

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Refusal of Planning Permission

Name and Address of Applicant

Mr G Denny
Statue Homes Ltd
C/o Agent

Name and Address of Agent (if any)

Martin Ladd
Housemartin Designs
The Carthouse
Charnells Court
Upperfields Farm
Main Street
Sweptone
Leicestershire
LE67 2SG

Part I - Particulars of Application

Date of Application

20 December 2024

Application No.

24/01157/HYB

Particulars and location of development:

Hybrid planning application seeking Full planning permission for the erection of a golf leisure and health spa and associated car parking and Outline planning permission (all matters reserved except for access) for the erection of up to 126 golf holiday lodges with associated works.

Kyngs Golf And Country Club Station Road Market Bosworth Nuneaton Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s):-

1. The application has failed to provide sufficient information to fully assess the drainage impacts of the proposed development, specifically the full part of the hybrid planning application (health/spa and car park) does not provide an appropriate surface water drainage strategy. The application does not provide a legible plan showing which areas of the site are being developed under the full proposal, account for all impermeable areas or the management and maintenance of the drainage elements. Therefore, the application is contrary to Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF specifically Paragraphs 170, 181 and 182.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

2. The application has failed to provide sufficient information to assess the ecological impacts of the proposed development. Insufficient or inadequate information has been provided with respect to Biodiversity Net Gain and the impact on Great Crested Newts. Therefore, the application is contrary to Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF specifically Section 15.

NOTES TO APPLICANT :-

1. In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.
2. This decision is based on the following plans/details:
 - Red Line Location Plan (updated 07/10/25)
 - Site Layout Plan HMD/PD/0574/02
 - Layout Plan HMD/PD/0574/01
 - Illustrative Site Layout Plan HMD/PD/0574/07
 - KGCC HYB red line sight layout plan 4.t (car park) 12/09/25
 - Location Plan received 12/09/25
 - Clubhouse and Hotel site layout plan (car park area) A-PL-001 L
 - Preliminary Ecological Appraisal (Arbtech Dec 24 - updated 25/08/25)
 - Great Crested Newt Survey (Arbtech July 2025)
 - Biodiversity Net Gain Assessment (Arbtech 2024 updated 27/08/25)
 - Statutory Biodiversity Metric (v4 Arbtech 27/08/25)
 - Kyngs Golf and Country Club Great Crested Newt Mitigation and Enhancement Plan (Oct 2025)
 - Pond Condition Sheets - P1 to P14 - FINAL (Applicant, October 2025)
 - Tree Condition Sheets - T1 to T56 - FINAL (Applicant, October 2025)
 - Pre-Development Habitat Plan - Consolidated Baseline - FINAL (Applicant, October 2025)
 - WL-252 Record Correction Note - Ecology/BNG/Procedural
 - WL-252 Administrative Clarification Note
 - WL-253 Comparative Review and Cross Reference Analysis
 - WL-252 - Baseline Correction Note
 - WL-252 Addendum v4 - Ecology, BNG, Drainage & Access Correction Note (ON NOTICE)
 - WL-252B (Full Version) - Procedural Clarification Note
 - HAS/17-030/01 Rev A - Access Details
 - Surface Water and SSSI Addendum Aug 2025
 - Single Bed and Two Bed Golf Holiday Lodges - Pad Layout
 - Air Quality Assessment received August 2024
 - Planning Statement Dec 2024 HMD/0574/2024
 - Flood Risk Assessment Farrow Walsh Dec 2024 FW2526_FRA_001_V1
 - Flood Risk Assessment Farrow Walsh FW2526_FRA_001_V2
 - Further information in respect of flooding matters email dated 10 March 2025
 - Environment Agency Flood Map for Planning 14/4/2025
 - Transport Assessment Ardent Consulting Engineers Dec 2024 2402050-ACE-XX-OO-RP-C-0002
 - Letter to address highway comments - Ardent Consulting Engineers dated 30/4/2025
 - Ardent Consulting Engineers email dated 21/7/2025
 - Heritage Statement Aug 2025 PCA R18041
 - Golf and Leisure Health Spa Floor Plan HMD/PD/0574/03
 - Golf and Leisure Health Spa Elevations HMD/PD/0574/04
 - Golf and Leisure Health Spa Elevations HMD/PD/0574/05
 - Golf and Leisure Health Spa Design Sections A/A, B/B, HMD/PD/0574/06
 - Golf Holiday Lodge Type A - Elevations, Floor and Roof Plan HMD/PD/0574/08
 - Golf Holiday Lodge Type B - Elevations, Floor and Roof Plan HMD/PD/0574/09
 - Long Section Plans ref 3197B, 3197C, 3197D
 - Topographical Survey 3917A (received March 2025)
 - Amended Red Line/Topographical Survey (received July 2025)
 - Proposed Landscape Scheme (drainage chart) 02035-02-04
 - Landscape Visual Impact Assessment ref ARB 1575lva received 28/5/2025

- Contour Plan (March 2025)
- Levels Analysis received 23/7/2025
- Letter from Shakespeare Martineau dated 22/5/2025
- Application Form
- Application Form Certificate B details
- Noise and Lighting Survey (dated 8 Feb 2025) Steve Leeland Acoustics and Noise Control

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date :25 November 2025

NOTES

1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review
3. If you are aggrieved by the decision of the Local Planning Authority to refuse permission you may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. If your appeal is against a Minor Commercial Development, we would advise you to view the guidance on the Planning Portal website under Procedure Guidance, to confirm the time frame for appealing. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within six months of the date of this notice. If you intend to submit an appeal that you would like examined by inquiry then you must notify your Local Planning Authority (planning@hinckley-bosworth.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found on GOV.UK.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice/>.
5. If permission to develop land is refused whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

RNOTES (02/07/2014)