

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16th November 2023

Application No:	SMD/2022/0631	
Location	The Green Man, Bottom House, Leek ST13 7QJ	
Proposal	Manager's Static Caravan to supervise existing holiday accommodation and proposed lodges	
Applicant	Mr Simon Justin Heslop	
Agent	Mr Roger Langham	
Parish/ward	Ipstones / Ipstones	Date registered 16 th December 2022
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is a Full - Minor and is referred to Committee at the request of Cllr Linda Malyon in order to consider in particular any potential implications for neighbour living conditions.

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The Green Man is a former pub which makes a landmark to the Bottom House cross roads. The site is in a prominent rural location. The A523 Ashbourne Road from Leek bounds its north east side and the B5053 Bottom Lane borders its south east side. The pub has a large car park to its rear (westerly aspect) and stands in an overall ownership of 1 hectare (2.471 acres). The proposed caravan plot is shown extending to 485m² within an application site red edge covering 1000m² to include its access from Bottom Lane through the existing former pub car park.
- 2.2 The surroundings of the location generally comprise rural agricultural fields. There is a farm or residential property to each of the other corners at the cross roads and similar loosely dispersed properties to the wider surrounding countryside.
- 2.3 It is to be noted that the applicant's land ownership is contained in two separate titles: land "being the Green Man Inn" is approximately as shown in a 2013 planning application – see fig 2 at paragraph 7.2 below – with

the remainder of the land being “land adjoining Green Man Inn”. The current application blue edged land includes – presumably in error – a small section immediately east of the application site not included in either title.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 From the submitted design and access statement (as revised Feb 2023): *“This planning application is for the siting of a two bedroom timber lodge for an on-site manager and maintenance person for both the existing holiday accommodation and proposed four lodges (currently being considered in planning application SMD/2022/0426) at ‘The Green Man’, former public house, at Bottomhouse”*. The proposed lodge would be 10.2m x 5.5m with an eaves height of 2.8m and a ridge height of 3.75m (excluding any support base / wheels or footings). With verandah and canopy the total developed plan area would be 75m². The application proposes a 2m high trellis fence around the static structure *“to give the manager some individual privacy and also screen the caravan itself”*.
- 3.2 The lodge structure itself would be positioned in rough un-managed land towards the north edge of the ownership about 20m back from the Ashbourne Road verge. Some of the land forming the caravan plot overlaps with a mown grassed area but all of the plot lies outside the planning unit of the Green Man as defined (most recently) by SMD/2013/0257.
- 3.3 Access would be off the B5053, using the existing commercial entrance to the former pub car park, which is still in use.
- 3.4 The submitted revised statement describe the lodge as being “constructed of sustainable materials and stands clear of the ground (as a static caravan) on block piers or mini-piles to ensure that tree roots can grow beneath”. The external finish wall materials proposed are understood to be timber.
- 3.5 Elevations and floor plan are shown on drawing D14. The internal accommodation scales as being 51m².

4. RELEVANT PLANNING HISTORY

- 4.1 There is a lengthy planning history for the Green Man made complicated by often only relating to parts of the overall ownership and overlapping with the current site only in part. The caravan itself would be on land previously only included in applications related to the vehicle MOT station to the north west.
- 4.2 80/09061/OLDDC – Site for touring caravans – refused – mainly land outside the current application alongside Bottom Lane and extending to the south west limit of the ownership boundary.

- 4.3 12/00043/FUL – Refurbishment, alterations and extension to existing public house to provide improved facilities including lettable rooms and improved landscaping – approved.
- 4.4 13/00510/FUL – Change of use of part of ground floor and first floor to guest bedrooms and erection of 2 storey extension fronting the A523 (to provide managers flat and guest bedrooms) and erection of ground floor kitchen/dining room extension – permission granted. [at least in part not implemented eg two storey extension not built.]
- 4.5 07/00129/BOC – enforcement
- 4.6 SMC/2015/0555 – enforcement
- 4.7 SMD/2008/0114 – enforcement
- 4.8 09/00798/FUL and 10/00135/FUL both relate to an MOT bay and view area centred on Smithy Garage 85m to the north west but which took in land overlapping along the north west side of the current application site.
- 4.9 Pending application SMD/2022/0463 is for four holiday lodges on adjacent land to the south west.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- SS11 Churnet Valley Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- E1 New Employment Development
- E4 Tourism and Cultural Development
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

6.1 The last consultation expiry date was 25th January 2023 (site notice). A total of eight neighbouring addresses were notified directly by letter for response by 10th January 2023.

6.2 Representations have been received from some seven individuals or households raising objections summarised as follows:

- The existing property can sleep 34 guests, which is a substantial number of people. The property is sufficiently large to allow a manager to have accommodation within the existing building without having an unsightly static caravan located at a very busy crossroads.

- This property needs to be converted back into a residential home or homes to help meet the high local demand for affordable houses rather than wasting tax payers money on police and councillors who are paid to monitor this party house due to ongoing unruly and drunken behaviour that often occurs there.

- In 2013 the original planning to turn the then public house into a party house, (SMD/2022/0426) made provision for a manager's flat within the main building. There has never, as far as we are aware, been a manager staying in the house and the amount of noise and aggravation to its neighbours over the years backs this up.

- noise disturbance

- currently (to our knowledge) there are already 7 holiday lets within the small area of Bottomhouse – Newhouse Farm, Goatfell Farm Caravan Park, Bottomhouse Barns, Brookfields air bnb (the Garden Room), Wildthorn Farm air bnb, Beaver Hall, plus the Green Man 'party house'... And it lives up to its party house name. We have always tried to be considerate of the fact people are on holiday, but we are plagued by loud music, shouting and swearing from morning until early the following morning. We've also had issues with trespassing.

- can't support adding extra holiday lodges on a party house already flooded with complaints, in an area already deluged with holiday rental options – no confidence in the role / effectiveness of a manager's caravan

- This property is unsuitable for any further development as it has been a constant source of noise, nuisance, trespass, sleepless nights to the families who live at the crossroads for years. Attempting to rectify this problem is, little too late. The property has proven itself over the years to be a nuisance and is not suitable in this quiet area to be used for a party house.

- various incidences of noise and disturbance to neighbouring properties reported as recurrent over time.
- restrictions should have been applied with the 2013 consent
- a caravan here would be an eyesore; no detail as to how it would be used to deliver on-site management
- exposed and prominent position; intrusive in the landscape; harmful to character and appearance
- This property is in operation by an under the radar application. The adjacent properties and SMDC planning, council members are now aware of how this happened. This property is not suitable for the operational [use(?)] sold to the general public. Groups of adults shouting, screaming with bouncy castles, water slides and fancy-dress parties; were again not mentioned as any part of the many planning applications associated with this property. An all-day bar and all night disco night club are its main operational use. Are Wedding parties on the list of intended further use with seventy plus guests? The building and the site are unsuitable for this type of use in the rural family hamlet of Bottomhouse, surrounding villages and close proximity to family homes. Noise pollution, light pollution, anti-social behaviour, unsociable hours, sleepless nights are included in the many reports.
- The application is unnecessary as SMD/2013/0257 already included a manager's flat within the building.
- light pollution; noise disturbance; harm to natural environment

Ipstones Parish Council

6.3 Ipstones Parish Council – objection

- special landscape area
- inappropriate development
- a decision has not yet been made on the previous application No SMD/2022/0426 for four new Lodges. The Parish Council objected to this plan.

SCC Highways

Site visit conducted 4th January 2023

6.4 Personal Injury Records:

Current records show that there were no Personal Injury Collisions on Bottom Lane within 160m of Pheonix Stables for the previous 5 years

6.5 Background:

The Green Man is located on Ashbourne Road at its junction with Bottom lane. Ashbourne Road is an A Classification Road and Bottom Lane is B Classification Road. Both roads are subject to a 50mph speed limit and have street lighting

6.6 Comments

It is considered that the proposal will not have a detrimental impact on the adopted highways and therefore I have no objection.

SMDC Environmental Health

- 6.5 The lodge / caravan under this application is to address ongoing noise concerns and those raised for a proposed holiday lodge development adjacent to the Green Man. This application does appear a positive move in noise control. The permanent presence of a warden while the Green Man is occupied by guests would assist in ensuring guests do not impact nearby residential properties.
- 6.6 If permission is granted then there will be a requirement that the use would be subject to the Local Authority's licence requirements and conditions. The developer should contact Environmental Health if permission is granted and the site should not be used until a licence is approved.
- 6.7 The caravan should be restricted to warden/site management use only.
- 6.8 Access path/road and hard standing: Any material imported onto site to use as hard standing or for the access path should not compromise local environmental quality or risk soil contamination. Condition advised.
- 6.9 Other concerns regarding construction impacts, lighting and land contamination could each be addressed by conditions.

Severn Trent Water

- 6.8 Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 The location is outside of any defined development boundary and lies in the open rural areas governed by policy SS10. It is necessary to examine whether past or current uses, either by permission or by passage of time, have created a developed status for the land. Figure 1 below shows the proposed site red edge for this application. The most recent consent at the Green Man is 13/00510/FUL and the site to which that permission refers (defined by its red edge) is shown in figure 2.



Fig.1 – proposed site red edge

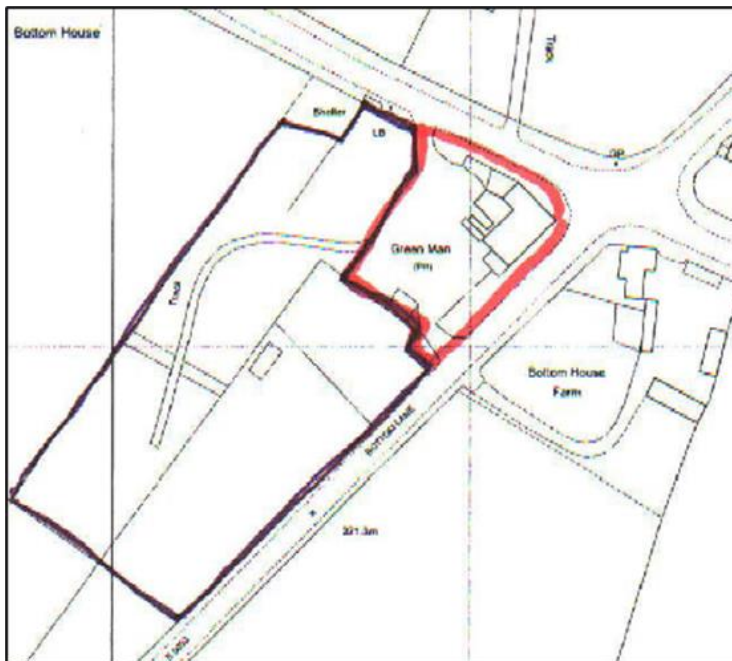


Fig. 2 – site granted consent under 13/0510/FUL

- 7.3 There is some marginal overlap where access to the proposal land would use a strip of the existing car park on its south west edge. Otherwise the current application would appear to occupy land wholly outside the planning unit of the accommodation building as shown in the 2013 approval – see red edge in fig 2.
- 7.4 There is no planning history to suggest that land outwith the 2013 red edge has any established planning use status other than rural agricultural / horticultural.
- 7.5 A series of air photos is publicly available (sequence collated on file) for the years 2003, 2006, 2013 and 2017. These indicate a somewhat haphazard and varying use of the application land. Some compartment boundary features remain consistent through the sequence but the uses ebb and flow between the compartments. The uses of the land in the air photo history include, in 2003

some 5 to 7 touring caravans widely dispersed through at least two of the compartments; in 2006 an evident livestock shelter with a large midden is present and much of the land appears over-grazed, also in 2006 there are two or so possible touring caravans parked, a parked vehicle and a series of small sheds. There are no vehicles or caravans in 2013 and fewer sheds. The parked vehicles and sheds when present in 2003 and 2006 were mainly in a poorly defined area within a northerly portion of the current application land.

- 7.6 Consideration should be given as to whether the application land meets the definition of being previously developed (NPPF glossary). The NPPF definition is:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 7.7 Apart from the strip of car park which would appear to be within the Green Man planning unit and its curtilage, none of the application site can be considered previously developed. None of the structures which have been present appear to have been permanent and it may also be said that the remains have now “blended into the landscape”.

- 7.8 As noted above, the policy starting point here is SS10 and more specifically relevant would be SS10(2) which is to “Sustain the rural economy by: (inter alia) Enabling the limited expansion or development of business for employment uses where a rural location can be justified”.

- 7.9 SS10(3) is expressly to “Enhance and conserve the quality of the countryside by (inter alia): Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape [first point]; and, Limiting uses which generate a substantial number of regular trips in areas that are not well served by public transport [second point].

- 7.10 SS10(5) is to “Enhance tourist opportunities by: Supporting sustainable tourism developments and measures in the Churnet Valley in accordance with Policy SS11 and the Churnet Valley Masterplan SPD; Allowing for small-scale tourism developments in other areas (in accordance with policy E4); Establishing strong linkages between recreational and tourist resources; Recognising and developing the close linkages to the Peak District National Park.

- 7.11 This site is within the Churnet Valley Masterplan Area and SS11 is that “development should be in accordance with the Masterplan”.

- 7.12 Policy SS11 is that: “Any development should be of a scale and nature and of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area. Strong sustainable development and environmental management principles should also be demonstrated. The consideration of landscape character will be paramount in all development proposals in order to protect and conserve locally distinctive qualities and sense of place and to maximise opportunities for restoring, strengthening and enhancing distinctive landscape features. Complementary and sensitive highway improvements to access routes and/or measures to support other alternative means of access will be required to serve any developments which generate significant additional demand for travel.”
- 7.13 This site lies on the boundary of the ‘central area’ and the ‘Peak District fringe’ as identified in the Masterplan. The underlying tenets of the masterplan are to focus tourism development such as accommodation provision to identified locations and avoid a general or random dispersal of new development.
- 7.14 The Masterplan does not override the Local Plan policy E4 for Tourism and Cultural development which is that: “New tourism and cultural development which complements the distinctive character and quality of the District will be supported having regard to the Area Strategies in Policies SS5 to SS10 and Churnet Valley Strategy Policy SS11.”
- 7.15 E4(1) is that: “New tourist, visitor and cultural accommodation, attractions and facilities should be developed in locations that offer, or are capable of offering either:
- A) good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling; or
 - B) in locations in or close to settlements where local services, facilities and public transport are available; or
 - C) in areas specifically identified for tourism development in the Churnet Valley Masterplan or other relevant documents.
- 7.16 New accommodation, attractions and facilities should:
- A) support the provision and expansion of tourist, visitor and cultural facilities in the rural areas where needs are not met by existing facilities; and
 - B) all development shall be of an appropriate quality, scale and character compatible with the local area, protect the residential amenity of the area, enhance the heritage, landscape and biodiversity of the area and shall not harm interests of acknowledged importance.
- 7.17 As this site is not in an area identified in the Churnet Valley Masterplan it does not gain support from SS11 and indeed would be somewhat contrary to it. The location is not close to settlement so E4 (1) B cannot apply. It is not apparent or demonstrated that the site has good connectivity with public transport, walking and cycling and therefore E4 (1) A is not found to apply.
- 7.18 Moreover and somewhat fundamentally, whilst SS10 through SS10(2) refers to sustaining the rural economy by (inter alia) enabling the limited expansion or

development of business for employment uses where a rural location can be justified, the larger separate scheme of which it is evident this proposal is intended to be an integral part cannot be assessed as a 'limited' expansion.

7.19 This proposal is described in its heading as being "*to supervise existing holiday accommodation and proposed lodges*" which is intended to bind it with the four 8-person lodges proposed under SMD/2022/0426. That scheme significantly exceeds anything that might be considered a limited expansion and is not small scale. It is thus considered contrary as a matter of principle to SS10. Whilst the site manager lodge considered here is limited to a single smaller structure its intrinsic association with the larger scheme is an important material consideration.

Design

7.20 Timber exterior wall finishes (rather than metal composite caravan construction materials as first submitted) would help in part to assimilate the development into its location aided by some existing tree / shrub cover. Inevitably though it must be anticipated that vehicles, lighting and domestic comings and goings would form part of the site impacts. The proposed positioning of the caravan at the extreme north west perimeter of the site some 50m at its closest point from the Green Man building would create an un-necessary extension to the development impacts at the location. Being at the extreme site edge and adjacent to land to the north west and to the north east, towards the road, not in the applicant's control much reduces the scope to impose full landscape screening and/or ensure retention of existing cover. The nearest residential neighbour at Bottom House Farm by contrast is just 20m away at the closest point. In short the lodge cabin does not relate well to the current site nor does it seem ideally located for its stated function of site supervision.

7.21 The application appears to infer that the lodge would be occupied as a main home saying "*The on-site manager would also deal with any emergency situations, maintenance, landscaping and cleaning*". Whilst the 50m² two bedroom cabin may be suitable for non-permanent occupancy it falls significantly short of the 70m² required under the nationally described minimum space standards for permanent living accommodation. In space terms the internal size would meet the standard for a one-bedroomed two person dwelling.

Amenity

7.22 SMDC Environmental Health give cursory support for the proposal on grounds of it appearing to be a positive step in managing the site. Whilst EH say the presence of a warden "would assist", how this might work in practice is not discussed. The installation of warden accommodation could only begin to be justified if linked to an agreed set of ground rules around which warden enforcement could be expected to take place. Such ground rules could not be secured by planning condition as they would not meet the 5 tests including that

of enforceability. Simply placing a warden on site would not be effective on its own. Moreover and more fundamentally it is unlikely the existing use of the Green Man could be made retrospectively contingent on there being on-site warden supervision – certainly mechanisms for this would need to be explored and there is nothing put forward in the application as it stands.

- 7.23 Application SMD/2022/0426 is pending to be decided separately. Even if the proposal here were a solution to the site management issues – and this is not fully established – it does not overcome the more fundamental policy conflict in-principle or the design and landscape impact concerns identified in this report.
- 7.25 Whilst the proposed warden’s caravan would be unlikely to cause conflicts for neighbour amenity neither can it resolve the overall site impacts, either for the existing site or for the proposed business expansion considered separately.

Highways

- 7.24 In highways safety terms the SCC Highways response shows the scheme to be acceptable with no issues and no requirement for condition.

Other matters

- 7.25 Several representations have referred to the inclusion in the 2013 approval of a site manager’s flat – within an extension to the building. The 2013 change of use was not, however, made contingent on the flat being developed and so far it hasn’t been. Nor was any requirement for on-site management imposed.

8. Conclusion and Planning Balance

- 8.1 The main issue with this application is in its defined association with SMD/2022/0426 to be decided separately and recommended for refusal. As with the larger scheme, the lodge is also proposed to be situated beyond the curtilage of the current business occupying the former Green Man public house. It would also be further from the main accommodation building than at least one of the neighbour dwellings alleged most affected by disturbance.
- 8.2 There could be a case to support a proposal for manager accommodation somewhere at the Green Man if it could address its stated objective of introducing on-site supervision for the Green Man. There is however no mechanism put forward to show how this might be achieved nor is there a workable condition which could be attached to make it do so.
- 8.3 There would be adverse landscape impacts (as discussed at 7.20 above) but in the absence of an assured mechanism to deliver appropriately disciplined site management which appears to be the intention (and appears much needed) it is impossible with the application as presented to make the necessary planning balance that could possibly lead to supporting the proposal or a variation of it.

9. RECOMMENDATION

A. Refuse for the following reason(s):

1) The proposed on site manager / warden accommodation would intrude into undeveloped rural land and result in adverse character impacts in the local setting as a result of its design appearance and residential use in a position disassociated from the former Green Man Inn premises. Whilst the scheme is put forward as introducing necessary site supervision for The Green Man holiday accommodation building there is no mechanism in the proposal to show or ensure this can happen. It is therefore not possible to balance the stated needs with the harms identified and the proposal is therefore found contrary to policies SS1, SS2, SS10, DC1, and E4 and to the NPPF.

2. Given the tied link in the application description to a larger development under separate consideration SMD/2022/0426 add a further refusal reason in the event that application is refused.

Informative

1.) The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. Issues were discussed with the applicant/agent but ultimately there were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 38 of the National Planning Policy Framework.

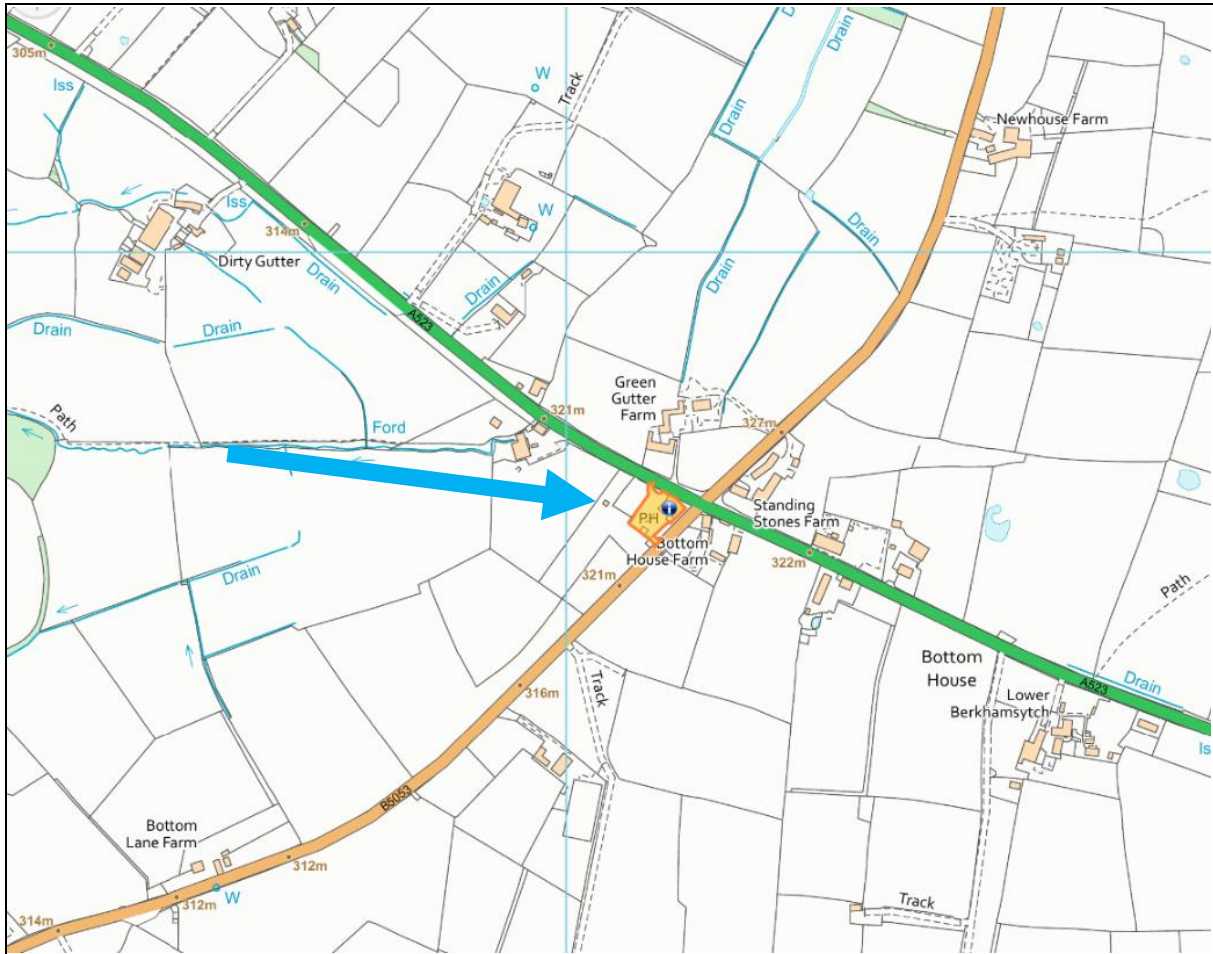
B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=166766>

10.2 – location plan



10.3 – site plan

