

**The Director of Planning
FAO Mark Penford
Development Management
Town Hall
Market Place
Ripley DE5 3BT**

Lea Hurst, Holloway; Planning Application for 'Glamping Tents'; Ref AVA/2020/0615

Dear Mr Penford

In this Group Objection Statement regarding the Planning Application noted above, I am representing the **93** signatories as shown in the list of names and addresses in the attached Schedule A. As of today's date there are **76** individual Objections on the ANBC website, and to the best of our knowledge, all of the 93 signatories here are *not* represented on the website via an individual Objection. There is therefore a total of **169** Objections lodged to this appeal so far. Nearly all signatories reside in the parish: there are some who are walkers and footpath users who regularly hike the paths, woods and fields of which the Lea Hurst estate is a part.

There has been an enormous amount of concern and debate in the village since this application came to light and we would like to summarise the main issues arising from that debate. We will summarise these under five headings: a) context and background, b) heritage impact; c) access, planning issues and public detriment; d) increased vehicle traffic and parking congestion; e) infrastructure weaknesses unaddressed.

a) Context and Background

As is well known, Lea Hurst is an internationally recognised address with its Nightingale associations in this bicentenary year, with two Grade II listed buildings, (Lea Hurst and its former Coach House), and associated gardens. The applicant has owned Lea Hurst since 2011 and since that time has submitted 16 separate planning applications including two retrospectively. There has thus been much incremental change both internally and externally. The applicant has also recently responded to AVBC's 'Call for Sites' by offering up the entire remaining agricultural parkland, designated as Green Spaces in the Dethick, Lea and Holloway Neighbourhood Plan, (referendum deferred owing to Covid restrictions), as a housing site for up to 188 units. This land, on which there was an agricultural tenancy which has just been terminated, abuts the walled garden in which the applicant proposes to site 'glamping tents'.

The context therefore is one in which the entire historic site and landscape has been subject to piecemeal changes over a period of some nine years, and which is suddenly taking on a new direction into large-scale leisure tourism and, potentially, large-scale housing. All of this creates profound wariness within the locality as to the ultimate goal of this use of incremental change through individual steps taken through the planning system. Lea Hurst has already been recently converted to BnB provision, and is marketed through such channels as Air BnB and Tripadvisor; the proposal for 'glamping' accommodation takes this change of use to a whole new level as a resort destination.

The test for the planning system is therefore how and whether this direction of change is legitimate and desirable in a space already layered with protections: Grade II listing, Conservation Area status, area of Special Landscape Interest, and World Heritage Status Buffer Zone, or whether the impact, nuisance and degradation created by it will negatively impact on the locality, and thereby destroy the very tourist attractiveness which the wider area undoubtedly presents.

b) Heritage Impact

The key planning argument turns on the balance between impact on the built and natural heritage features and any public benefit the proposal might deliver.

We strongly contend that the application makes **no** justification in heritage or public benefit terms for the conversion of the walled orchard/arboretum into a 'glamping' park.

Objection No 1041992 takes up these themes extensively, referring in detail to NPPF 2019 provisions and thresholds, Local Policies EN6 on Special Landscape conditions, EN26, 27 and 28 on Conservation Area categorisation and EN29 on DVM WHS Buffer Zone status. We wholeheartedly endorse this Objection and incorporate its conclusions here rather than cite it all at length. We note also that the Parish Council adopted this Objection's six point summary in its own Consultation Response (No: 1042808):

- *the proposal will bring substantial harm to the setting of the Heritage Asset;*
- *the proposal is alien in form and type within the historic setting of the walled garden and conflicts with the heritage value of the setting of Lea Hurst;*
- *at no time have there been structures of scale and size similar to those proposed within the walled garden;*
- *the proposal will have a substantial impact on the site's designation within a Special Landscape Area, the Conservation Area and the setting of the DVMWHS;*
- *the proposal will result in a significant increase in traffic movements via an acknowledged substandard entrance and driveway;*
- *the proposal will have a significant impact on the well-being of neighbouring properties and those persons residing in reasonably close proximity.*

We also endorse and include Objection 1042751 within this Group Objection. This Objection, from a specialist conservation and heritage architectural practice, is severely critical of the applicant's Planning, Design and Access Statement and its incorporated Heritage Impact Assessment and describes it 'as not fit for purpose' being particularly critical of its treatment of Lea Hurst's importance and of the impact on it of the proposed development. It strongly recommends that a proper, "*authoritative Heritage Statement is prepared, backed up by more scholarly historical research and analysis, and incorporating properly informed assessments of cultural significance and heritage impact*".

After listing the many deficiencies of the application by reference to criteria set out in the NPPF, the AVBC Local Plan, the Dethick Lea and Holloway Neighbourhood Plan, and the Listed Buildings and Conservation Areas Act, the Objection concludes by stating that: "*I would argue that the present proposals are more likely to place the wider heritage asset 'at risk' by its impact on the immediate curtilage setting together with that of the wider Conservation Area, the WHS Buffer Zone and the Special Landscape Area.*"

In addition to these two thorough Objections we can turn to the comments of the Planning Inspectorate themselves. We would refer officers to the Appeal Decision made by Nigel Harrison of the Inspectorate dated 22 Feb 2016 Ref APP/M1005/W/15/3138372 all in regard to AVA/2015/0531.

This application, its refusal by AVBC and then the allowed Appeal, dealt with the installation of a former access track to Lea Hurst across an open field which formed part of Lea Hurst's park. It was originally to be driven through the protected orchard wall and through the presently applied for 'glamping' site. This was refused and the track was diverted around the orchard and this too was refused after a further report. After final amendments, a Planning Appeal was allowed in these terms, (paragraphs 14 and 15):

Setting of Listed Building

14. The statutory test in relation to listed buildings is that special regard shall be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest it possesses. Saved LP Policy EN24 is consistent with this test. Framework Paragraph 132 states that significance can be harmed or lost through alteration of the heritage asset, or development within its setting; and paragraph 137 sets out the proposals which preserve those elements of the setting that make a positive contribution to the asset, or better reveal its significance, should be treated favourably.

15. The Council says the track would not enhance the setting of the listed building, although has not explained in any detail how it considers that setting or the significance of Lea Hurst would be harmed. The Historic England Good Practice Advice Note 3: *The Setting of Heritage Assets*, provides useful guidance on how changes to the setting of an asset should be assessed. It describes setting as: '*the surroundings in which a heritage asset is experienced*' and states that a setting '*may change as the asset and its surroundings evolve or becomes better understood*'. The significance of Lea Hurst is not confined to its architecture, and the fact that this small country estate was the Derbyshire home of Florence Nightingale and her family contributes to its significance.

We would endorse the Inspector's enthusiasm for Historic England's approach to determining impact on buildings and their setting and we would draw AVBC Officers' attention to a further quotation from this Guidance note at: <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

Cumulative change

Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it.

It is our strong contention, following on from the preceding 15 planning applications made for the alteration of the Listed Building itself, the grounds, the summerhouse, garages, hard landscaping and walling, gates and tracks and now this glamping and leisure facility, that '*additional change will further detract from...the significance of the asset*'. Within permitted development rights, Lea Hurst has become a bed-and-breakfast and conferencing destination achieved through internal

alterations and external remodelling, and the applicant now seeks to go a major step further in using the building setting to open up an entirely new and larger 'glamping' business.

This, we contend, can find no justification in terms of its undoubted harm in affecting the building's setting and the historic character of the small estate as a whole. It would indeed, 'sever the last link between an asset and its setting'.

c) Access, planning issues and public detriment

The Lea Hurst estate was never built as an at-scale leisure complex. This application seeks to create at-scale tourism without any regard to access issues, the proper observance of previous planning conditions and any amelioration of very considerable public detriment caused by noise, vehicle movement, road safety and parking issues. We treat these in turn.

At-scale leisure complex

It is important for decision-makers to be aware of the scale of the proposed enterprise. The applicant seeks approval for three 'Safari' glamping tents which are detailed at this page by the proposed supplier: <https://www.bondfabrications.co.uk/glampingsafaritents/safaritents/> These buildings are very substantial requiring mains connections for water and sewage and kitchen drains with optional stove heating systems and electrical connection. They are large buildings.

The Safari tent as shown on the applicant's drawings are 16.5m long (with porches) and 6m wide. They are over 4m high when the platform on which they are built is included. (It should be noted that the poorly completed Application Form at "7. Materials" states that the buildings will be '300mm high' and will be roofed in green canvas: they are actually, as stated, over 4,000mm high and roofed in canvas-lined PVC).

The buildings are configurable internally. With standard beds they can take up to 10 occupants; with bunk beds installed - another option - several more than that. If you assume three parties of 10 occupying these buildings that makes at least 30 on-site guests and assuming, generously, four people per car, at least 8 cars - plus those of any friends or visitors they choose to invite. In addition, Lea Hurst itself can provide 4 suites for guests which implies a further 4 vehicles with, in addition, those vehicles in use by the applicant's family and those occupying the neighbouring Coach House and Lamp Cottage. (Lamp Cottage itself provides tourist accommodation year-round sleeping 8-10 visitors). We are then up to 15+ visitor vehicles at least moving in and out of the estate daily plus residents' vehicles, plus delivery and service vehicles.

The 'glamping' business generally targets group functions: that is the rationale for large-scale buildings with configurable interiors. They are promoted for parties, reunions, social events and family get-togethers. This is not small-scale camping: it is industrialised camping designed for the purpose of large-group events, otherwise they are uneconomic. In these circumstances traffic difficulties would simply multiply as day-guests would join the 30+ camped visitors as is common on such sites.

There are further risks to unrestricted leisure complex development: under permitted development rights, it is possible to erect a marquee on site for up to 28 days without permission. Whilst the applicant makes no mention of any such ambition, it is not necessary to do so: once the

accommodation is in place it would be possible to create large events involving, potentially, music, at-scale catering, licensed functions and so on. There is very strong local feeling that this application is an enabling application for just this sort of income generation.

The Planning decision for this application is therefore very carefully balanced: there is a distinct risk that approval would remove the last obstacle to the development of a large-scale leisure complex.

Access issues

Access to the Lea Hurst estate is deeply problematic. It used to be served by a single metalled track leading from the top of Yew Tree Hill to the house through a wooded avenue and parkland. There are no passing places.

The applicant sought a new access for the permanent use of the Lea Hurst owners only in 2015. This is private and is controlled by coded electric gates. This is the re-instatement of an old field cart track which was finally accepted on Appeal as described above in the 'Heritage' section above. Planning conditions were placed on this re-instatement including restricting it to a single vehicle width (with no passing places) and it was undertaken to be constructed of two single tracks of crushed sandstone either side of a grassed central verge. This appears to have been ignored and it is now a complete 2.5m wide track.

Both access routes have poor visibility on entry and exit and have been widely acknowledged as such by the Planning Inspectorate and the Highways Authority. The original upper Yew Tree Hill access was described by the Planning Inspectorate in the Appeal relating to the lower track as follows:

18. The proposed track would be an alternative to the existing access and not a replacement, as the existing access would be retained to serve the other two dwellings (and could also be used by Lea Hurst). Nonetheless, junction with Yew Tree Hill (ie the new, lower access), is superior to that of existing access in terms of visibility, and the Highways Authority has raised no objections to the proposal. The net reduction in vehicle use of the existing access, which has extremely sub-standard visibility in the direction of oncoming traffic, weighs in favour of the proposal."

The lower, western access track - the new track - also has poor visibility and is situated below a blind bend lower down on Yew Tree Hill. The Travel Plan (Document 1035704) which is included within the Application AVA/2020/0615 contains correspondence with the Highways Authority. It contains this comment concerning restricted visibility and safety:

"As you know, the Highway Authority's concerns about development at Lea Hurst revolve around the limitations of the access points to the public highway in terms of emerging visibility. This is so restricted that even relatively modest additional traffic generating uses have potential highway safety risks associated with them."

In their actual response to the Application, (Document 1044562), the Highways Authority says this:

"3. Access to the proposed glamping units shall be via the western (ie lower) access only unless otherwise agreed in writing with the Local Planning Authority".

These comments - the Inspector's and the Highway's Authority's - are highly significant because they condemn the safety and viability of **both** access points. The lower, western access is further deeply compromised by the nature of its construction. In the original 2015 application, the owner of Lea Hurst wished to procure a separate, private, family entrance to the estate. The applicant was eventually successful at Appeal as described and was allowed to re-instate a replication of a field track. What has actually been created, despite it being specified as a field track only, is a stone rubble single track road. This road has no passing places and is already pitted and breaking up in places. It will not sustain the kinds of traffic movements that the glamping proposal will bring about. (See Document 233622 under AVA/2015/0531).

It is worth noting that the applicant currently directs the Lea Hurst BnB visitors to the upper Yew Tree Hill entrance, the one condemned by the Planning Inspectorate as having, "*extremely sub-standard visibility in the direction of oncoming traffic*". Schedule B displays these directions.

Because of these heavily compromised entrances and access points the community and the local authority may be presented with yet further planning applications for the 5m wide double track road, which was originally proposed in 2015 but then withdrawn, on a fully metalled surface. The site of this track is within a Green Space of the Neighbourhood Plan and is protected by all the layers of statutory protection listed under 'Context' above. Any such application will, again, be vigorously resisted.

The community is firmly of the view that a kind of planning 'creep' will result as a direct outcome of the approval of a 'glamping' proposal as the Application history on this site has shown.

Our strong conclusion is that a 'glamping site' is neither actually deliverable on this modestly-sized country estate nor appropriate to be imposed on roads and tracks never designed for this sort of usage.

Public detriment:

There is no public benefit discernible in this Application; the only claim is at 3.3 of the Application's Design, Access and Heritage Statement (Document 1035708) where we find the following: *3.3 Lea Hurst currently has an established bed and breakfast business and the glamping tents are proposed to complement this, attracting a wider range of guests to the Derwent Valley.*"

The Applicant already attracts guests via the BnB business and the Derwent Valley has managed well to attract its own visitors through the efforts of DVM WHZ and local authority schemes without recourse to building upon the lawns and orchards of Grade II buildings.

The community is strongly of the view that this Application, in such a sensitive and statutorily well-protected site, represents a degradation of the Georgian estate preparatory to later Planning Applications seeking yet further incursions into the integrity of this highly-valued heritage asset.

There are four clearly discernible public detriments or disbenefits which outweigh any claim to increased tourist activity.

1. **Loss of Visual amenity:** despite claims in the Application's Design, Access and Heritage Statement, there will be substantial loss of visual amenity. The historic curtilage wall is 2.5m

high on the field side but the ground level within the orchard itself is higher so that the internal wall height is only 2.1m. The 'glamping' buildings are 4m high to the roof ridge. They will therefore rise above the wall by 1.9m. The ridges are, as mentioned, 16.5m long and there are three of them. The houses and cottages on Yew Tree hill, and the upper access route are at a much higher elevation than the orchard site: all will look directly down on the bulk of these buildings, both their walls and roofs. The photography in the Statement is of very poor quality and gives no impression at all of what the eventual scheme would look like. Additionally, any new development is, according to the approved Neighbourhood Plan, (NPP 12 'Supporting Local Tourism'), "will be required to demonstrate that it is a) appropriate in its location scale and design (in accordance with the Dethick, Lea and Holloway Character Appraisal); b) that it avoids harm to the significance of the natural and historic assets of the Plan area; and c) that it would not result in a significant increase in traffic volume." The Application fails on all these counts.

2. **Noise.** No consideration whatever is given to the generation of noise nuisance in what is a tranquil country area. There is no noise abatement plan or statement. The kinds of visitor numbers anticipated to justify the very considerable capital outlay of these large buildings and their associated infrastructure, will be very considerable as discussed. There are no applicant estimations of visitor numbers, no suggestion of regulations governing the site as to noise nuisance, no acknowledgement of the likely rental of all the accommodation by large groups, for family get-togethers, parties, music and dancing, larger scale events organisation and so on. Once approval is given to what is a very shadowy and insubstantial Application with little supporting detail, the consequences are ungovernable.
3. **Vehicle movements.** We have referred already to the very large increase in vehicle movements which the Application, if successful, will generate. We have pointed out the dangers of increased traffic entering and exiting what everyone acknowledges are poor, narrow entrances designed only for agricultural and horse carriage traffic. With no passing points on either track, conflicts of traffic flow are inevitable. There is no parking provision on site so the entire volume of cars will need to arrive, unload and then exit the site, (against incoming traffic), thereafter to find parking space within the village. No thought whatever has been given to this issue in the Travel Plan which fondly imagines arrival by cycle and train and a shuttle service from Whatstandwell station. All of this is utterly unrealistic. The major issue of vehicle numbers and movement in an inappropriate site have simply not been seriously addressed and the risk is of compromised public safety and localised traffic congestion.
4. **Car parking.** As mentioned, there is no parking provision proposed on site: if there were then the impact on the heritage asset would be truly detrimental as the site simply isn't big enough to accommodate three large huts with a potential 30+ 'glamping' guests, plus up to eight BnB guests in the house itself plus residents' vehicles. We estimated above that at least 15 vehicles would be required to bring all these separate tourists (not including any day-guests they themselves invite), to a site where they simply cannot be accommodated. Each vehicle would have to retrace its steps and attempt to park in the few streets that serve the village. This is a very considerable disbenefit or detriment to the entire community. It should not go without notice that the Highways Authority, in cognisance of this very scenario, states in its Consultation Response (Document 1044562) that, at point 2, "The proposals the subject of the application shall not be occupied until car and secure cycle parking has been provided on site and maintained thereafter free from any obstruction to its designated use". Thus the Highways Department requires full provision of car parking sufficient for all potential guests to be created and maintained on site.

Taken either singly or together, these are very weighty public detriments which far outweigh any marginal public benefit of additional camper visits.

We note that, in an attempt to assuage the Highway Authority's concerns regarding the inevitable increase in traffic using the entrances to the site, that the applicant has repeated their suggestion that he 'give up' permitted development rights to the letting of 3 additional bedrooms, (if indeed Lea Hurst still possesses a total of 15 bedrooms), so that it might appear that the additional 3 vehicles associated with such lettings are a sufficient offset to the community of a likely 15+ additional vehicles bringing campers to and from the site. Of course, if the objective was truly to increase tourism capacity, then the full quota of bedrooms would be let, not just the most convenient or needful number.

We are not impressed by this suggestion as it represents little less than a 'gaming' of the planning system to produce development advantage. We hope AVBC officers will take due notice of it.

d) Unaddressed infrastructure weaknesses.

By far the largest unaddressed infrastructure issue is the access to and from the proposed site and the lack of car parking, and these have been dealt with above.

The next categories of unaddressed infrastructure weaknesses in the plan relate to the signal failure in the Application itself to honestly confront the very real difficulties of practically assembling this site.

The Application (Document 1035713) asks the applicant specific questions regarding very basic infrastructure matters. We have referred already to the complex requirements of a small community of around 30+ people in 3 large buildings using wood-burning stoves, having electric light and power, and generating considerable foul sewage through at least three WCs, three bathrooms, three showers and three kitchen sinks.

Question 13 asks, *'Please state how foul sewage will be disposed of'*. The answer ticked is 'Unknown'.

The site itself has antiquated foul water systems. The three buildings on the site are at a considerable distance from the mains and the sewage system and foul sewage is pumped to the Bracken Lane pumping station where it is held then re-pumped back over the hill to the High Peak Junction sewage works by the canal. Digging these drains and connecting temporary buildings to the community sewage system will itself greatly disturb the curtilage as trees, roads and other obstructions will all be affected by trench-laying. The same will apply if the huts are to be supplied with electrical power: this will have to be delivered underground resulting in more earth disturbance and damage to the estate grounds.

Question 14 asks, *'Do the plans incorporate areas to store and aid the collection of waste?' and 'Have arrangements been made for the separate storage and collection of recyclable waste?'*. To both, the answer is 'No'. Like the lack of an answer to Q13, this is simply not good enough. The huts being proposed have their own kitchens and heating systems. They are intended to be self-catering units and 30+ residents, plus potential guests, will therefore generate very substantial food and packaging waste at trade levels: this will need four-wheel refuse collection bins and a

trade waste collection service. For this situation not to be acknowledged or addressed in the proposal is just unacceptable.

At Q18, 'Will the proposed development increase or decrease the number of employees?' the answer is again 'No' so there will be no public benefit via job creation.

Conclusion.

This has been a lengthy Group Objection Statement, but it represents the sum of considerable research and many door-step conversations around the Dethick, Lea and Holloway community. There is considerable anger and dismay attached to this proposal and it is hoped that this has been successfully conveyed to Officers and Elected Members.

This letter, representing the views of so many signatories, will be widely circulated in the three villages and promulgated on the village website.

Both the Parish Council and the residents who feel so committed to opposing the slice-by-slice degrading and diminution of heritage assets will be very vigilant in defending and upholding the principles of our Neighbourhood Plan and of the corpus of local regulation and statutory protection which we rightfully enjoy.

We would add that the Group signatories represented here reserve the right to comment further should the applicant make any changes or comments relevant to the application and requests the right to speak to the Planning Board if the application is referred there.

Yours most sincerely

on behalf of **93** community signatories.

Schedule A

**Signatories to the Group Objection of Planning Application AVA/2020/0615
redacted from this version**

Schedule B

**Current traffic directions for Lea Hurst indicating use of upper Yew Tree Hill access:
ref 'Access issues' pages 4-6 above.**