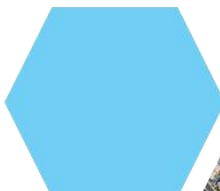
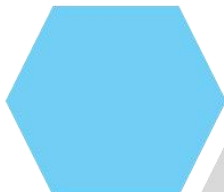


Statue Homes Limited

Appeal against the decision of Hinckley and Bosworth Borough Council to refuse planning application ref: 23/00508/FUL, Erection of 9 single storey holiday lodges with vehicle parking and associated works

Land at Kyngs Golf and Country Club, Station Road, Market Bosworth, Nuneaton, Leicestershire, CV13 0NP

APPEAL STATEMENT



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APPENDICES

- Appendix 1: Hinckley and Bosworth Borough Council Corporate Strategy 2024 – 2028
- Appendix 2: Appeal decision ref: 3229963, change of use of vacant outbuilding to no. 1 holiday lodge and associated location plan
- Appendix 3: Approved Landscaping Plan for planning permission ref: 02/00685/COU
- Appendix 4: Officer Report for planning permission ref: 19/01437/FUL
- Appendix 5: Appeal decisions 3218401 and 3229633, Kyngs Golf and Country Club, Station Road, Market Bosworth, CV13 0NP
- Appendix 6: Location Plan, Proposed Site Plan, Proposed Floorplans and Elevations for planning permission ref: 19/01437/FUL

- Appendix 7: Class BC Regulations extract from the General Permitted Development Order 2015 (as amended)
- Appendix 8: North Warwickshire & Hinckley and Bosworth Destination Management Plan 2017 – 2022
- Appendix 9: Hinckley and Bosworth Economic Regeneration Strategy 2021 – 2025
- Appendix 10: Planning Permission ref: 20/00026/FUL Decision Notice
- Appendix 11: Planning Permission ref: 20/00026/FUL Location Plan, Proposed Site Layout and Caravan Lodge Elevations
- Appendix 12: Ecological Mitigation Report for planning application ref: 18/00732/FUL
- Appendix 13: Preliminary Ecological Report (January 2024), prepared by Arbtech

1. SCHEDULE OF DOCUMENTS

Statement of Case and Associated Documents

- Statement of Case, prepared by Marrons Planning
- Draft Statement of Common Ground (January 2024 version)

1. A copy of the original application form sent to the LPA

100. Application Form

3. A copy of the LPA's Planning Statement (if issued)

300. Decision Notice

301. Delegated Officer Report

4. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary.

400. Site Location Plan

5. Copies of all plans, drawings and documents sent to the LPA as part of the application

500. Site Layout Plan, drawing no. HMD/PD/0505/01, rev 1.

501. Proposed Floor Plan & Elevations Lodge Type A, drawing no. HMD/PD/0505/03, rev 1.

502. Proposed Floor Plan & Elevations Lodge Type B, drawing no. HMD/PD/0505/02, rev 1.

503. Axonometric View, rev 1.

7. A copy of the planning statement sent to the LPA

700. Planning Statement prepared by House Martin Design on behalf of the applicant.

700a. Planning Statement Appendix 1, Axonometric View of Travel Skid

700b. Planning Statement Appendix 2, Approved S.278 Access, drawing no. 51993/RL/001 rev. A

700c. Planning Statement Appendix 3, planning application ref: 92/01068/COU decision notice

700d. Planning Statement Appendix 4, planning permission ref: 02/00685/COU

700e. Planning Statement Appendix 5, planning permission ref: 20/00026/FUL Decision Notice

- 700f. Planning Statement Appendix 6, Road Transport and Air Emissions Article 16 September 2019
- 700g. Planning Statement Appendix 7, National Road Traffic Projections 2022
- 700h. Planning Statement Appendix 8, S.278 Agreement in relation to planning permission ref: 02/00685/COU

10. Any relevant correspondence with the LPA

- 1000. Consultation Response HBBC Drainage 28/06/2023
- 1001. Consultation Response HBBC Pollution 09/06/2023
- 1002. Consultation Response HBBC Waste Streetscene Services 29/06/2023
- 1003. Consultation Response LCC Highways 28/06/2023
- 1004. Consultation Response LCC Ecology 17/07/2023
- 1005. Consultation Response Market Bosworth Parish Council 26/06/2023

2. INTRODUCTION

- 2.1. This Statement of Case (“**SoC**”) is submitted in support of the planning appeal (“**the Appeal**”) against the decision of Hinckley and Bosworth Borough Council (“**the Council**”) to refuse planning permission for the erection of 9 single storey holiday lodges with associated parking and landscaping (“**the proposals**”) on land at Kyngs Golf and Country Club, Station Road, Market Bosworth, Nuneaton, Leicestershire, CV13 0NP (“**the site**”). Marrons act on behalf of Statue Homes Limited (“**the Appellant**”).
- 2.2. This SoC should be read in conjunction with the submitted application form, plans, and suite of supporting documents set out at Chapter 1 of this Statement. Section 3 of this Statement describes the appeal site, its surroundings and the development proposals in detail, and makes clear that in terms of their dimensions and methods of construction, the proposals are for 9 holiday lodges that meet the definition of a caravan as described within the Caravan Sites and Control Development Act 1960, and as such benefit from the permitted development rights available to those structures.
- 2.3. The Appellant considers that this appeal should be conducted by means of a Hearing. The reasons for refusal given by the Council will need to be considered by expert witnesses and it is considered that the Inspector will likely need to test the evidence through questioning and/or to clarify matters, as set out at Annexe K of the Appeal procedural Guidance. In particular, a thorough examination of the proposals against the relevant provisions of the Caravan Sites and Control Development Act 1960 and the associated permitted development rights available is warranted given the proposals being movable structures, built upon travel skids.
- 2.4. This Appeal Statement is prepared upon the presumption that the Hearing procedure will be adopted, however if the Planning Inspectorate determine that an alternative method of appeal is more appropriate the Appellant reserves the right to submit additional information as may be necessary.
- 2.5. In accordance with the Procedural Guide a draft Statement of Common Ground

("SoCG") has been prepared by the Appellant and will be submitted to the Council alongside this Appeal for their comments. Discussions with regards to the content of this document will therefore be ongoing. References in this Appeal Statement to the SoCG are to that draft document. Any matters that are included within the SoCG (draft) but are omitted from the final version of the SoCG because they are not agreed between the parties, will still form part of the Appellant's case.

3. BACKGROUND

A. Description of the Appeal Site

3.1. A full description of the appeal site is set out at Section 3 of the Planning, Landscape and Design Statement (enc. 700). In summary, the appeal site extends to 0.82ha hectares of land (including the access driveway) within the existing boundaries of Kyngs Golf and Country Club, a 126 acre golf course, and is located on the western edge of the settlement of Market Bosworth.

3.2. The Market Bosworth Neighbourhood Plan 2014 – 2026 (adopted September 2015, “**MBNP**”) categorises the entire Kyngs Golf and Country club site as a Leisure and Tourism Character Area, as demonstrated in **figure 1** below.

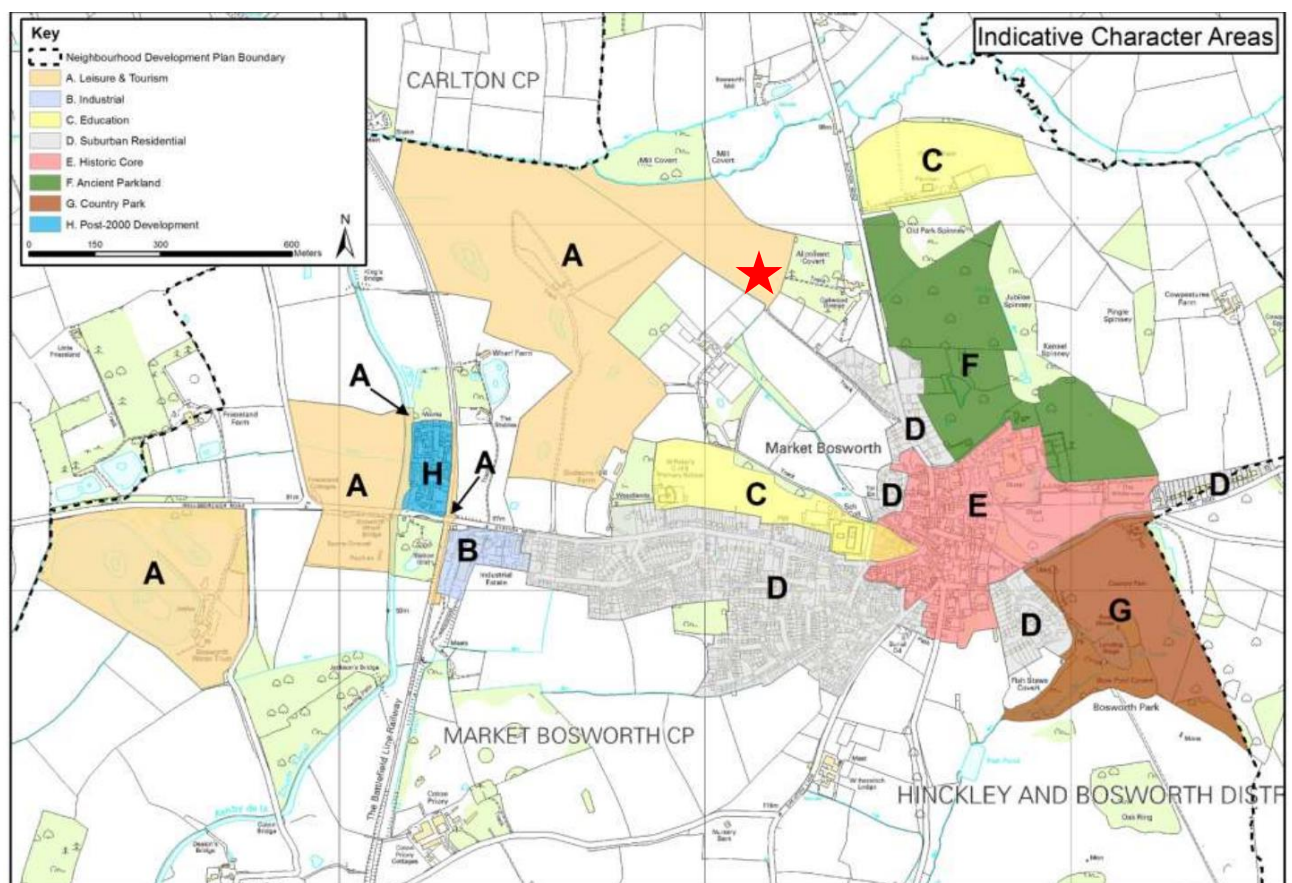


Figure 1: Extract from the MBNP 2014 – 2026 page 13 with the location of the appeal site marked in red. The character areas marked by the letter “A” are leisure and tourism character areas

3.2 The Kyngs Golf and Country Club is located in proximity to 3 public rights of way, the routes of which are identified in **figure 2** below.

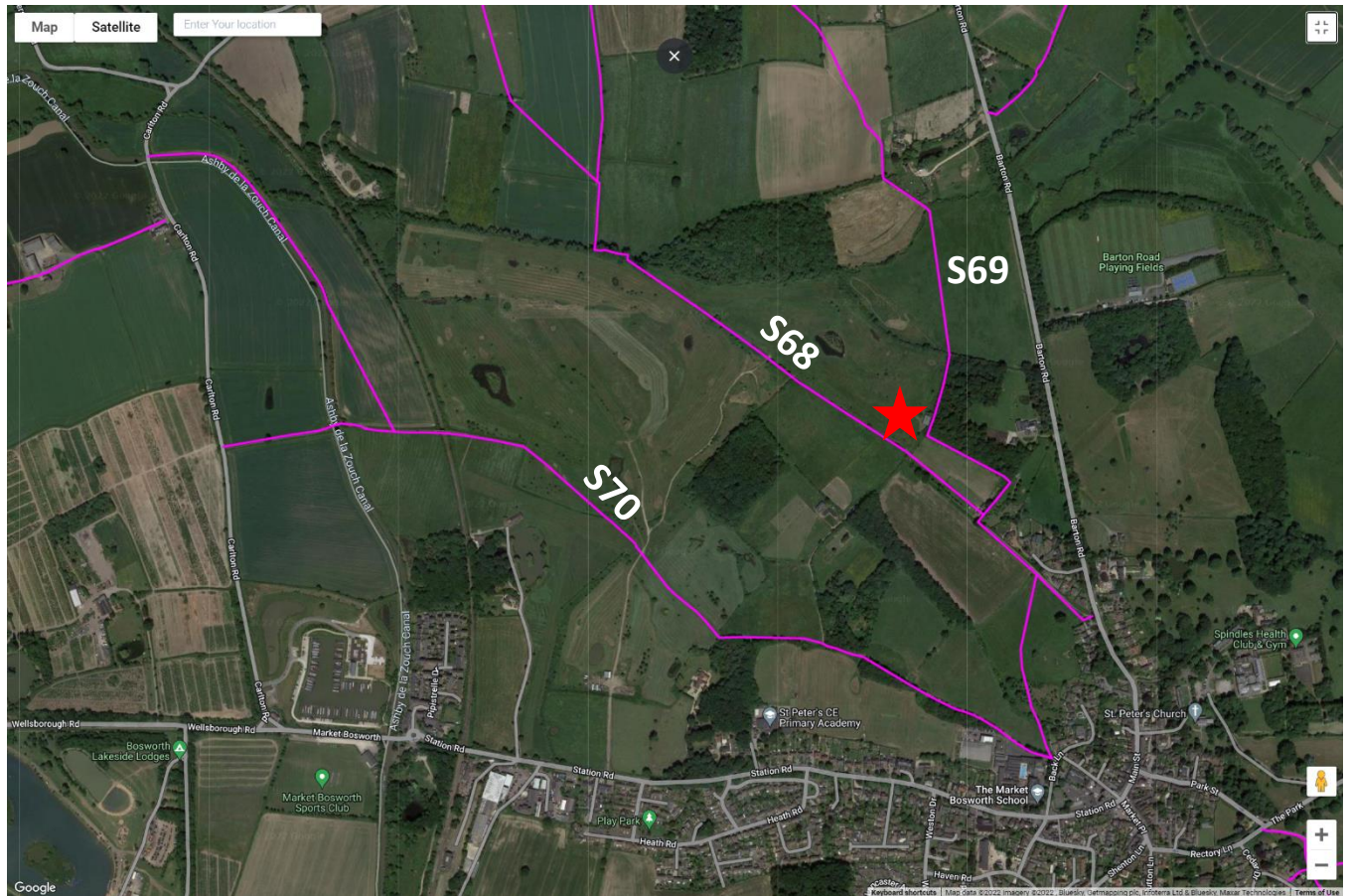


Figure 2: Screenshot taken from the Leicestershire County Council's Where to Walk Online Map, with the PROW's nearest to the appeal site shown. Appeal site is marked in red

3.3 Within the context of the Council's Development Plan, Market Bosworth is categorised as a Key Rural Centres Standalone. The Council's Core Strategy (adopted December 2009) provides clarity on Key Rural Centres at paragraph 4.31, identifying these settlements as "*villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service*". In terms of sustainability, Standalone Key Rural Centres are the third most sustainable type of settlement within the Borough of Hinckley and Bosworth, and are the most sustainable settlements within the rural area.

- 3.4 The Core Strategy at paragraph 4.42 states that the focus of development within Rural Service Centres will include the *“strengthening and improving existing tourist attractions (including, but not limited to, Bosworth Water Trust, Mallory Park, Market Bosworth Country Park, Bosworth Battlefield and Battlefield Line, Market Bosworth Village Centre and Ashby Canal Corridor) to encourage more weekend visits”*. Paragraph 4.72 of the Core Strategy continues, stating that *“to encourage people to visit the borough and to contribute to a dynamic and vibrant visitor economy, there is a need to develop a ‘sense of place’, a distinctive and focused tourism story for the Hinckley & Bosworth area, to motivate people to visit and stay in the area. The lead attraction in the borough is the Bosworth Battlefield. Bosworth Battlefield is renowned the world over for its importance and role during the War of the Roses”*.
- 3.5 Outside of the battlefield, the Core Strategy at paragraph 4.74 recognises that there are numerous other tourism facilities within Borough, stating that *“...In addition, Hinckley & Bosworth offers other attractions that enhance the main distinctive tourism offer. These supporting attractions demonstrate the variety and range of the visitor experience available within the area, whilst still enabling the main distinctiveness ‘hook’ to be prioritised, marketed and promoted accordingly”*.
- 3.6 In order to support the continued development of Market Bosworth, and the wider borough as a premier tourism destination in Leicestershire, Policy 23 of the Core Strategy was adopted, which reads as follows:

Policy 23: Tourism Development

Tourism development for new and extended visitor attractions including major facilities (e.g. Twycross Zoo, Bosworth Battlefield, Mallory Park) and holiday accommodation including bed and breakfast accommodation, holiday lodges, and tenting fields will be encouraged in suitable locations where:

- *The development can help to support existing local community services and facilities and*
- *Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping and*
- *The development adds to Hinckley & Bosworth's local distinctiveness and*
- *Complements the tourism themes of the borough and*
- *The development adds to the economic wellbeing of the area*

3.7 It is clear upon review of the more recently adopted Site Allocations and Development Management DPD (adopted 2016, "SADMP") that the development of tourism development in appropriate locations continues to be supported by the Council. Paragraph 15.6 of the SADMP recognises that the majority of tourism related activities within the Borough are located in the rural area and reads as follows:

The majority of tourism related activities in the borough stand within the rural area as identified in the Community, Cultural and Tourism Facilities Review, and contribute significantly to the local economy. It is due to this spatial distribution of tourism facilities that a sequential approach will not be applied to applications which relate to the enhanced provision of tourism activities for both new and existing facilities. Proposed tourism related facilities must also accord with Core Strategy Policy 23.

3.8 For further context, the Council's Corporate Plan 2024 to 2028, attached at **Appendix 1** sets out the Council's vision in creating great places to live, work and enjoy within the Borough. In order to increase the prosperity of the Borough, the Corporate Plan states that over the next four years the Council will continue to boost tourism by working with partners to promote local attractions and grow the visitor economy (point 3). In order to do this, the Corporate Plan states that the Council will *market and promote the borough to both visitors and shoppers, provide advice and support services to local*

businesses, develop a new Tourism Strategy for the Borough and continue to support rural parishes, amongst other strategies.

- 3.9 **Figure 1** above identifies the location of the aforementioned Bosworth Water Trust, the Market Bosworth County Park, the Battlefield Railway Line, Market Bosworth Village Centre and Ashby Canal Corridor, with the Bosworth Battlefield located 3.5km south of the application site. There is an abundance of leisure & tourism facilities located within proximity to both the appeal site and the wider settlement of Market Bosworth, reflecting the status of Market Bosworth being a location known nationwide for its tourism offering through the Bosworth Battlefield and historic events of 1485.
- 3.10 Regarding the present appearance of the appeal site, the area within the red line comprises an area of rough grassland at the edge of the golf course, alongside a significant tract of land that has been continuously utilised for the storage of expired golf course maintenance machinery and building materials. Vehicular access to the appeal site extends from an existing gravelled access track from Station Road to the south, the entrance to which is located within the settlement boundary, through the southern part of the Kyngs Golf and Country Club site. The site access also crosses footpath S68.
- 3.11 The site is located directly adjacent to the existing greenkeepers store, granted planning permission ref: 07/01287/FUL granted on 21 December 2007 which forms a clear visual backdrop when viewed from footpath S68. There are two other existing buildings within the golf course, including a permanent building next to the 7th tee to the north-west of the appeal site, granted planning permission under appeal ref: 3229633 for the change of use of vacant outbuilding to No. 1 holiday lodge. This appeal decision, and the location plan for that appeal are provided at **Appendix 2** of this Statement. A temporary golf clubhouse is also on-site, located north of the main site access from Station Road which has been in-situ for in excess of ten years.
- 3.12 The site is also bound by the mown setting of the fairway to the west, and treed setting of the woodland to the south-east.

- 3.13 In terms of landform, the golf course for the Kyngs Golf and Country club represents a highly modified landscape, the present day topography of which did not exist prior to 2003. A planning permission for the change of use of the site from farmland to a golf course and ancillary facilities including a club house was granted on 30 April 2003 (planning permission ref: 02/00685/COU). The course was built up in accordance with the planning permission with the importation of approximately 1.5 million tons of inert material (over 70,000 two-way x 8 wheel HGV lorries) over several years to form all the banks and hill features which make up the 18 hole course. The approved Site Layout, and the layout of the golf course is shown in full at **Appendix 3**, the Proposed Landscape Scheme of planning permission ref: 02/00685/COU, drawing no. 02035-02-04, prepared by SV Surveying Ltd.
- 3.14 The Appeal Site and entire golf course is maintained by the Appellant at considerable expense, which is only increasing each year with rising fuel costs. Essential maintenance includes weekly mowing of the golf course for the period of March - November, which prior to 2020, cost the appellant £50,000.00 per annum. These costs have increased to in excess of £65,000.00 per annum due to the on-going cost of living crisis and rising costs of petroleum based goods.
- 3.15 In summary, the Appeal Site comprises a recently and significantly modified landscape that is distinct from its wider setting of settlement and farmland. This is recognised by the Market Bosworth Neighbourhood Plan by allocating the entire site as a leisure and tourism character area, as identified at figure 1. Its features are young, artificial, and as illustrated in the Planning, Landscape and Design Statement (enc. 700) at paragraph 3.12, is not considered to be sensitive to change, nor irreplaceable. The site is not covered by any statutory or non-statutory designation that would prohibit its development for the intended use.
- 3.16 As discussed at Section B of this Chapter below, the Appellant proceeded with a re-submission of the elements of appeal ref: 3229633 that were found to be acceptable by the Inspector. This application, planning permission ref: 19/01437/FUL was for the erection of a multi-purpose golf clubhouse (D2),

formation of new car parking areas and access roads and the erection of 6 golf holiday homes (C1) and all associated ancillary works and landscaping and was granted planning permission on 15 June 2020. Within the Committee Report into the application, provided at **Appendix 4** of this SoC, at paragraph 8.11 the Council confirmed that the principle of holiday lodge tourism accommodation on the Kyns Golf and Country Club, with regards to the sustainable location requirements of Policy 4 and Policy DM24 was supported. This permission has since been implemented by the Appellant.

B. The Appeal Site Planning History and Background

3.17 The relevant planning history is set out in **table 1** below:

92/01068/COU	Golf course, driving range, club house and maintenance buildings	Refused	23.07.1997
98/00963/COU	Proposed golf course and ancillary facilities including club house	Permission	09.11.2000
02/00685/COU	Proposed golf course and ancillary facilities including siting of club house and associated parking	Permission	30.04.2003
07/01287/FUL	Erection of a greenkeepers store associated with the golf course	Permission	21.12.2007
08/00217/FUL	Retention of slab area	Permission	09.04.2008
08/00365/FUL	Erection of a golf club house, new access and associated parking and manager's flat	Withdrawn	23.04.2008
08/00750/FUL	Erection of golf club house, new access and associated parking and managers flat	Permission	24.09.2008
13/00272/CONDIT	Variation of condition 18 of planning permission 02/00685/COU to remove right hand turn lane and propose other off site highway works	Permission	17.02.2014
17/00528/FUL	Erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking area for 242	Refused	15.09.2017

	vehicles and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping		
18/00732/FUL / appeal ref: 3218401	Resubmission of refused planning application (LPA ref: 17/00528/FUL) for the erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking areas and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping.	Refused (appealed)	23.10.2018 (refused at appeal on 24.10.2019)
19/00230/FUL / appeal ref: 329633	Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension to the access drive	Refused (appealed)	18.04.2019 (allowed at appeal on 24.10.2019)
19/01437/FUL	Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping	Permission	15.06.2020
21/00195/FUL	Erection of 9 holiday cabins with associated parking and landscaping	Refused	16.12.2022
21/01473/FUL	Erection of 9 single storey holiday lodges with vehicle parking and associated works	Refused	18.01.2023
23/00273/DISCON	Application to discharge condition 13 (contamination) 16 (surface water management) 17 (drainage during construction) 18 (long term maintenance of drainage) 19 (Infiltration) 21 (habitat management plan) 24 (construction management plan) attached to planning permission 19/01437/FUL	Split Decision - Discharge of Conditions	30.08.2023
23/00434/DISCON	Application to discharge conditions 9 (Hard and Soft Landscaping), 10 (Levels),15 (Land Contamination) and 22 (Footpath	Split decision –	23.08.2023

	Management Plan) of planning application 19/01437/FUL	discharge of conditions	
23/00508/FUL	Erection of 9 single storey holiday lodges with vehicle parking and associated works	Refused	18.07.2023
24/00019/FUL	Erection of 50 bedroom golf and leisure hotel (Retrospective)	N/A	N/A
24/00020/FUL	Conversion of building to form 4 holiday lodges with associated works	N/A	N/A
24/00026/FUL	Erection of 2 subterranean holiday lodges with associated works	N/A	N/A
24/00027/FUL	Erection of 4 holiday lodges and associated works	N/A	N/A

Table 1: Planning History for the Kyngs Golf and Country club site

3.18 The acceptability of the principle of tourism and leisure focused development at the Kyngs Golf and Country club site is clearly demonstrated within the planning history provided at table 1 above even outwith the delineation of the entirety of the application site within a leisure and tourism character area as demonstrated at figure 1 above.

3.19 As discussed within the following paragraphs, the previous planning history at the Kyngs Golf and Country Club site are highly relevant in establishing the context for the proposals and understanding the opportunity and constraints in considering new development¹.

¹ It is trite law that relevant previous appeal decisions are capable of being a material consideration in the determination of planning proposals and that one important reason why this is so is that there is consistency in the appellate process (see *North Wiltshire DC v Secretary of State (1993) 65 P. & C.R. 137*. It has also been held that Planning Authorities are required to consider the precise reasons for previous refusals of planning permission, which in the case of the previous appeal decision in this case did not endorse or therefore include the Council's first reason for refusal i.e. the requirement for the proposal to demonstrate a viable need and justification for the scale and type of development proposed (see *R (on the application of Havard) v South Kesteven DC* [2006] EWHC 1373 (Admin).

3.20 Figure 3 below is an extract of the MBNP Proposals Map at page 23. Key views into Market Bosworth are marked by the red arrows, with the aforementioned important views and vistas (“IVV”) marked in blue. The location of the appeal proposals is marked in red. Figure 2 clearly demonstrates that the appeal site is located outside of any of the IVV’s, within proximity to existing built development on-site in the form of the greenkeepers store.

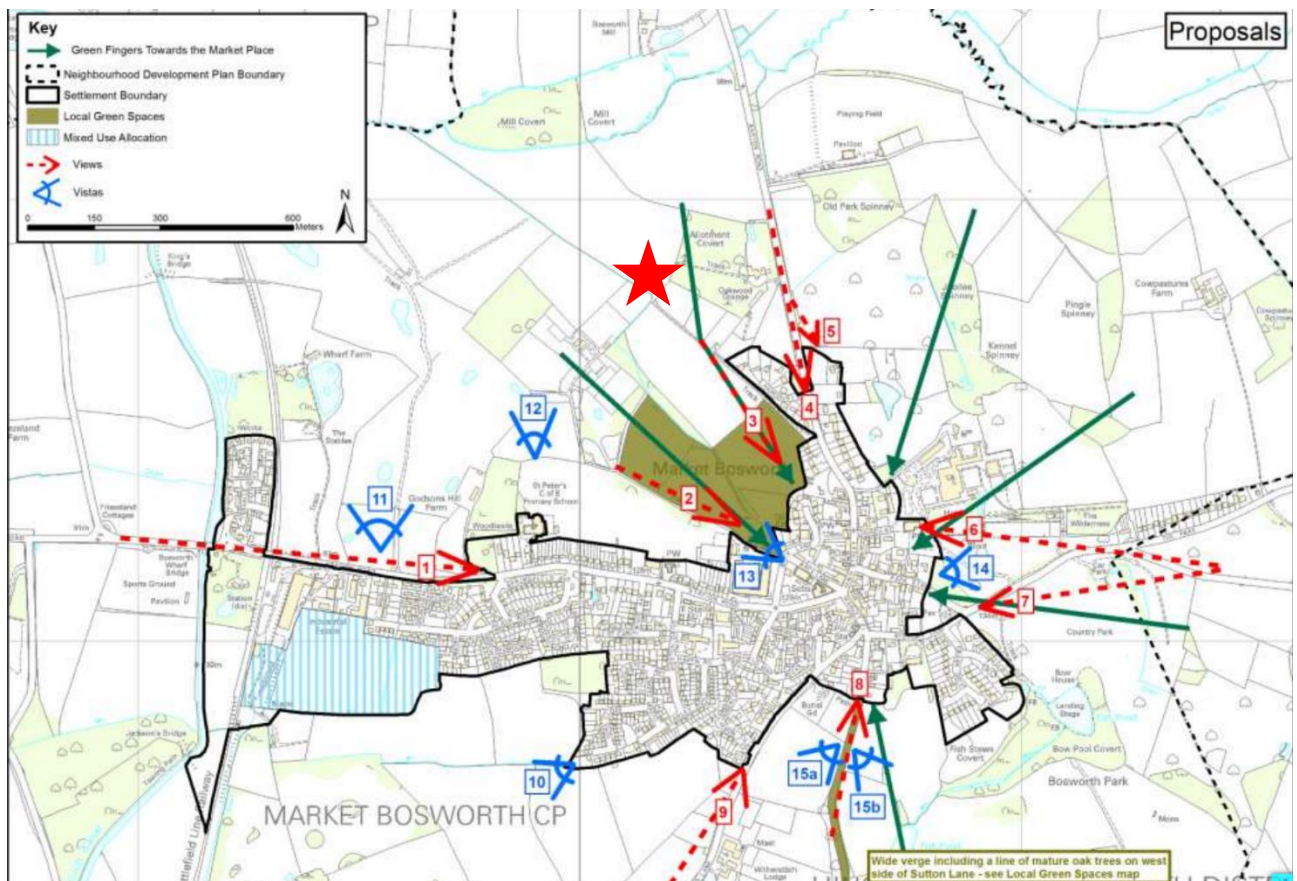


Figure 3: Extract from the MBNP Proposals Map with the appeal site (red star) identified. IVV’s are marked blue, with views into the settlement marked by the red arrows

3.21 Appeal decision ref: 3218401, attached at **appendix 5** established that the development of holiday lodges on-site was acceptable with regards to the locational sustainability requirements of Policy 4 and Policy DM24 at paragraph 15 of that decision, as discussed at paragraph 3.10 above. The Inspector also confirmed (at paragraph 17, Appendix 1) that the viability of the wider golf course would not be undermined by the development of those holiday lodges, as the golf course would still provide a choice of 18 holes for members (notwithstanding the dormancy of the golf course pending investment).

- 3.22 At paragraph 47 of this decision letter, the Inspector also recognised that the development of holiday lodges on-site would assist in the delivery of “economic benefits through recreational and tourism activity, which would weigh in favour of the proposal”. It was also confirmed at paragraph 48 of that decision that the appeal proposals “would generate noticeable new economic activity and create new employment opportunities for the local area”.
- 3.23 The sole reason why appeal decision ref: 3218401 was refused was on grounds of landscape impact, specifically the landscape impact arising from the 9 proposed holiday lodges. The Inspector considered, at paragraph 28 of the decision letter that the location of that appeal site resulted in the lodges *“...standing prominently on the rising ground towards the east of the site...in particular, they would be prominent to users of public footpath S70. On approach along the footpath from the Market Bosworth side, a rural character and broad panorama over the countryside exists (IVV 12 in the MBNP). At the point of the IVV, the lodges would be very obvious to users of the footpath and would intrude upon the open, natural character of the site, as they would have an immediate and imposing presence at the point where the landscape opens up expansively to panoramic views”*.
- 3.24 A subsequent application for the elements of the appeal found to be acceptable by the Inspector, namely the proposed clubhouse, 6 holiday units in a courtyard configuration and the associated access and landscaping works (planning permission ref: 19/01437/FUL) was approved by the Council on 15 June 2020 as detailed in **table 1** above. The conditions for this permission have been discharged and the permission has been implemented, and the approved location plan, site plan and elevations have been attached at **appendix 6** of this SoC.
- 3.25 A subsequent application for 9 holiday lodges, of the same design as those proposed under appeal ref: 3218401 was submitted on 15 February 2021 (application ref: 21/00195/FUL) and was eventually refused on 16 December 2022. This application was refused on two grounds as follows:

1. *The proposed scheme would relate to an existing recreation facility outside the settlement boundary of Market Bosworth. The applicant has failed to demonstrate that there is a viable need and justification for the scale and type of development proposed, whilst also failing to evidence that the development would be ancillary to the use of the golf course. It is therefore considered that the proposed development is contrary to Policy DM1 and DM4 of the Site Allocations and Development Management Policies DPD and Policy 23 of the Core Strategy.*
 2. *The proposed lodges would be sited in a sensitive location outside the settlement boundary of Market Bosworth. By virtue of their scale, layout, siting, and design, the proposal would neither complement nor enhance the character and appearance of the area, and would cause significant harm to the intrinsic value, open character and landscape character of the countryside. Furthermore, the proposal would cause harm to the important view and vista identified within the Market Bosworth Neighbourhood Plan. The proposal is therefore contrary to Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies DPD, Policies CE1, CE3, and CE5 of the Market Bosworth NP and Policy 23 of the Core Strategy.*
- 3.26 The decision was appealed and subsequently dismissed on 31 October 2023. In reaching their decision, the Inspector again confirmed that with regards to locational sustainability, the placement holiday lodges on the Kyngs Golf and Country club site accorded with the relevant objectives of Policies 23 of the CS and DM4 a) of the SADMP. Those proposals, for significantly larger holiday lodges with upper floor areas were refused on landscape impact in that location, with the Inspector considering the design of those lodges to be contemporary and residential, conflicting with the wider appearance of the landscape in that location.
- 3.27 It was also the case of the Appellant for that appeal that those lodges were tied to the reopening of the golf course, however for that appeal no planning condition was accepted which tied those lodges to the reopening of the golf

course. This was in part due to no similar conditions being applied to the waterpark application to the west of the site, at The Bosworth Water Trust, Wellsborough Rd, Market Bosworth, Nuneaton CV13 6PD. Should the Inspector be minded to grant the current appeal, the Appellant would be willing to consider an appropriate planning condition that would tie the delivery of these proposals to the wider re-opening of the golf course.

3.28 The Inspector will also note that, with planning permission ref: 19/01437/FUL implemented, the Appellant has shown a clear intention to bring the wider site back into use as a tourism facility and to this end, a further four subsequent applications have been submitted, the details of which are provided within the last 4 entries for **table 1**. These applications are for the proposed erection of a 50 bed hotel in the location of the 6 holiday lodges secured under planning permission ref: 19/01437/FUL (application ref: 24/00019/FUL), x2 subterranean holiday lodges to the west of the appeal site in the interior of the site (application ref: 24/00026/FUL), alongside the conversion of the aforementioned greenkeepers store to x4 holiday units (application ref: 24/00020/FUL) and a subsequent application for a further x4 holiday lodges (application ref: 24/00027/FUL), clearly demonstrating the Appellant's intention to move forward with the re-development and subsequent re-opening of the Kyngs Golf and Country Club site.

3.29 At present, there is no Kyngs Golf Club leisure and tourism facility on-site and as such, at present the application site is not contributing towards the leisure and tourism objectives of the Council in any way. The previous business went into receivership in 2016, and the site is clearly being underutilised.

C. Description of the Proposed Development

3.30 The proposals seek planning permission for the erection of 9 single holiday lodges with associated parking and landscaping on land at Kyngs Golf Course, Market Bosworth. A detailed description of the proposals is set out within the Planning Statement (enc. 700), prepared by HMD Architecture, Planning and Surveying.

- 3.31 Lodge Type A is for a single storey holiday lodge clad in cedar planning, with timber frame windows and a maximum roof height of 3.8m (including the travel skid). This lodge type has a width of 6.5m and a length of 9.5m and will incorporate a sedum wildflower roof to provide on-site biodiversity and assist in assimilating the proposals into the surrounding environment.
- 3.32 Lodge Type B is for a single storey lodge clad in the same materials as Lodge Type A, with a maximum roof height of 3.8m also (including travel skid). This lodge type is slightly smaller than Lodge Type A, with a length of 7.5m and a width of 6m.
- 3.33 The holiday lodges will not require foundations, and will instead sit atop a “travel skid” which reduces the impact upon the landscape arising from the proposals.
- 3.34 By being situated atop of this travel skid, the proposed holiday lodges qualify as caravans under the relevant provisions of the Caravan Sites and Control Development Act 1960 (“the Act”), which defines a caravan under Schedule 1, part 29 (l) as:

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

(a)

any railway rolling stock which is for the time being on rails forming part of a railway system, or

(b)

any tent;

(our emphasis)

- 3.35 The maximum dimensions allowed under the act are also confirmed as follows:
- Depth – External 6.8metres (22 feet 3 3/4 inches)
 - Length – External 20 metres (65 feet 7 1/2 inches)
 - Ceiling Height – Internal 3.05 metres (10 feet 0 inches)

- 3.36 Whilst the overall height of the caravans is shown on the plans as 3.45m (excluding the travel skids), internally the roof arrangement proposed a maximum height of 3m, in line with the top of the proposed bi-fold doors, ensuring the proposals remain in accordance with the definition and dimensions identified above.

i. The Materiality of the Fallback Position

- 3.37 Under Part 5 of the Act, the Appellant would benefit from a clear fallback position, this being the ability to place these caravan lodge structures on their site for up to 28 days per calendar year, provided that the land is returned to its previous state between days used. The lodges could also be placed anywhere within the boundaries of the Kyngs Golf and Country Club site, including in locations previously identified as being of a higher landscape value than the appeal site, which has been located in proximity to the existing greenkeepers store and in an area of the site which constitutes brownfield land.
- 3.38 In [R. v Secretary of State for the Environment Ex p. Ahern \[1998\] Env. L.R. 189; \[1998\] J.P.L. 351](#) the court assessed the lawfulness of the inspector's decision reference to the following tests i.e. (1) whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; (2) whether there is a likelihood or real prospect of such a use occurring; and (3) if the answer to the second question is "yes", a comparison must be made between the proposed development and the fallback use.
- 3.39 The court added that the requirement to have regard to a consideration imports a requirement on the decision maker to have before it sufficient material so that the consideration can be assessed. In the context of fallback cases this reduces to a need to ask and answer the question: is the proposed development in its implications for impact on the environment, or other relevant planning factors, likely to have implications worse than, or broadly similar to, any use to which the site would or might be put if the proposed development were refused permission.

- 3.40 In the case of the Appellant, there is a plain intention to move forward with a redevelopment of the wider Kyngs Golf and Country Club site and deliver a quantum of tourism lodge accommodation at the site. In this respect, the fallback position available is a more than theoretical concept insofar as the Appellant intends to re-open the Kyngs Golf and Country Club site as a premier tourism destination. With regards to assessing the proposals as development within the countryside, under the fallback position available the Appellant would be able to place on-site, for up to 28 days per annum a much greater quantity of caravan style development than that proposed under this application. Similarly, under the Class BC Regulations which came into effect on 26 July 2023, the Appellant could have up to 50 pitches on-site in any location and at any time for up to 60 days / 42 consecutive days, provided that those caravans are either motorhomes, campervans or tents, as set out at **Appendix 7** of this SoC.

D. Technical Considerations

- 3.41 As demonstrated by enclosures 1000 through 1005, there are no technical considerations giving rise to any objection to the proposals from statutory consultees save for a response from Leicestershire County Council ecology requesting a Preliminary Ecological Appraisal. This has now been undertaken and accompanies this appeal, demonstrating that the appeal site is of no special ecological value and that there are no protected species on-site which would be disturbed by the proposals. . There are no technical residential amenity, highway, heritage, pollution, flooding and drainage, or archaeological factors indicating that planning permission should not be granted and all such considerations can be addressed to the satisfaction of the Council subject to conditions.

4. RELEVANT PLANNING POLICY FRAMEWORK

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) stipulates that the determination of planning applications should be made in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 For this proposal, the current development plan comprises the Hinckley and Bosworth Core Strategy (2009) together with the Site Allocations and Development Management Policies DPD (2016) and the relevant policies of the Market Bosworth Neighbourhood Plan 2014 – 2026 (2015)
- 4.3 The Council have commenced work on a review of the current Development Plan and completed the Regulation 19 consultation for the Local Plan on 23rd March. The most recent Local Development Scheme (December 2022) confirms that further consultation on the Draft Regulation 19 plan will take place in May - June 2024, before submission to the Secretary of State in August 2024. Given the early stage of preparation of the draft local plan, very limited weight is accorded to any policies.
- 4.4 The Market Bosworth Neighbourhood Plan is also in the process of being reviewed, undergoing a Regulation 14 consultation in September 2023. Given the early stage of preparation of the revised Neighbourhood Plan, very limited weight is accorded to any policies within and any reference to the Neighbourhood Plan in the following sections pertains solely to the adopted Plan.
- 4.5 The development plan for Hinckley and Bosworth is dated, with the Core Strategy significantly predating the adoption of the National Planning Policy Framework (“the Framework”) in March 2012 and subsequent revisions in July 2018 and February 2019. The Site Allocations and Development Management Policies DPD also predates the latest 2 revisions to the Framework and in accordance with Annex 1, paragraph 213 of the Framework, due weight will be given to the policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

4.6 The following policies are considered to be of relevance to the proposals:

Market Bosworth Neighbourhood Plan 2014-2026

- CE1: Character and Environment
- CE3 Important Views and Vistas
- CE5: Landscape of the Wider Parish

The Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 23: Tourism Development

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in favour of sustainable development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

The National Planning Policy Framework (2021, “The Framework”)

- Section 2 – Achieving sustainable development
- Section 6 – Building a strong, competitive economy
- Section 7 – Ensuring the vitality of town centres
- Section 8 – Promoting healthy and safe communities

- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

5. CONSIDERATION OF THE REASONS FOR REFUSAL

5.1 The Council advance two reasons for refusal which are set out in the decision notice (enc. 300). These are addressed in detail below.

i. The First Reason for Refusal

5.2 The key constituents of the first reason for refusal are that:

a. The proposed scheme relates to an existing recreation facility outside of the settlement boundary and it has not been demonstrated that there is a viable need and justification for the scale and type of development proposed; and

b. It has not been demonstrated that the development would be ancillary to the use of the golf course, therefore the proposals are contrary to Policy DM1 and DM4 of the Site Allocations and Development Management DPD and Policy 23 of the Core Strategy

a. It has not been demonstrated that there is a viable need and justification for the scale and type of development proposed

5.3 There is no requirement under any of the policies referred to by the Council in reason for refusal one to provide justification regarding the viable need for the scale of development proposed. In direct response to the Council's consideration of the holiday lodges previously proposed on-site as being excessive in scale, these revised lodges are now significantly smaller in overall scale and height, and meet the definition of a caravan provided under the Caravan Sites Act 1968 as detailed at Section 3 of this SoC.

5.4 Material to the determination of the appeal is the fallback position available to the Appellant, as detailed at Section 3.0 of this SoC. This fallback position is confirmed as the Appellant being able to place caravans anywhere on the Kyngs Golf and Country club site for up to 28 days per annum, without the need for planning permission, nor notification to the Council.

- 5.5 No comment on the materials, nor construction methods which have been previously relayed to the Council is provided when assessing the proposals save for passing recognition that the lodges will be located on travel skids, the implications of which are not taken into account within the assessment of the proposals. No consideration of the fallback position available to the Appellant has been considered, despite the Appellant being able to locate caravans anywhere on the wider Kyngs Golf and Country club site without the need for planning permission. Should motorhomes be placed on the site, under Class BC of the General Permitted Development Order 2015 (as amended), the Appellant would be able to have up to 50 motorhomes on the site for up to 60 days per year without the need to apply for planning permission.
- 5.6 The Council's judgement of the proposals, related to the overall location of the proposals being unsupported by adopted policy is contrary to the fundamental objectives of the Development Plan, representing little more than a conflated reason for refusal that tenuously ties the Officer's opinion to the identified policies. The wording of Policies DM1, DM4 and Core Strategy Policy 23 do not prohibit tourism development in the countryside in any regard, conversely there is clear support for the type of development proposed, subject to accordance with the criterion of the above listed policies. As detailed within Section 2 above, the locational sustainability of the proposals has also been established within the previous planning decisions for the site, including both aforementioned appeals.
- 5.7 It is telling that the Officers Report, when considering the proposals against the strategic planning policies of the Local Plan offers no assessment of the proposals against Policy 7 of the Core Strategy, Key Rural Service Centres. Policy 7 states that the Council *"will support the development of the tourism industry in line with Policy 23"*. Policy 11, Key Rural Centres Stand Alone continues, stating that the Council will *"support the role of Market Bosworth as a tourist destination in its own right and linked to the Bosworth Battlefield and Ashby Canal Corridor in line with Policy 23"*.

- 5.8 Turning to Policy 23, the policy states that support for new and extended visitor attractions and visitor accommodation, including holiday lodges, will be encouraged in suitable locations where the development can support existing local community services and facilities, is of an appropriate design and scale that can assimilate with the surrounding area, adds to local distinctiveness, complements the tourism themes of the borough and adds to the economic wellbeing of the area. Previous appeal decisions have already established the Kyngs Golf and Country club site as an appropriate location for this type of development. The single storey golf lodges represent high quality static caravans in terms of their appearance, with proposed sedum roofs assisting in assimilating them into the landscape. The distinctive leisure and tourism character of Market Bosworth will also be supported by the proposals, with the leisure and tourism development within the settlement shown at **figure 1** of this SoC. The proposals will also evidently complement the tourism theme of the Borough, and will also add to economic wellbeing by being well located for sustainable trips into Market Bosworth by visitors, who will also be able to travel onto tourism facilities within the surrounding area.
- 5.9 The proposals will evidently accord with the requirements of all three of these policies, and further justifies the need for the proposals by virtue of them contributing towards the development of the settlement of Market Bosworth as a tourism destination within the context of the Borough and the wider county of Leicestershire.
- 5.10 Since the determination of appeal ref: 3218401 the tourism evidence base for the adopted Local Plan has remained largely the same. The North Warwickshire and Hinckley and Bosworth Destination Management Plan 2017-2022 (**appendix 8**) remains the most up-to-date evidence the Council has produced regarding the tourism economy within the Borough, stating at Section 4.1 that *“...Bosworth (the rural part of Hinckley & Bosworth Borough) has a strong visitor product that offers plenty of opportunities for a day out and to attract people for weekend breaks. People are likely to have heard of, and have positive associations with Bosworth, even if they do not necessarily know where it is and what it has to offer as a place to visit”*.

- 5.11 The full findings of the Destination Management Plan will not be repeated here. The Destination Management Plan does however make clear within the vicinity of the site that make Bosworth “a compelling place to visit for the day or a short break” (paragraph 4.1) and clearly demonstrates that within the Borough, the area surrounding Bosworth is the key tourism attraction. Such attractions include (but are not limited to) Bosworth Battlefield Heritage Centre and Country Park, with the Richard III story attracting national and international interest. The Battlefield Line, Bosworth Country Park, Bosworth Water Park (now comprehensively re-developed as a private leisure facility, as set out at **appendix 10** of this SoC), Bosworth Marina and Ashby Canal are other smaller attractions, with the Destination Management Plan recognising that Bosworth Marina in particular provides significant leisure moorings for canal boats.
- 5.12 At paragraph 8.2, page 21 the Destination Management Plan lists key priorities, stating that two such priorities should be:
- *Additional rural accommodation to boost weekend capacity; and*
 - *Improving and developing existing attractions.*
- 5.13 The proposals will evidently deliver upon the first key priority by providing 9 high quality, desirably and sustainably located rural holiday lodges within proximity to the Key Service Centre of Market Bosworth, supporting the continued development of the tourism industry as required under Policy 7: Key Rural Centres of the Core Strategy. Contrary to the findings of the Council, the provision of the 9 holiday lodges will also assist in supporting existing local community services and facilities, add to the economic wellbeing of the area by encouraging inward investment, employment opportunities, and spending from guests within the immediate surrounding area, and complement the tourism themes of the Borough.
- 5.14 With regards to improving and developing existing attractions, the proposed holiday lodges would support the aforementioned nearby tourism facilities by being sustainably located and accessible both by public transport, on-foot, and

by private car, as demonstrated within the Leicestershire County Council consultation response (enc. 1003).

- 5.15 The Council's Economic Regeneration Strategy 2021 – 2025 (**Appendix 9**), which became part of the current Local Plan evidence base in 2021 sets out the Strategy for how the Borough will prosper from economic recovery and growth over the identified period and identifies the contribution that tourism development can make when achieving the objectives of the Strategy. At page 1: *Key Statistics* the Strategy recognises the “strong and active tourism sector” within the Borough, and states that the council will *work with tourism partners in relation to delivery of Tourism Growth Plans and tourism key assets and heritage trails* (page 2, section: *Places*). The proposals would evidently assist with the delivery of this part of the Strategy by encouraging tourism visitors into the surrounding area, thereby supporting several recognised key tourism assets.
- 5.16 It was demonstrated to the Council as part of planning application ref: 18/00732/FUL that there is currently no viable facility at Kyns Golf and Country Club, in part due to the actions by the Council in continually refusing to grant planning permission for sustainable development that accorded with the policies of the adopted Local Plan. As such, whilst the Kyns Golf and Country Club site is allocated as a leisure and tourism area within the Market Bosworth Neighbourhood Plan, it is currently not providing these services to the local community, nor visitors to the area.
- 5.17 The Appellant purchased the Appeal Site from receivers in September 2016, after the previous owner went into liquidation in April 2016. There was no business to purchase with the sale of the land. Since then, the golf course has remained closed pending resolution of a sustainable proposal to allow investment in (and the relaunch of) the golf course. The Appellant has continued to maintain the golf course grounds, which requires mowing the 126 acres daily between March and November to ensure that the facility does not become irretrievably abandoned. As discussed at paragraph 3.7 of this SoC, the costs of this are considerable, at £65,000 per annum. The Appellant also continues

to pay Council business rates on the facility (at almost £9k per annum) and intends to reopen the Golf Course after the programme of investment to ensure that the facility fulfils its potential as a viable leisure and tourism business and contributes to Market Bosworth's status as a tourism destination in the surrounding region.

5.18 The actions of the Council are contrary to national planning policy, with the Framework requiring that planning policies should encourage sustainable economic growth (paragraph 88 (a)) and that policies and decisions should enable growth and expansion in rural areas both through conversion of existing buildings and well-designed new buildings (paragraph 88 (b)). Supporting a prosperous rural economy includes making use of sites that are physically well-related to existing settlements where suitable opportunities exist (paragraph 89).

5.19 Rather than enable and support the redevelopment and subsequent reopening of the Kyngs Golf and Country Club, with the proposals evidently according with the objectives of Policies 7, 11 and 23 of the Core Strategy, the Council have consistently sought to prevent demonstrably sustainable development at the site, contrary to the objectives of their adopted Local Plan and national planning policy.

b. It has not been demonstrated that the development would be ancillary to the use of the golf course

5.20 The attempt to tie the proposed development to the use of the wider Kyngs Golf and Country Club is a fundamental misdirection by the Council in applying their own adopted planning policy. The above is the final element of Reason for Refusal 1 and indicates (at best) a misinterpretation of the wording of Policy DM4 of the SADMP which states that:

“To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable

development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries...”*
- c) ...It significantly contributes to economic growth, job creation and / or diversification of rural businesses”*

5.21 The final element of the reason for refusal conflates the above wording of Policy DM4 to contrive an assertion that the proposed development would need to be ancillary to the existing golf course. The proposals do not need to be ancillary to the currently unviable and closed golf course in order to be acceptable in terms of national and local planning policies, which was established by the previous Inspector. There is no rationale nor justification for the final element of reason for refusal 1. It is a vague and unjustified reason for refusal.

ii. The Second Reason for Refusal

5.22 The key constituents of the second reason for refusal are that:

- c. By virtue of their scale, layout, siting, and design, the proposal would neither complement nor enhance the character and appearance of the area, and would cause significant harm to the intrinsic value, open character and landscape character of the countryside*

5.23 Whilst it is recognised that the appeal site is located within the countryside, albeit adjacent to the settlement boundary of Market Bosworth with a vehicle access within the settlement boundary and a clear public footpath, S68 which connects to the settlement at Harcourt Spinney to the south-east, there is no adopted planning policy nor landscape designation that suggests that the landscape of the Kyns Golf and Country Club site is a location with increased landscape sensitivity than the surrounding area.

- 5.24 Within the context of the Council's adopted Site Allocations Development Management Policies DPD ("SADMP"), the appeal site is not subject to a policy designation. Policy DM4 controls development in the countryside, stating that development will only be allowed where it will contribute to economic growth, job creation and/or diversification of rural businesses. Policy DM24 relates to tourism development, stating that the Borough Council will seek to support the development of new cultural and tourism facilities across the Borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they can be accessed by a range of sustainable transport modes.
- 5.25 Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, protecting its intrinsic value, beauty and open character. Policy DM4 identifies sustainable development within the countryside as being development for outdoor sport or recreation purposes, changes and re-use of existing buildings with enhancement to immediate setting, significantly contributing to economic growth and job creation, including diversification of rural businesses, stand-alone renewable energy development, and rural worker dwellings.
- 5.26 The policy also lists 5 criterion, I through v that development in the countryside must meet in order to be considered sustainable. These criterion include development not having a significant adverse effect upon the intrinsic value, beauty, open and landscape character of the countryside, development not undermining the physical and perceived separation between settlements, and development not creating or exacerbating ribbon development.
- 5.27 Policy DM10 continues, requiring development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 5.28 Policy CE5 of the MBNP states that within the open countryside outside of the settlement boundary, new development will only be permitted where it

contributes to the local economy, or for sports and recreation. There is no arbitrary level of the level of contribution that must be made by proposals. All development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.

- 5.29 Policy 23 relates directly to the development of rural tourism within the Borough and states that holiday lodges will be encouraged in suitable locations where the development can help to support existing local community services and facilities and is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping. Holiday lodge development should add to Hinckley & Bosworth's local distinctiveness and complement the tourism themes of the borough, whilst adding to the economic wellbeing of the area.
- 5.30 The Character of the site and surrounding area, as confirmed by the adopted Market Bosworth Neighbourhood Plan is one of leisure and tourism. This character is reinforced by the existing three buildings on-site, as identified at Section 3 of this SoC. One of these buildings, the greenkeepers store provides a backdrop to the appeal site. Residential development at Harcourt Spinney also forms a backdrop to the appeal site when approaching along footpath S68 from the north-west. The proposals will further contribute to this character by providing holiday lodge accommodation. From within the site itself the proposals will be understood and appreciated within the context of several designated nearby leisure and tourism uses and character areas, including the aforementioned Battlefield Railway Line, the wider Kyngs Golf and Country Club, and the Bosworth Marina and its "substantial leisure moorings".
- 5.31 The Proposed Site Layout Plan (enc. 500) demonstrates that the proposals will be situated within an area of the site that is well screened to the north and south-east. The application site is between 101m and 103m AOD, with the greenkeepers store located in the foreground of views of the site from footpath S68 from the south. Residential development at Harcourt Spinney, to the south-east of the appeal site can also be seen from this location in medium distance

views. The surrounding site topography is not identified as an important landscape consideration within the Officers Report at any stage.

- 5.32 The submitted documents clearly demonstrate that rather than being located within a sensitive landscape location, the appeal proposals are located within a leisure and tourism area, and have been located to ensure that from the key locations within the surrounding area, only glancing views of the proposals are experienced.
- 5.33 It should also be appreciated that nearby recent planning permissions granted by the Council have established the acceptability of holiday lodge caravan accommodation on leisure and tourism sites, outside of the settlement boundary of Market Bosworth, within the Market Bosworth Neighbourhood Plan area. Attached at **Appendix 10** of this SoC is a recent decision by the Council to grant planning permission for the change of use of land for the siting of 103 timber style clad holiday accommodation caravans and associated operational development at Bosworth Water Trust, Coton Bridge Lane, Far Coton, Market Bosworth, planning permission ref: 20/00026/FUL. The location of this planning permission and the approved Site Layout is shown at **Appendix 11**, relative to the appeal proposals. **Figure 4** below identifies this site within the context of the Character Areas identified at page 13 of the MBNP. This permission effectively closes to water park to all but private visitors only (the site was previously fully open to members of the public) and the Waterpark is now only being used for the siting of caravan lodges and associated facilities. No associated leisure facility for the public now exists.

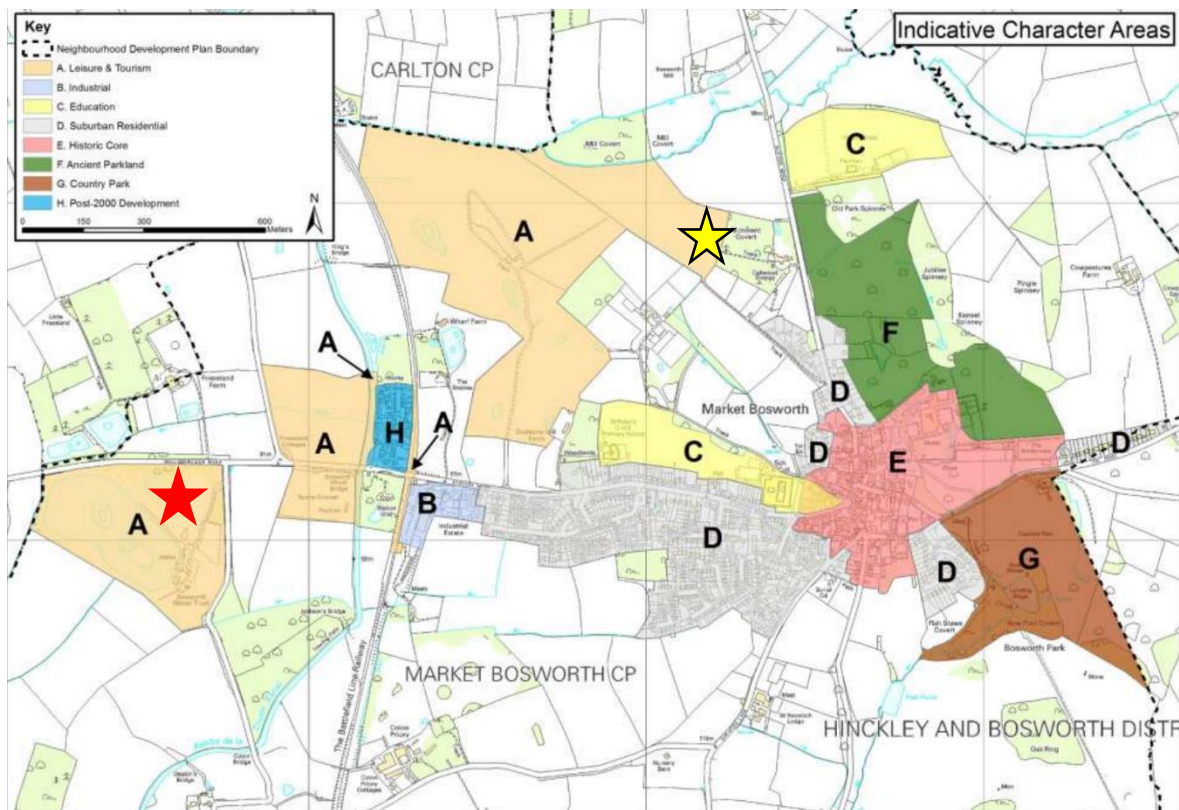


Figure 4: Extract from the MBNP, page 13 identifying the site at Coton Bridge Lane (marked in red) as being located further west of the settlement than the appeal site (marked in yellow), in a Leisure and Tourism Character Area

5.34 The planning permission at the Bosworth Water Trust site is for a much greater quantum of development, being for 103 timber style clad holiday accommodation caravans. The approved elevations and floorplans of these caravans is provided at **Appendix 11** of this SoC, and confirms that each caravan will be able to accommodate up to 6 persons, 618 persons total. In terms of general appearance and dimensions, the style of the caravan lodges approved under that permission are generally similar to those put forth as part of the current proposals. **Figure 5** below also confirms that the site entrance is located some 965m/0.6 miles west of the appeal site entrance, and thus significantly further away from the centre of Market Bosworth than the appeal site, in a more remote and sensitive location. Furthermore, whilst the appeal site's access is within the settlement boundary for Market Bosworth, the entirety of the Coton Bridge Lane site, as demonstrated at **Appendix 11** is wholly outside of the settlement boundary, some 900m west of the western most point of this boundary.

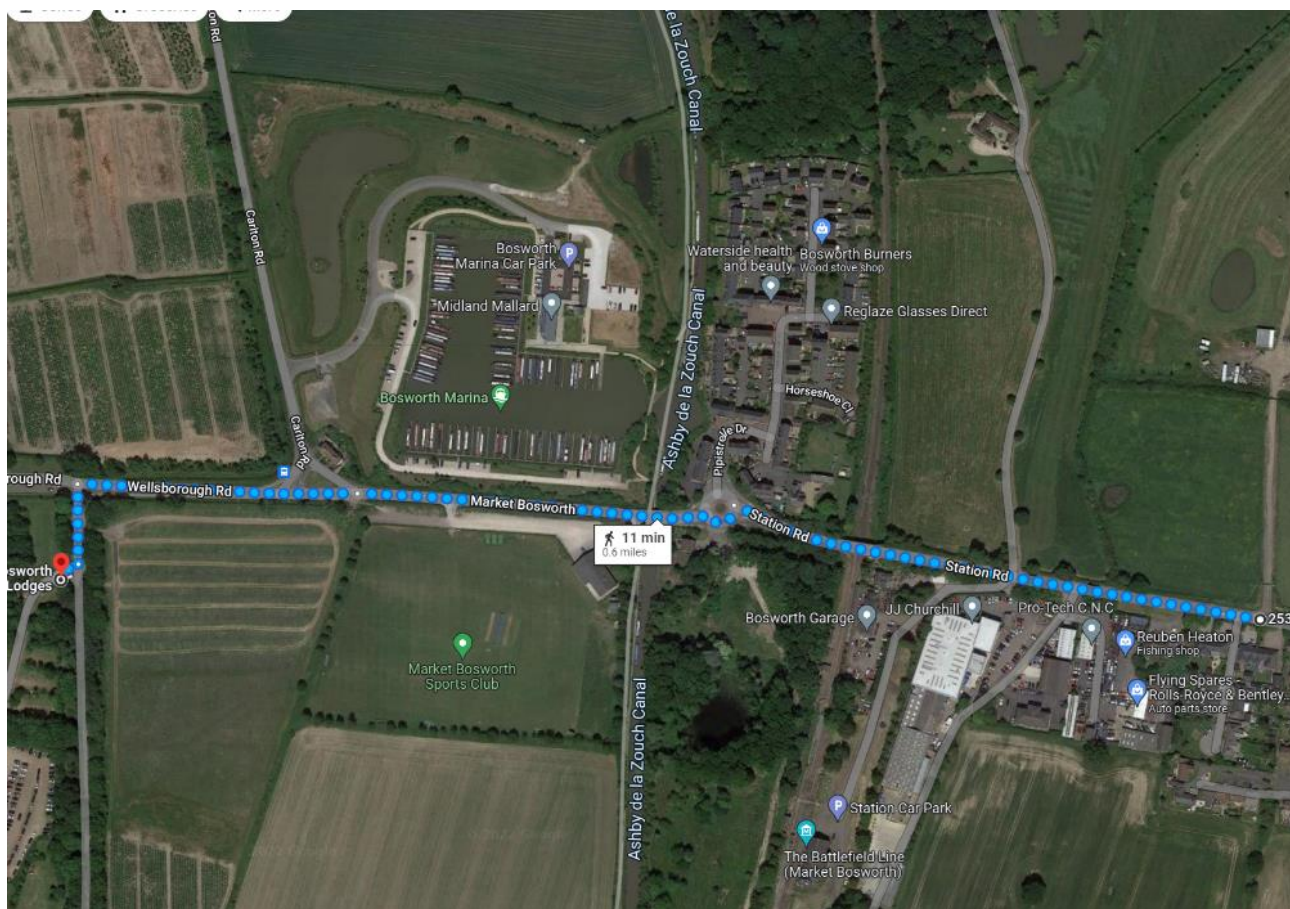


Figure 5: Screenshot from Google Maps confirming that the site entrance for planning permission 20/00026/FUL is located 0.6 miles west of the appeal site entrance, an 11 minute walk

- 5.35 It is evident when visiting the site, that this surrounding, modified golf course landscape provides a substantial visual screen which generally limits any views of the proposals to the upper-most sections of the holiday cabins only. These portions will be constructed from timber and set against a backdrop of existing woodland and other nearby residential development at Harcourt Spinney and the aforementioned Greenkeepers store.
- 5.36 It is clear that the visual effects of the proposals will be minor in the long term, and that the visual impacts of the proposals are therefore minor upon the surrounding landscape and cannot reasonably be considered to cause significant harm upon the intrinsic value, open character or landscape character of the surrounding area, in accordance with the objectives of Policy 23. In any regard, when compared with the latest refused appeal scheme, it is clear that

the current proposals have significantly less visual impact upon the surrounding landscape, with their location and scale (now single storey and of typical static caravan dimensions) informed by the golf courses topography and layout.

5.37 As previously discussed at Chapter 2 of this SoC, the appeal site is located within Character Area A of the MBNP Character Areas, identified as a tourism and leisure character area within the context of the Neighbourhood Plan. Policy CE1 of the MBNP seeks to ensure that all new development within the Neighbourhood Plan area of Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials. Policy CE5 of the Market Bosworth NPD identifies that development outside the settlement boundary will be permitted for sport or recreation where it does not cause harm on the landscape or biodiversity of the countryside.

5.38 The proposals are for a tourism use in a character area that has been identified as a leisure and tourism character area. Whilst the Council may consider the site to be an open landscape, very little weight, if any has been attributed to the appeal site being located within a leisure and tourism character area, with the Council “cherry picking” the landscape characteristics of the Bosworth Parkland character area that support their assessment. By way of example, key characteristic 5 of the Bosworth Parkland Character Area is as follows:

Recreation and tourism- Market Bosworth Country Park and a good network of public footpaths and routes popular with cyclists. Destinations include Market Bosworth, the Battlefield Visitor Centre, the Battlefield Line Railway and the Ashby Canal.

5.55 No weight has been given to the very use and character of the development reflecting both of these aforementioned uses, nor does the Officer Report include any reference to the appeal site being located within a Leisure and Tourism Landscape Character Area within the Neighbourhood Plan, nor the other relevant key characteristics identified above of the Bosworth Parklands. Indeed, the Inspector’s decision for appeal ref: 3218401 states, at paragraph 15 that the attraction of holiday lodge accommodation “*lies in factors such as a quiet environment, proximity to nature and countryside views*”.

5.56 The landscaping as identified within the submitted Site Layout Plan (enc. 500) will further reduce the likelihood of any views of the appeal site in time when viewed from the south and the west, further demonstrating that the appeal proposals accord with the landscape impact objectives of Policies DM4 and DM10 of the SADMP, and Policies CE1 and CE3 of the MBNP.

5.57 The proposals are therefore considered to have been appropriately sited, and designed in such a way that they assimilate with the surrounding landscape and contribute positively to the surrounding environment, in full accordance with the objectives of Policies DM4 and DM10 of the SADMP, Policies CE1, CE3 and CE5 of the MBNP, Policy 23 of the Core Strategy and the overarching objectives of Sections 12 and 15 of the Framework.

iii. The Third Reason for Refusal

5.58 The key constituents of the third reason for refusal are that:

d. The proposed scheme fails to provide sufficient information to demonstrate that it would not cause ecological harm. The proposal therefore fails to comply with Policy DM6 of the SADMP and Paragraph 174 of the NPPF.

5.59 A PEA was not provided during the determination of the application. The Council will however be aware through previous Ecological Reports submitted for the wider site that the application site had limited ecological value. Attached at **Appendix 12** is the Ecological Report that accompanied planning application ref: 18/00732/FUL, which establishes that the application site at that time represented little more than managed grassland, regularly mown by the Appellant. In any event, in order to address this reason for refusal, accompanying this appeal is a Preliminary Ecological Appraisal prepared by Arbtech which is attached at **Appendix 13** of this SoC.

5.60 Notwithstanding the proposals being located on travel skids and thereby not requiring foundations or other intrusive construction methods, the PEA confirms

that the site has no particular ecological value, and that there would no protected species unduly affected by the proposals. The PEA recommends standard planning conditions, these being a landscape management plan to be secured by condition.

- 5.61 In light of the above, it is considered that there is no evidence to demonstrate that the proposals now conflict with Policy 6 of the SADMP nor (then) paragraph 176 of the Framework, and thus reason for refusal 3 has been addressed through this appeal submission.

iv. Planning Balance and Conclusions

- 5.62 The site is allocated as having a Tourism and Leisure character within the Neighbourhood Plan. The decision for appeal ref: 3218401, and the Officers Report for planning permission ref: 19/01437 confirms that the development of holiday lodges on the Kyngs Golf and Country club is acceptable in principle, and that the wider site is a suitable and sustainable location for this type of development. This highly material decision also confirms the sustainability of the Kyngs Golf Course site for development of this type, subject to detailed assessment.
- 5.63 It is highly material that the Council have granted planning permission for a much greater quantum of development at the Bosworth Water Trust Site, a site located further away from the settlement of Market Bosworth than the appeal site, in an area also identified as a Leisure and Tourism Character Area, further demonstrating the appeal proposals are located on an appropriate and sustainable site. The appeal site can be accessed by motor vehicle, by public transport or from two public rights of way, further demonstrating its sustainability credentials in terms of location whilst also demonstrating that there is a clear demand for tourism accommodation of this type in this area of the Borough due to the amount of accommodation granted permission. There is also no requirement in adopted planning policy to demonstrate demand for the type and tenure of holiday lodge accommodation proposed.
- 5.64 The location of the proposals has been informed extensively by previous

planning decisions onsite, alongside the key views identified within the adopted Planning Policy for Market Bosworth, including the IVV's identified within the adopted MBNP as identified at **figure 1** of this SoC.

5.65 The appeal proposals will fulfil the three dimensions to sustainable development as outlined at paragraph 8 of the Framework. The Proposed Development will:

- Deliver economic benefits by creating short term employment during the construction phase; and also more importantly provide long term employment for employees from the local area. The proposals will encourage visitor trips into the local area, and encourage increased spending into the local economy thereby improving the economic environment of Market Bosworth and the surrounding area, in full accordance with Policy 23 of the Core Strategy and Policy DM4 of the SADMP. At paragraph 85 the Framework makes clear that the support of economic growth and opportunities for development are of significant weight in the planning balance.
- With regard to the rural economy the Framework requires that planning policies should encourage sustainable economic growth (paragraph 88 (a)) and that policies and decisions should enable growth and expansion in rural areas both through conversion of existing buildings and well-designed new buildings (paragraph 88 (a)). The proposals will also support ensuring a prosperous rural economy by making use of previously developed land that is physically well-related to existing settlements where suitable opportunities exist (paragraph 89).
- Provide an improved and attractive tourism facility, the principle of which is acknowledged in the MBNP and also in the Development Plan as being supported by the Council. The proposals will bring with it facilities to support a strong and healthy community whilst encouraging visitors to undertake trips into the surrounding countryside via the nearby network of footpaths, encouraging active and healthy lifestyles (fulfilling the social role); and

- Deliver environmental benefits by delivering the proposals in a sustainable location that can be accessed by walking and by public transport, thereby reducing reliance upon the private motor vehicle. No protected species nor environmental harm has been identified within the document submitted in support of this appeal.

5.66 It is suggested that the presumption in favour of sustainable development set out at paragraph 11 of the Framework applies to the proposed development. The proposals accord with the development plan; and the site is allocated for Leisure and Tourism in the MBNP, which supports the type of development proposed.

5.67 The proposals will retain and reinforce the character of the Kyngs Golf and Country club as a high quality leisure and tourism facility. Any adverse impacts arising from the proposal would otherwise have to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. The presumption in favour of sustainable development is set out at paragraph 11 of the Framework. For decision taking this means approving development proposals that accord with an up to date development plan without delay.

5.68 For the reasons set out in the preceding sections of this SoC, it is considered that the appeal proposals constitute development which benefit from the Section 38 (6) presumption accorded to development that accords with the development plan. As such, it is considered that paragraph 11 (c) of the Framework is engaged and that the appeal proposal should be granted planning permission.

6 WITNESSES AND SCOPE OF EVIDENCE

6.1 It is anticipated that the Appellant will be represented by 2 witnesses who will deal with the following matters:

- Planning Policy: Brian Mullin, Partner, Marrons Planning
- Legal Counsel: Simon Stanion, Partner, Shakespeare Martineau

6.2 The evidence of the witnesses will address any relevant matters within their respective fields of expertise that are raised pursuant to the Appeal.

6.3 The Appellant reserves the right to call further witnesses to deal with specific points raised by the Council or interested parties as the appeal proceeds.

7 STATEMENT OF COMMON GROUND

7.1 The SoCG will be submitted in support of this Appeal once the Council's Statement of Case is provided. The SoCG will includes details relating to the:

- Site Description
- Planning History
- Documents submitted with the Appeal
- Development Plan
- National Policy
- Responses from Statutory Consultees
- Matters Agreed
- Matters not agreed
- S.106 Obligation
- Conditions

7.2 The Appellant will rely upon this background framework as an evidence base of their case. The contents of the SoCG, to the extent that these are not subsequently agreed to be varied, will be relied upon by the Appellants irrespective of whether the relevant points are subsequently agreed by the Council or not.

8 DECISIONS

8.1 The Appellant may seek to rely on:

- Planning decisions by the Council in respect of other residential developments in the District and associated Committee Reports.
- Planning Appeal decisions relating to the reasons for refusal.

8.2 The Appellant reserves the right to submit any other relevant appeal decisions as necessary to support this SoC and/or address evidence supplied by the Council or third parties.

8.3 The Appellant also reserves the right to submit and make submission upon any relevant court judgements.

9 RESPONSE TO THIRD/INTERESTED PARTIES

- 9.1 Insofar as third party comments relate to the reason for refusal, it will be demonstrated that they are countered by the Appellant's professional evidence.
- 9.2 Appellant will respond to any relevant points raised by a third party pursuant to the Appeal.

10 TECHNICAL MATTERS

- 10.1 The Appellant's case will rely on the expert reports and assessments that were submitted with the Appeal together with the consultation responses from the relevant statutory consultees and may be addressed in evidence presented on behalf of the Appellant.
- 10.2 The Appellant's case and accompanying Officer Report demonstrates that there are no technical or other considerations which indicate planning permission should be refused.

11 CONDITIONS

- 11.1 A draft set of planning conditions are offered within the accompanying draft SoCG, prepared by Marrons Planning. These conditions will be agreed through the process of settling the draft SoCG prior to the commencement of the Hearing.

12 ADDITIONAL SUBMISSIONS

- 12.1 The Appellant reserves the right to alter, add or amend this SoC throughout proceedings if necessitated by the submission of the Council's SoC and any representations from third parties