(Hons) PGDip, Senior Design Director at Pegasus Group

John Bratherton BEng(Hons) CEng MICE, Director of Bratherton Park Design Ltd

Paul Young BEng(Hons) CEng MCIBSE FIHEEM, Associate Director of Futureserv Ltd (Energy). *Submitted evidence but did not appear.*

Rule 6 Party: Kingsley Parish Council

John Steele

James Aberley

Rule 6 Party: Churnet Valley Conservation Society

David Walters

Interested Parties/Local residents:

Cllr Peter Wilkinson, Chairman SMDC Planning Committee

Sally Majoram

Diana Gardiner

Peter Cowie

Annette Baker

John Higgins

John Williams

Paul Housiaux

Documents submitted to the Inquiry

ID1 Appellant opening

ID2 Council opening and Rule 6 party opening

ID3 Email correspondence to Planning Officer

ID4 Site Masterplan CGI

ID5 ES Documentation

ID6 *R. (on the application of Swire) v Canterbury City Council* [2022] EWHC 390 (Admin)

ID7 Moneystone Park Update November 2015 (Newsletter)

ID8 Details of Rivendale Lodges

ID9 Appellant note on Air Quality and Unilateral Undertaking

ID10 Letter on covenants

ID11 Council response on air quality

ID12 Council closing

ID13 Churnet Valley Conservation Society Rule 6 Party closing

ID14 Kingsley Parish Council Parish Rule 6 Party Council closing

ID15 Appellant closing

Conditions Annexe

1. The development hereby permitted shall be carried out in accordance with the approved plans in Appendix 1: Approved Plans at the end of these conditions.
2. There shall be no more than 190 lodges within the appeal site as shown within the red line on the Site Location Plan, drawing number 733/MS-020 Rev 1.
3. There shall be no touring caravans within the appeal site as shown within the red line on plan number Site Location Plan, drawing number 733/MS-020 Rev 1, at any time.

4. All lodges including their decking area (and all subsequent replacement lodges and their associated replacement decked area) shall only be sited in accordance with the siting as specified in drawing numbers 1733-MS-010 Rev E; 1733-MS-022 Rev F; 1733-MS-023 Rev E and 1733-MS-024 Rev D hereby approved.

5. All lodges including their decking area (and all subsequent replacement lodges and their associated replacement decking area) shall only be constructed in accordance with the design and elevational treatment and using the external facing and roofing materials as specified and described in drawing numbers 1733 LV-020 Rev E, 1733 LV-021 Rev E, 1733 LV-022 Rev E and 1733 LV-023 Rev E hereby approved.

6. No lodges shall be constructed until samples of the materials to be used in their external surfaces (including the walling, roofing, plinths, decking, skirting and balustrades) have been submitted to and approved in writing by the Local Planning Authority. The sample materials shall be in accordance with the Materials Palette (dated August 2024) and shall include finishes, fixings and the specification of the glazed balustrade. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

7. Notwithstanding the submitted plans, no construction of the external facing works to the Hub and Housekeeping buildings shall commence until samples of the following have been submitted to and approved in writing by the Local Planning Authority.

- Walling material (including the timber cladding, stone, brick, metal cladding)
- Roof material
- Windows and doors – style, materials, recess depth in aperture, finish and colour
- Eaves and fascias
- Sedum roof (Hub building) which should also include measures to secure its future maintenance and management

The development shall thereafter be carried out strictly in accordance with the agreed details.

8. No development of the Hub building shall commence until the roofline details (including full details of any proposed extraction/ventilation/air con units or ducts) have been submitted to and approved in writing by the Local Planning Authority. The development should proceed thereafter in accordance with the approved details.

9. The natural play, junior play, adventure play areas and the MUGA shown on approved drawings 1088.4-PLA-00-XX-DR-L-8006 Rev P01, 1088.4-PLA-00-XX-DR-L-8007 Rev P01, 1088.4-PLA-00-XX-DR-L-8008 Rev P01 and 1088.4-PLA-00-XX-DR-L-8009 Rev P01 shall be made wholly available for their intended use prior to first occupation of any of the lodges within that phase of the development in which the play area and/or MUGA is situated.

10. The new woodland paths and cycle tracks shall be constructed in general accordance with the specification and methods set out on the Planit I E "Southern Woodland Pathways" Drg. No. 1088.4-PLA-00-XX-DR-L-0006 Rev P02 and the Urban Green "Arboricultural Statement – Condition 9" reference 11874 Rev A

submitted with the application hereby approved. The proposed precise siting and alignment shall be marked (pegged) on the ground and then agreed as such by the Local Planning Authority and implemented in accordance with the agreed marking out and above plans.

11. The planting and landscaping scheme as shown on the following drawings:

- Landscape Masterplan 1088.4-PLA-00-XX-DR-L- 0002 Rev P06
- Planting Plan Quarry 3 1088.4-PLA-00-XX-DR-L-2002 Rev P05
- Planting Plan Quarry 1 North 1088.4-PLA-00-XX-DR-L-2003 Rev P04
- Planting Plan Quarry 1 South 1088.4-PLA-00-XX-DR-L-2004 Rev P03
- Planting Schedule 1088.4-PLA-00-XX-DR-L-2005 Rev P04
- Soiling Plan 1088.4-PLA-00-XX-DR-L-2006 Rev P05
- Typical Softworks Details 1088.4-PLA-00-XX-DR-L-6000 Rev P02
- Landscape Masterplan Q3 1088.4-PLA-00-XX-DR-L-0002 Rev P06
- Landscape Masterplan Q1 North 1088.4-PLA-00-XX-DR-L-0003 Rev P04
- Landscape Masterplan Q1 South 1088.4-PLA-00-XX-DR-L-0004 Rev P03

shall be fully implemented before the end of the first available suitable planting or seeding season following completion of each phase of the development agreed under Condition 5. All the soft landscaping shall be properly maintained for a period of 5 years following planting to ensure successful establishment. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season. At all times, during the initial 5 year establishment period and thereafter, the landscaping shall be managed and maintained in accordance with the Habitat Management Plan to be approved under Conditions 19 of the outline planning permission SMD/2016/0378 and the approved Structural Landscape Strategy, Planet-IE dated October 2019.

12. No construction of the proposed gabion wall within the delivery area of the Hub building shown on the Site wide hardworks plan, drawing 1088.4-PLA-00-XX-DR-L-1001 Rev P08 shall commence until details have been submitted to and approved in writing by the Local Planning Authority. Such detail shall include full design, construction, details of filling material, planting plans and timescale for planting. The development shall subsequently be carried out fully in accordance with the approved details and retained as such thereafter.

13. The development hereby permitted shall be carried out strictly in accordance with the Arboricultural Impact Assessment (Urban Green October 2019) and the Arboricultural Statement, Condition 9 (Urban Green October 2019) in accordance with a timetable submitted to and approved by the Local Planning Authority.

14. Prior to the erection of any lodges, the construction of their foundation bases, the internal site roads, buildings and infrastructure hereby approved, an Earthworks Validation Report prepared by a Chartered Geologist, Registered Ground Engineering Professional or Chartered Engineer shall be submitted to and approved in writing by the Local Planning Authority. The Report shall provide confirmation that the recontouring of the site has been completed in accordance

with the Moneystone Earthworks Proposed Phase 1 (Table 3a Earthworks Sequence).

15. Prior to the erection of any lodges, the construction of their foundation bases, the internal site roads, buildings and infrastructure hereby approved, the Design stage of the slope stability mitigation identified in the submitted Schedule of Mitigation reference 4492- 1/Schedule and Schedule of Mitigation Flowchart reference 4492-2/Flow Chart shall be completed and documented in a Slope Stabilisation Design Report prepared under the direction of a Chartered Geologist, Registered Ground Engineering Professional and Chartered Engineer and submitted to and approved in writing by the Local Planning Authority.

16. Prior to the erection of any lodges, the construction of their foundation bases, the internal site roads, buildings and infrastructure hereby approved the slope stabilisation mitigation shall be implemented in full and in accordance with the requirements of the Slope Stabilisation Design Report and documented within an As-Built Validation Report on completion of the Construction stage of the agreed Schedule of Mitigation reference 4492-1/Schedule. The As-Built Validation Report should be prepared under the direction of a Chartered Geologist, Registered Ground Engineering Professional or Chartered Engineer and shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any lodges, the construction of their foundation bases, the internal site roads, buildings and infrastructure hereby approved.

17. Prior to first occupation of any of the development hereby approved and following the implementation of the slope stabilisation mitigation, a development-wide Monitoring and Maintenance Plan, in accordance with In Service stage of the agreed Schedule of Mitigation reference 4492-1/Schedule shall be prepared under the direction of a Chartered Geologist, Registered Ground Engineering Professional or Chartered Engineer, and shall be submitted to the Local Planning Authority for its written approval. The development shall thereafter be carried out strictly in accordance with the approval Monitoring and Maintenance Plan.

18. No development shall take place within Quarry 3 until details of the steps and paths as shown on the Quarry 3 Masterplan drawing 1733/MS-022 Rev U have been submitted to and approved in writing by the Local Planning Authority. Such details shall include nature of construction, levels and materials. The development shall subsequently be carried out in accordance with the approved details and made available before occupation of the particular lodge to which the steps and paths provide access.

19. No development shall commence until such time that full details of the proposed litter bins, bin stores and the main refuse collection point have been submitted to and approved in writing by the Local Planning Authority. The detail shall be in general accordance with that shown indicatively on drawing no 1088.4-PLA-00-XX-DR-L-4003 Rev P02. The agreed litter bins, bin stores and collection area shall subsequently be installed as agreed and made available for use prior to first occupation of any of the development hereby approved and maintained as such thereafter.

20. No development shall commence until such time that full details of all proposed internal signage and street furniture have been submitted to and approved in writing by the Local Planning Authority. The detail shall be in general accordance with that shown indicatively on drawing no 1088.4-PLA-00-XX-DR-L-4000 Rev P02. The agreed signage and street furniture shall be installed as agreed and made

available for use prior to first occupation of any of the development hereby approved.

21. No development within Quarry 3 shall be commenced until such time that full details of any exposed or potentially exposed foundation structures for the lodges in this part of the site including (but not restricted to) gabion baskets, stilted supports have been submitted to and approved in writing by the Local Planning Authority. Such detail to include materials, finish and where deemed necessary by the Local Planning Authority additional planting and an implementation timescale for such planting. The development shall thereafter proceed in accordance with the approved details and timescale.

22. No development shall take place in Quarry 3 until measures to ensure the operation of an internal one way vehicular system in this part of the site together with an implementation timetable have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details and timescale and retained for the life of the development.

23. Prior to any part of the development hereby approved coming into first use, a scheme of measures to prevent crime and provide a safe environment (as generally described in letters dated 26th November 2019 and 3rd February 2022 from Staffordshire Police) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include an implementation timescale. The development shall subsequently be carried out strictly in accordance with the approved scheme and timescale.

24. No part of the development hereby approved shall be brought into use until such time that the new surface water outfall approved under SMD/2022/0014 has been constructed and brought into use.

25. No part of the development hereby approved shall be brought into use until such time that the change of use of the former laboratory building approved under SMD/2019/0716 has been completed as approved and made available for first use.

26. Notwithstanding the submitted plans, no development shall take place in Quarry 3 until full details of the bridge shown on drawing 1733/MS-815 have been submitted to and approved in writing by the Local Planning Authority. Such detail to include means of construction and samples of the finishing materials which shall be timber. The bridge shall be constructed in accordance with the approved details.

27. No development shall commence until a detailed Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The detailed Energy Statement shall be in accordance with the Energy Statement prepared by Futureserv (Document Ref: P7700-FS-XX-XX-RP-M-003-P02) received by Staffordshire Moorlands Council on 2nd September 2024. The development shall be constructed and operated in accordance with the approved detailed Energy Statement.

Appendix 1: Approved plans

Location Plan

Site Location Plan 1733/MS-020 Rev 1

Existing Plans

Existing Site Plan 1733/MS-002

Existing Q3 Area Plan 1733/MS-003

Existing Q1W Area Plan 1733/MS-004

Existing Q1E Area Plan 1733/MS-005

Existing Hub Area Plan 1733/MS-006

Masterplan for whole site and each character area

Site Masterplan 1733/MS-019 Rev W

Site Masterplan – Hub Building Area 1733/MS-010 Rev L

Quarry 3 Masterplan 1733/MS-022 Rev U

Quarry 1 West Masterplan 1733/MS-023 Rev J

Quarry 1 East Masterplan 1733/MS-024 Rev F

Site Sections Quarry 3

GA Site Sections-Q3-AA 1733/MP-115 Rev B

GA Site Sections-Q3-BB 1733/MP-116 Rev B

GA Site Sections-Q3-CC 1733/MP-117 Rev C

GA Site Sections-Q3-DD 1733/MP-118 Rev C

GA Site Sections-Q3-EE 1733/MP-119 Rev C

GA Site Sections-Q3-FF 1733/MP-120 Rev B

GA Site Sections-Q3-GG 1733-MP-121 Rev C

GA Site Sections-Q3-HH 1733/MP-122 Rev B

GA Site Sections-Q3-II 1733/MP-123 Rev D

GA Site Sections-Q3-JJ 1733/MP-124 Rev B

GA Site Sections-Q3-KK 1733/MP-125 Rev B

Site Sections Quarry 1 West

GA Site Sections-Q1W-AA 1733/MP-126 Rev C

GA Site Sections-Q1W-BB 1733/MP-127 Rev E

GA Site Sections-Q1W-CC 1733/MP-128 Rev C

GA Site Sections-Q1W-DD 1733/MP-129 Rev C

GA Site Sections Q1W-EE 1733/MP-130 Rev C

GA Site Sections Q1W-FF 1733/MP-131 Rev C

GA Site Sections Q1W KK 1733/MP-139 Rev B

Site Sections Quarry 1 East

GA Site Sections -Q1E-GG 1733/MP-132 Rev A

GA Site Sections -Q1E-HH 1733/MP-133 Rev B

GA Site Sections -Q1E-II 1733/MP-134 Rev C

GA Site Sections -Q1E-JJ 1733/MP-135 Rev A

GA Site Section Q3-MM 1733/MP-141 Rev 2

Site Sections Hub

Hub Area Section DD 1733/MP-136 Rev 1

Hub Area Section EE 1733/MP-137 Rev 2

Hub Building-GA Cross Sections AA BB and CC 1733-HB-015 Rev A

Hub Building-GA Long Sections AA BB and CC 1733-HB-016 Rev 1

Hub building GA Section DD 1733-HB-017

Typical Softworks Details 1088.4-PLA-00-XX-DR-L-6000 Rev P02

Hub Floor Plans and Elevations

Hub Building Lower Level GA Plan 1733-HB-010 Rev A

Hub Building-Upper Level GA Plan 1733-HB-011 Rev B

Hub Building Roof Plan 1733-HB-012 Rev A

Hub Building-GA Elevation 1733-HB-014 Rev A

Housekeeping Building, Existing and Proposed

Housekeeping Building -Existing Floor Plan 1733-HK-004

Housekeeping Building -Existing Elevations 1733-HK-005

Housekeeping Building -Proposed Floor Plan 1733-HK-010

Housekeeping Building -Proposed Elevations 1733-HK-014

Lodge Design

As in condition 5 above:

1733 LV-020 Rev E, 1733 LV-021 Rev E, 1733 LV-022 Rev E and 1733 LV-023 Rev E.

Landscape Plans Hard and Soft

Sitewide Landscape Masterplan 1088.4-PLA-00-XX-DR-L-0001 Rev P10

Landscape Masterplan Q3 1088.4-PLA-00-XX-DR-L-0002 Rev P07

Landscape Masterplan Q1 North 1088.4-PLA-00-XX-DR-L-0003 Rev P07

Landscape masterplan Q1 South 1088.4-PLA-00-XX-DR-L-0004 Rev P06

Footpath, Cycle path and bridleway plan 1088.4-PLA-00-XX-DR-L-0005 Rev P02

Landscape Masterplan -

(Southern Woodland Pathways) 1088.4-PLA-00-XX-DR-L-0006 Rev P02

Site Wide Hard works 1088.4-PLA-00-XX-DR-L-1001 Rev P08

Planting Plan Quarry 3 1088.4-PLA-00-XX-DR-L-2002 Rev P05

Planting Plan Quarry 1 North 1088.4-PLA-00-XX-DR-L-2003 Rev P05

Planting Plan Quarry 1 South 1088.4-PLA-00-XX-DR-L-2004 Rev P04

Planting Schedule 1088.4-PLA-00-XX-DR-L-2005 Rev P04

Soiling Plan 1088.4-PLA-00-XX-DR-L-2006 Rev P06

Typical Softworks Details 1088.4-PLA-00-XX-DR-L-6000 Rev P02

Miscellaneous

Furniture and Signage Strategy 1088.4-PLA-00-XX-DR-L-4000 Rev P03

Boundaries Plan 1088.4-PLA-00-XX-DR-L-4001 Rev P03

Refuse Strategy 1088.4-PLA-00-XX-DR-L-4003 Rev P02

Phasing Plan 1733/MS-021 Rev 5

Gas Compound

Gas Compound Site Section AA 1733/MP-140

Gas compound Plan 1733 MP 965

Gas compound Elevation 1733 MP 967

Bridge

Proposed Q3 Bridge 1733/MS-815

Detailed Area Plans

Detail Area 1 The Hub 1088.4-PLA-00-XX-DR-L-8001 Rev P06

Detail Area 3 Q3 Lodges-

(Water's Edge) 1088.4-PLA-00-XX-DR-L-8003 Rev P04

Detail Area 4 - Q3 Lodges

(Within Woodland) 1088.4-PLA-00-XX-DR-L-8004 Rev P05

Detail Area 5 – Q1 West 1088.4-PLA-00-XX-DR-L-8005 Rev P04

Detail Area 6 - MUGA 1088.4-PLA-00-XX-DR-L-8006 Rev P01

Detail Area 7 – Natural Play 1088.4-PLA-00-XX-DR-L-8007 Rev P01

Detail Area 8 – Junior Play 1088.4-PLA-00-XX-DR-L-8008 Rev P01

Detail Area 9 – Adventure Play 1088.4-PLA-00-XX-DR-L-8009 Rev P01

End of conditions