



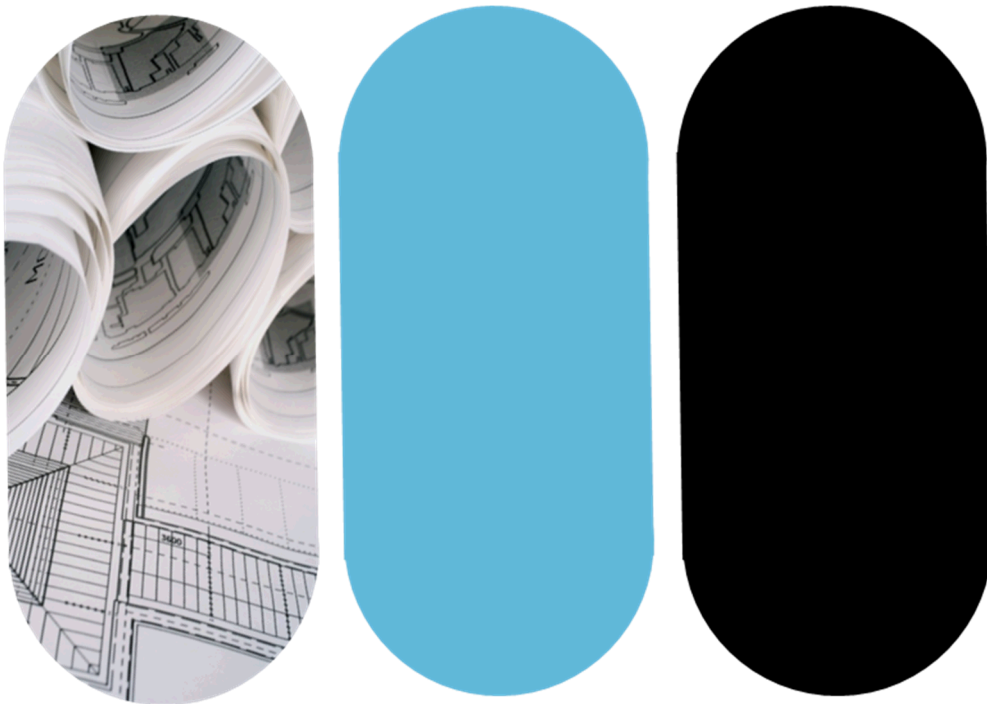
Town and Country Planning Act 1990 – Section 78 2(a)

**Town and Country Planning Appeals (Hearing Procedure) (England)
Rules 2000**

**Statement of Common Ground of Statue Homes Ltd and Hinckley
and Bosworth Borough Council**

**Appeal against the refusal of planning application ref:
23/00508/FUL, erection of 9 single storey holiday lodges with
vehicle parking and associated works at Kyngs Golf and Country
Club, Station Road, Market Bosworth, Nuneaton, Leicestershire,
CV13 0NP**

LPA Ref: 23/00508/FUL



One Colton Square, Leicester, LE1 1QH

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APPENDICES

Appendix 1: Map of the Kyngs Golf and Country Club with the appeal site, relevant golf course holes and the building granted planning permission under appeal ref: 3229633 identified

1. INTRODUCTION

- 1.1. This Statement of Common Ground ("**SoCG**") is submitted in relation to a 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 vehicle parking and associated works on land at Kyngs Golf and Country Club, Station Road, Market Bosworth, Nuneaton, Leicestershire, CV13 0NP ("**the Appeal Site**").
- 1.2. Marrons act on behalf of Statue Homes Ltd ("**the Appellant**"). This Statement of Common Ground ("**SoCG**") is prepared in accordance with Annex R of the Planning Inspectorate's Procedural Guide: Planning appeals – England, updated 11 January 2024 ("**the Procedural Guide**") and has been submitted to the Council for their comments in due course.

2. DESCRIPTION OF THE APPEAL SITE

- 2.1. A full description of the appeal site is set out within the Statement of Case (“SoC”) that accompanies this planning appeal at Section 3.
- 2.2. In summary, the appeal site extends to 0.82 hectares of land within the existing boundaries of Kyngs Golf and Country Club, a 126 acre golf course. The golf course is located on the western edge of the settlement of Market Bosworth, with the vehicular access into the site located within the settlement boundary. 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 at **figure 1** of the Appellant’s SoC. Kyngs Golf and Country club last operated as a golf course in October 2016, and has been closed since this date pending redevelopment.
- 2.3. Within the context of the Council’s Core Strategy (adopted 2009), Market Bosworth is categorised as a Key Rural Centres Standalone. Key Rural Centres are identified at paragraph 4.31 of that document 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, and are the most sustainable settlements within the rural area.
- 2.4. The appeal site 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 the existing site access via an existing gravelled access track from Station Road to the south, through the southern part of the Kyngs Golf and Country Club site. The site access also crosses footpath S68 and lies adjacent to footpath S69.
- 2.5. The site is located directly adjacent to the existing greenkeepers store, granted planning permission ref: 07/01287/FUL granted on 21 December 2007 and is visible 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, alongside a temporary golf clubhouse,

located north of the main site access from Station Road which has been in-situ for in excess of ten years. Included at Appendix 1 is a map of the golf course with the relevant features identified.

- 2.6. In terms of landform, the golf course for the Kyngs Golf and Country club is a highly modified landscape. 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 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 (following the grant of planning permission planning ref: 02/00685/COU) to form all the banks and hill features which make up the 18 hole course.
- 2.7. The appeal site and golf course is maintained by the Appellant for the period of March – November.
- 2.8. The site is not covered by any statutory or non-statutory designation that would prohibit its development for the intended use.

3. REASONS FOR REFUSAL

3.1. The 2023 planning application (23/00508/FUL) was refused for three reasons 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 type and location of development proposed, that it would significantly contribute to economic growth, job creation and/or diversification of rural business, whilst also failing to evidence that the development would be ancillary to the existing 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 scheme would be sited in a sensitive location outside the settlement boundary of Market Bosworth. By virtue of its scale, layout, siting, and design, the proposal would neither complement nor enhance the character of the countryside, and would cause significant harm to the intrinsic value, open character, and landscape character of the countryside. The proposal is therefore contrary to Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies DPD, Policy CE5 of the Market Bosworth Neighbourhood Plan, and Policy 23 of the Core Strategy.*
3. *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.*

3.2. Since issuing the refusal for application 23/00508/FUL in July 2023, we have received the appeal decision (dismissal) APP/K2420/W/23/3315336 (Appendix 1) in October 2023, which is a material consideration as part of this appeal process.

3.3. Based on the Inspector's conclusions regarding the aforementioned appeal, the LPA wishes to withdraw the reason for refusal relating to the principle of development, that the principle of holiday lodges would not conflict with Policies 23 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan as a whole.

4. APPEAL SITE HISTORY

4.1. The relevant planning history for the Kyngs Golf and Country club site, available on the Council's public access pages is set out 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 vehicles and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping	Refused	15.09.2017
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	Refused (appealed)	23.10.2018 (refused at appeal on 24.10.2019)

	and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping.		
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 (appealed)	16.12.2022 (dismissed at appeal on 31.10.2023)
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 Management Plan) of planning application 19/01437/FUL	Split decision – discharge of conditions	23.08.2023
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)	Pending Decision	N/A
24/00020/FUL	Conversion of building to form 4 holiday lodges with associated works	Pending Decision	N/A
24/00026/FUL	Erection of 2 subterranean holiday lodges with associated works	Pending Decision	N/A
24/00027/FUL	Erection of 4 holiday lodges and associated	Pending	N/A

	works	Decision	
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5. DOCUMENTS SUBMITTED WITH THE APPLICATION SUBJECT TO THIS APPEAL

5.1. The appeal application was received by the Council on 23 May 2023 and was validated on the same day. The application was supported by the following documents:

- A completed Planning Application Form together with the relevant certificate;
- The following drawings:
 - Site Location Plan;
 - Site Layout Plan, drawing no. HMD/PD/0505/01, rev 1;
 - Proposed Floor Plan & Elevations Lodge Type A, drawing no. HMD/PD/0505/03, rev 1;
 - Proposed Floor Plan & Elevations Lodge Type B, drawing no. HMD/PD/0505/02, rev 1; and
 - Axonometric View, rev 1.
- The following reports:
 - Planning Statement, prepared by HMD

6. RELEVANT DEVELOPMENT PLAN POLICIES

Adopted Policy

- 6.1. The following policies are referenced within the Officers Report for the planning application (enc. 301) and are considered relevant when assessing 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

7. RELEVANT NATIONAL PLANNING POLICY

7.1. The following sections of the National Planning Policy Framework 2023 relevant to the appeal proposals are considered to be as follows:

- 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

7.2. The Government's published Planning Practice Guidance is also a material consideration in the determination of this application.

8. MATTERS AGREED

8.1. The following matters are agreed:

- The Kyngs Golf Course site has a lawful use as an class F2(c) outdoor sports and recreation facility, albeit the golf course currently lies dormant pending investment as set out at Section 3 of the accompanying SoC prepared by Marrons Planning;
- The Kyngs Golf Course is a sustainable location for the type of development proposed, accessible via a range of sustainable transport in accordance with bullet point 1 of Policy 23 of the Core Strategy and Policy DM24 of the SADMP and as confirmed within the Leicestershire County Council consultation response of 14 May 2021;
- The appeal proposals are accessed via an existing track that runs through the golf course, permitted under planning permission ref: 02/00685/COU and which is regularly maintained by the Appellant;
- The appeal site is located within the Kyngs Golf and Country Club site, the entirety of which is identified as a Leisure and Tourism Character Area within the Market Bosworth Neighbourhood Plan under paragraph 4.3b and the associated Indicative Character Areas provided at page 13;
- The application site is not located within any of the important views into Market Bosworth from the surrounding area as identified at page 34 of the Market Bosworth Neighbourhood Plan, nor is the site located in any “Green fingers towards the market place” also identified at page 34;
- The appeal proposals will not require any amendments to the layout of the golf course, ensuring that the playability and overall function of the golf course would remain unaltered if reinstated to a playable standard, in accordance with Policy 23 of the Core Strategy and Policy DM24;
- There is no evidence to indicate that a satisfactory form of development with regard to sustainable design and construction, in accordance with the requirements of Policy DM10(f) could not be brought forward on the appeal site;
- There is no objection to the appeal proposal with regard to flood risk and drainage and therefore no objection to the appeal on the basis of Policy DM7;

- There is no objection to the appeal proposals on the basis of green infrastructure.
- There is no objection to the appeal proposals on the basis of open space, sport and recreation and therefore no objection to the appeal on the basis of Policy 24 of the Core Strategy.
- There is no evidence to suggest that the appeal proposals should be refused on the grounds of heritage or archaeology, in accordance with Policies DM11, 12 and 13 of the SADMP;
- There is no objection to the proposals on the matters of highway safety, public right of way access nor vehicle parking, in accordance with Policies DM17 and DM18 of the SADMP.

9. MATTERS OF DISAGREEMENT

9.1. Principal areas of disagreement are:

- The landscape impact of the appeal proposals, with regards to their scale, layout, siting and design;
- Whether the proposals would harm the character and appearance of the designated Leisure and Tourism Area identified within the MBNP at paragraph 4.3b;
- The level of potential economic benefits of the proposal;
- Whether the proposals demonstrate that there would be no harm to protected species and otherwise harm on-site ecological features. Some conditions have been agreed below, however they do not satisfy the absence of the eDNA survey as recommended in the Appellant's Preliminary Ecological Appraisal and subsequently requested by Leicestershire County Council Ecology.

10. PLANNING OBLIGATIONS

- 10.1. No consultee comments have requested planning obligations. However, in light of the submitted PEA, should any such obligations be requested then the Appellant reserves the right to consider this matter at the appropriate time.
- 10.2. Furthermore, should the Council consider that any additional planning obligations are necessary, or disclose any further consultee comments requesting such obligations the Appellant reserves the right to consider the obligations and respond as required.

11. PLANNING CONDITIONS

11.1. A set of suggested conditions have been formulated, in order to achieve planning permission whilst reassuring the Council that the development will be tightly controlled and regulated, and any adverse impacts mitigated. The suggested conditions are as follows:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan;
- Site Layout Plan, drawing no. HMD/PD/0505/01, rev 1;
- Proposed Floor Plan & Elevations Lodge Type A, drawing no. HMD/PD/0505/03, rev 1;
- Proposed Floor Plan & Elevations Lodge Type B, drawing no. HMD/PD/0505/02, rev 1; and
- Axonometric View, rev 1.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. Prior to first use of the development hereby approved, works to reinstate the 18-hole golf course including, drainage, fairways, greens, tees and bunkers shall be completed and brought into use.

Reason: *To ensure the retention and operation of the Golf Course as a leisure facility to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).*

5. Notwithstanding the provisions of Classes C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any change of use by any subsequent order, the holiday units hereby approved shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be occupied as permanent, unrestricted accommodation or a principal or primary place of residence.

Reason: *This is development which is only permitted at this location because it provides holiday accommodation. This needs to be carefully controlled to accord with Policy CS23.*

6. The holiday accommodation units hereby approved shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up to date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection on demand by an authorised officer of the Council.

Reason: *The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a dwelling for holiday purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document.*

7. No construction work shall take place at the site outside the hours of 0730 to 1800 Mondays to Fridays, 0730 to 1300 Saturdays and no construction work shall take place at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residents according with Policies DM10 and DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on site until such time as the existing and proposed ground levels of the site have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No floodlighting or external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To safeguard the appearance of the area and/or the amenities of neighbouring dwellings according with Policy DM4, DM7 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Housemartin Designs drawing number HMD/PD/0505/01. Thereafter the onsite parking (and turning) provision shall be kept available for such use in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward

direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

11. No development shall take place until a scheme for the treatment of the Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing and drainage, width structures, signposting and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

REASON: To ensure the Public Right of Way is safe and available during the period of construction and throughout the lifetime of the development, in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and to enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2023).

12. No development shall commence on site until such time as a construction traffic management plan, that includes as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming hazardous for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area according with Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016)

13. No development shall commence on site until such a time as a construction environmental management plan has been submitted to and approved in writing by the local planning authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (detail as appropriate, e.g. badgers, bats, breeding birds) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are

taking place on site. The details to be submitted should also include details on how the neighbouring woodland identified as a LWS will be protected throughout construction. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023)

14. No development shall commence on site until a low impact lighting strategy is submitted to and approved by the Local Planning Authority for the site during and post-development, which will include the measures as set out in the Preliminary Ecological Appraisal (Arbtech, January 2024).

Reason: To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023).

15. Any tree felling should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the trees should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Reason: To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023).

Declaration	
The contents of this document are agreed for the purposes of the hearing, commencing XXXXXXX	
Signed on behalf of the Appellant:	Signed on behalf of Hinckley and Bosworth Borough Council:
Signed Matthew Roe Date 05 April 2024	Signed XXXXXXXXX Date XXXXXXXXX
Position: Principal Planner, Marrons	Position: XXXXXXXXX