

10f – Haytop Country Park

We will be most grateful if you bring this to the attention of your councillors and request that the council takes action as suggested herein.

A developer, Haytop Country Park Ltd, is attempting to convert the former secluded holiday caravan site at Haytop Park, Whatstandwell, into a residential park home site with 60 twin-unit lodges. Haytop lies in the DVMWHS buffer zone.

The developer illegally removed more than 120 TPO trees in 2017 but we have learned from AVBC that he is appealing the conditions and even the validity of the Tree Replacement Notice issued by the council. If he is successful the decision will leave the area and environment severely negatively impacted.

HCPL appealed against council enforcement notices at a Public Inquiry in January this year. WACAG has now learned that HCPL is to appeal in the High Court against the Planning Inspectorate decision issued in August. That required the appellant to reinstate the site to its former physical state and appearance as was in 2016. If you are not aware of the Inspector's decisions please see the attached summary. The full decision is available on the Document page of the website (<http://wacag.info>). The Inspector made several comments about negative effects of the recent activities on the Outstanding Universal Value of the WHS and the surrounding area.

Adam Lathbury from DCC represented the DVMWHS Partnership at the Public Inquiry and we recently contacted him to learn if UNESCO has reacted to the Inspectors' decisions. In his reply Adam stated that "*The UK Government has been asked by UNESCO for a 'State of Conservation' report to be submitted to it by 1st December 2021 for the DVMWHS. The DVMWHS Partnership has drafted this on behalf of the Government and passed it to Historic England for review before it goes to DCMS for submission to UNESCO. The report currently includes the Inspector's decisions regarding Haytop Country Park.*" It was suggested to him that in light of the news of the High Court appeal the draft report was no longer wholly accurate and it might be useful to update it. His reply was "*The wording that is included in the report to UNESCO is accurate as things currently stand.*", which may be technically correct but, in our opinion, could be misleading.

We would like to request you, as a Member of the WHS Partnership, to urge Mr Lathbury to include some suitable wording to indicate that the status of the WHS is possibly at considerable risk if HCPL succeeds with its appeals. We would also encourage you to take any action possible to support the Secretary of State's position as the defendant in the High Court appeal. We made a similar request to Derbyshire Dales Council and are pleased with the reply that "*I will liaise with the Leader of Derbyshire County Council and Adam Lathbury to ascertain what steps the Authorities are taking and to see how we might stop this assault on the WHS before UNESCO act and take away its listing as a WHS*".

Planning Inspectorate Appeal Decision

Haytop Country Park Ltd carried out various “operational developments” on the site without planning approval and ignored several instructions by Amber Valley Borough Council to desist. Eventually AVBC issued Enforcement Notices in 2019 but HCPL appealed against them. Those appeals were the subject of a Public Inquiry held between 26 January and 3 February 2021, when WACAG submitted evidence on behalf of the local community. The Planning Inspector released her decision in August.

Notice 1 concerned the change of use on the site in relation to the siting of residential caravans that are not of the trailer type. The Inspector decided that this appeal should be allowed and the enforcement notice is therefore quashed. This means that up to 30 static caravans, which include twin-unit lodges, may be permanently occupied, with up to 30 more being used for 12 month holiday occupation.

However, the Inspector did state that: “ Whether 60 static caravans could physically be accommodated on the site, whilst still complying with other conditions of the 1966 permission, in particular condition 2 concerning layout, and the TRO (Tree Replacement Order), would be a separate consideration that I am not been [sic] asked to certify.”

(N.B. The TRO is also being appealed by the site owner so the final outcome is not yet known - WACAG)

Notice 2 (Operational Development Notice) deals with the matter of the breach of planning control as alleged in the notice being without planning permission:

- (i) Engineering operations and other operations to re-contour the Land, creating a series of terraced platforms.
- (ii) The construction of concrete bases, hardstandings, gabion retaining walls, lighting columns and service connections on the Land.
- (iii) The construction of a new roadway (approximate location identified by a hatched area on the attached plan) on the Land.
- (iv) The construction on the Land of raised wooden decking structures and brick skirting around the caravans.

The requirements of the notice are to:

- (i) Reprofile the Land to restore it to its previous level and condition.
- (ii) Remove all concrete bases, hardstandings, gabion retaining walls, service connections and lighting columns from the Land.
- (iii) Remove the roadway (identified by a hatched area on the attached plan) from the Land.

(Such works are to be carried out within a period of 6 months - WACAG)

This appeal is dismissed and the enforcement notice is upheld because the appellant failed to demonstrate that the “operational developments” were permitted.

Some of the Inspector’s remarks are:

- “Whilst the developer has already been prosecuted in separate proceedings for the felling of some 121 protected trees, the fact that it was necessary for at least some of the trees to be removed to enable the development to occur, cannot be set to one side and ignored when considering the effect of the unauthorised development.¹
- Whilst I appreciate a desire to upgrade the site, it seems that little regard has been had to the importance of the site’s location and from where it can be viewed in the context of the WHS buffer zone. The removal of trees, the resultant layout comprising engineered platforms retained by gabion walls and newly constructed tarmac roads with formal kerb edgings which display urbanising characteristics, has paid little regard to the global importance of the WHS and its supporting attributes displayed within the buffer zone within which it sits. It results in an incongruous and urbanised development at odds with the otherwise rural relict landscape.
- the continuation of this linear form for the full extent of the appeal site adds to the urbanising and harmful appearance of the development. Amongst the wooded surroundings, your eye is drawn to the site when viewed from across the valley. It appears as a harsh and discordant feature in a sensitive landscape setting.

- I consider the changes that have occurred as a result of the operational development, impact negatively on the ability to appreciate the relict landscape which is an important attribute of the WHS buffer zone.
- I am not satisfied, based on the evidence before me, that the operational development that has occurred preserves the character and appearance of the Alderwasley Conservation Area or setting of Alderwasley Hall. I refer to my assessment of the harm caused by the alignment of the road and regimented layout of bases that corresponds with that alignment in particular. The terraced platforms are an alien feature, clearly at odds with the parkland setting.
- The alignment of the road in particular, in combination with the extent of the regimented layout of the bases and loss of trees, draws the eye to the appeal site, which appears as an incongruous feature on the wooded hillside. The result is that the operational development has an adverse effect on the landscape quality on this part of the SLA

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1. Quote from WACAG's barrister's closing statement:-

*"As I said in opening, the key legal principle in these three appeals is this: **a person cannot profit from their own wrongdoing**. That is the prism through which each of the appeals should be viewed. It is a principle that Mr Laister for the Appellant in cross examination accepted applies here. The Appellant should not be allowed, through a criminal act, to place himself in a better financial position than if it had not broken the law. If the Appellant succeeds in this Inquiry, he will have done exactly that."*