
12th November 2025

Land at Station Road,
Market Bosworth

Landscape
Evidence of Wendy
Lancaster PGDipLA
PGDipUD FLI FRSA

Appeal between Richborough and Hinckley
and Bosworth Borough Council

Volume 1: Text

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Volume 1: Text

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Section 1: Introduction

Witness and Qualifications

- 1.1. My name is Wendy Lancaster, I am a co-owner and Director of Landscape Planning at Tyler Grange Group Ltd, and I specialise in landscape and visual planning issues associated with development.
- 1.2. I hold an honours degree and post graduate diploma in Landscape Architecture from the University of Gloucestershire. I hold a second post graduate diploma in Urban Design from the University of Westminster. I have been a Chartered Member of the Landscape Institute (LI) since 2006 and a Fellow since September 2024. I have been a Registered Practitioner in Urban Design with the Urban Design Group since 2010 and was elected a Fellow of the Royal Society of the Arts in 2016 for my contributions to the development of the understanding and review of Green Belt.
- 1.3. I have over 20 years' experience in Landscape Planning, having started my career at Bidwells (formerly Carpenter Planning), where I undertook landscape planning and masterplanning work for large-scale strategic greenfield and brownfield sites as part of a multi-disciplinary practice. I spent six years as an independent consultant as Director of Landmark Landscape Planning, providing sub-consultancy to a number of prominent landscape practices, as well as consultancy on both LVIA and Green Belt review methodology, and masterplanning and urban design. I was asked to join Barton Willmore, one of my former clients, in 2006 and became an Associate in the Landscape Planning team where I provided specialist landscape planning advice on strategic and often highly sensitive greenfield and brownfield sites, including a number of large scale greenfield residential developments and Green Belt sites. I remained with Barton Willmore until early 2021 when I was offered the opportunity to join Tyler Grange to take over the operation of the Landscape Planning team where I am now a co-owner and the Director of Expert Witness Services.
- 1.4. I have provided specialist LVIA and Green Belt Review methodology advice and training to public bodies and private companies in relation to LVIA and Green Belt, have been part of a small-scale working group to provide Green Belt advice to the coalition Government in 2014 and was one of the authors of the Landscape Institute's position paper on Green Belt. I spent a tenure of three years as a judge for the Landscape Institute awards in the category of Strategic Landscape Planning and appear as a speaker at Landscape Institute events on landscape planning matters, including the Pathway to Chartership.
- 1.5. I have been appointed by a variety of clients in different sectors to provide professional landscape, visual and Green Belt advice and expert witness in relation to a variety of projects, including major housing-led allocations, commercial and energy schemes. I have spent the entirety of my career to-date involved in the assessment of landscape and visual effects in relation to residential, commercial and energy uses with particular speciality in sensitive and designated landscapes, including Areas of Outstanding Natural Beauty (AONB).

Tyler Grange's Historic Involvement and Current Instruction

- 1.6. Tyler Grange was formally instructed by Richborough Estates (the Appellant) on the 30th June 2020 to provide iterative design input and a Landscape and Visual Impact Assessment (LVIA) to inform an earlier outline planning application for 63 dwellings (Council Ref. 20/01021/OUT) on what is now the eastern part of the Appeal Site (the 2020 application). This followed initial landscape due-diligence studies that were undertaken in June 2019 in order to help shape the development of the masterplan proposals. The 2020 planning application was refused and an appeal subsequently lodged.



- 1.7. Tyler Grange was subsequently appointed as expert witnesses for the planning inquiry (APP/K2420/W/21/3279808) which was dismissed in February 2022 (the 2022 Appeal). The findings of the 2022 Appeal Decision (CD6.03c) are summarised within the 2025 LVIA (CD2.20) Paragraph 1.17.



Insert TG 1: Comparison of 2020 application boundary with current Appeal Site

- 1.8. Richborough subsequently secured an agreement to promote land to the west of the original application site, already under consideration for residential development, allowing amendments to be made to the masterplan design, and Tyler Grange were appointed in June 2024 to undertake further assessment work on the amended scheme to accompany a new planning application (24/01079/OUT) (the 2024 Application). Again, the application was recommended for approval but subsequently refused.
- 1.9. Tyler Grange have subsequently been appointed as expert witness for the forthcoming appeal hearing (APP/K2420/W/25/3372919) (the 2025 Appeal). I was not involved in the writing of the LVIA's for either application nor was I involved with the dismissed 2022 Appeal. As such, I am approaching the Appeal Site with 'fresh eyes'.
- 1.10. The full planning history is set out in the May 2025 LVIA (CD2.20).

Statement of Truth

- 1.11. The evidence I have prepared here represents my professional opinion on the aspects of landscape and visual impact assessment and responds to the Council's Reasons for Refusal. I believe the facts stated in this evidence are true, accurate and have been prepared in accordance with the guidance of my professional institution (the Landscape Institute), irrespective of by whom I am instructed.

Scope and Structure of Evidence

- 1.12. project and the structure of my evidence, I refer to the baseline as set out within the LVIA (CD2.20), adding commentary where appropriate, address additional material that has emerged throughout the life of the



project, and respond to the reasons for refusal and other disputed matters arising throughout the consultation process. I will also establish my reasoning for whether and how the proposed development complies with the relevant landscape policies and provide an overall conclusion.

- 1.13. In respect of the wider policy context and overall planning balance, I defer to the evidence and expertise of Ms Brooks.
- 1.14. Within my evidence, where appropriate, I refer to published best practice guidance for considering landscape and visual matters. This comprises:
- Guidance for Landscape and Visual Impact Assessment, third edition (GLVIA3), LI and IEMA, 2013 (CD6.17);
 - Technical Guidance Note 2024-01: Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) (CD6.18);
 - Technical Guidance Note 02/21: Assessing Landscape Value Outside National Designations, LI, 2021 (CD6.19); and
 - Technical Guidance Note 02/19: Residential Visual Amenity Assessment, LI, 2019 (CD6.20).



Section 2: The Appeal Scheme, Its Evolution and Benefits

- 2.1. The Appeal Scheme is set out on the Illustrative Masterplan (CD2.12) (see Insert TG 2 below) with further detail set out in the Design and Access Statement (CD2.25) (DAS).

The Appeal Scheme



Insert TG 2: Illustrative Masterplan (CD2.12) showing view cones.

- 2.2. The Appeal Scheme has evolved from the early landscape and visual input dating back as far as 2019, together in consultation with ecologists, arboriculturalists, drainage experts and other design team members. This was acknowledged by the Council's landscape consultant, LUC, in their March 2025 Review (CD3.20) (the LVIA Review (CD3.20)) which stated in paragraphs 5.2 and 5.3 that:

*"The applicant's LVIA follows the general principles set out within best practice guidance, including GLVIA3. **The LVIA appears thorough and detailed, and this is reinforced by a development framework plan and landscape strategy plan which clearly demonstrates that landscape and visual effects have been considered as part of the development proposals.***

The applicant has clearly developed a design proposal in collaboration with other disciplines which has considered landscape and visual effects, and in particular consideration of Important View 1 and Important Vista 11 as part of Policy CE3: Important Views and Vistas in the Market Bosworth Neighbourhood Plan."



- 2.3. The Appeal Scheme comprises two areas of residential development focussed towards the north-western part of the Site in order to stay outside of the identified view cones referred to within the Market Bosworth Neighbourhood Plan (CD5.04) (MBNP) (further information on these views is set out in paragraph 4.31 onwards of the 2025 LVIA). The western parcel falls within an area of land that was already under consideration for residential development (21/00970/OUT) (CD6.04).
- 2.4. Development will be primarily two storeys in height, with a small area of up to 1.5 storeys fronting the existing access to the golf course to the north.
- 2.5. The Illustrative Masterplan (CD2.12) (see Insert TG 2 above) demonstrates the following:
- 3.63ha of residential development to accommodate up to 126 dwellings, roads, footpaths, private drives, gardens and incidental open space;
 - 2.87ha of accessible public open space to include amenity space, play provision, drainage and planting; and
 - 1.46ha of fenced off biodiversity habitat.
- 2.6. The total area of open space and Green Infrastructure will comprise 3.9ha excluding attenuation, and 4.33ha including attenuation, a total of 54.4% of the Site area dedicated to green and blue infrastructure. This is well in excess of the requirement of 0.785ha.



Insert TG 3: Appeal Scheme from the north, showing consented golf facilities.

Evolution from Earlier Iterations and Response to Landscape and Visual Opportunities and Constraints

- 2.7. Since the original dismissed scheme, the Site has been extended to the west into land already under consideration for residential development. This has allowed the Appeal Scheme to be focussed towards the existing residential development on Pipistrelle Drive to the west, and greater space to be provided within the masterplan to accommodate protected views, as can be seen on Insert TG 2 above. The amended layout



has resulted in a reduction in the amount of development within the centre and east of the Site. More detail on these views is included in Section 3: of this evidence.



Insert TG 4: Refused 2020 Application Scheme (CD6.03) showing greater extent of development in the central and eastern parts of the Site and a much greater proximity to Station Road

2.8. The response to the landscape and visual opportunities and constraints is set out on page 68 of the DAS (CD2.25), summarised below:

- Views of the upper slopes on the approach to Market Bosworth (View 1) retained via a development set back from Station Road and lack of development on eastern area of Site. This has **increased from 23.4m in the previous scheme to 63.3m** in the Appeal Scheme. Development on the western field is set back by a minimum of 31.4m, increasing to 64m.
- Parkland style open space with estate railings in response to published design guidance, with positive frontage of residential properties beyond to create high quality frontage to Station Road.
- New area of land to the west incorporated into the scheme with development focussed towards the north-western part of the Appeal Site. The Illustrative Masterplan (CD2.12) shows a reduction in the number of dwellings on the eastern part of the Site (original 2020 application site) from 63 to 27, allowing greater allowance for open space to protect identified views.
- Sloping land in the east of the Site to be retained as POS to maintain north-facing views from Godsons Hill (Vista 11 in the previous MBNP (CD5.13) – noting these were current at the time of application). New POS with opportunities for new elevated views within east of the Site, including new opportunities to appreciate Vista 11. More information on the Views and Vistas is included later in this evidence.
- Hilltop woodland retained and supplemented with new tree planting and POS.



- Boundary hedgerows along northern and eastern boundaries maintained and enhanced with tree planting, and areas of missing hedgerow reinstated to create soft edge to settlement whilst protecting views.
- Trees within the Site retained within open space and supplemented with new trees planted to allow for views north noting that exact tree locations will be determined at Reserved Matters stage.
- Avenue tree planting along access road to golf course to soften its appearance, noting that it is currently identified as a detractor in the views from Station Road within the MBNP evidence base.
- Creation of marginal planting around attenuation areas to create biodiversity habitat as well as positive landscape features within open space.
- Wildflower / meadow grassland within areas of open space to create amenity and wildlife habitat.



Section 3: Relevant Planning Constraints and Context

Planning History and Context

- 3.1. It is important to update the understanding of the surrounding context with regards to other recent planning consents, extant planning applications and sites identified within the Hinckley and Bosworth Borough Council's (HBBC) Site Allocations and Development Management Plan (SADMP) DPD (CD5.02). These are summarised below and illustrated on Insert TG 5 below.



Insert TG 5: Nearby Consents and Allocations with the previous refused application outlined in red.

The Site – Refused Application 20/01021/OUT (CD6.03) and Dismissed Appeal APP/K2420/W/21/3279808 (CD6.03c)

- 3.2. The Site was subject to a previous planning application (Ref: 20/01021/OUT) (CD6.03) (the 2020 Application) for a 63-unit residential development. The application covered only the central and eastern parts of the Appeal Site as shown below and was situated much closer to Station Road and extended further east.





Insert TG 6: Refused 2020 Application Scheme (CD6.03) showing greater extent of development in the central and eastern parts of the Site and a closer proximity to Station Road

- 3.3. The planning application was considered at Committee, with a recommendation for approval by the Planning Manager. Committee Members voted against the Officer recommendation for approval and refused to grant outline planning permission. The decision notice was issued on 8th June 2021 and established one Reason for Refusal relating to harm to the landscape and identified View 1 and Vista 11 in the previous MBNP (CD5.13).

Planning Appeal Ref: APP/APP/K2420/W/21/327808 (CD6.03)

- 3.4. Following the refusal of planning permission at Committee, the Site was taken forward to appeal proceedings (the 2022 Appeal). The Statement of Common Ground (SoCG) between the Council and Appellant identified that there was limited scope of disagreement, with a focus on the degree of acceptability of the change to local views.
- 3.5. The Planning Appeal was Dismissed, on the basis of the following:
- *“The submitted photographic evidence demonstrates that the considerable adverse consequences on Important View 1 would be experienced on a localised level. Although filtered in parts, the harm would be continuous along the length of Important View 1. This would permanently and substantially erode the distinctive character and appearance of this part of the settlement’s edge.”* The amended Appeal Scheme is set back an additional 40m from Station Road and was agreed by the Council’s landscape consultant to protect the characteristics of Important View 1.
 - *“It is evident that the location, scale and form of development proposed would leave only a remnant of Important Vista 11. The pastoral foreground of this Vista would be replaced with a suburban housing estate and managed public open space. Furthermore, the proposed mitigation planting would in time*



obscure part of the limited remaining views towards North West Leicestershire.” The amended Appeal Scheme has a development edge that is much further to the west than the existing scheme, extending no further east than the access to the golf course. This will result in the retention of the distant views across the Site experienced in the location of Vista 11.

- “The magnitude of change arising from the appeal proposal would be considerable. The adverse impacts resulting from this change would not be adequately mitigated even in the long term. For these reasons, I find that overall the appeal proposal would cause permanent significant adverse impacts to the distinctive character and appearance of the area, with particular regard to Important View 1 and Vista 11. However, the harm to users of public footpath S70/1 would not be significant.” The LVIA (CD2.20) for the amended scheme assessed moderate adverse effects on the character of the Site, reducing to minor at Year 15 and minor effects on the wider character, reducing to negligible at Year 15. These were accepted by the Council’s landscape consultants. The effects of the Appeal Scheme will be experienced only in its immediate surroundings which are already influenced by suburban residential development, and which will change further on the construction of the golf scheme to the north (see below).

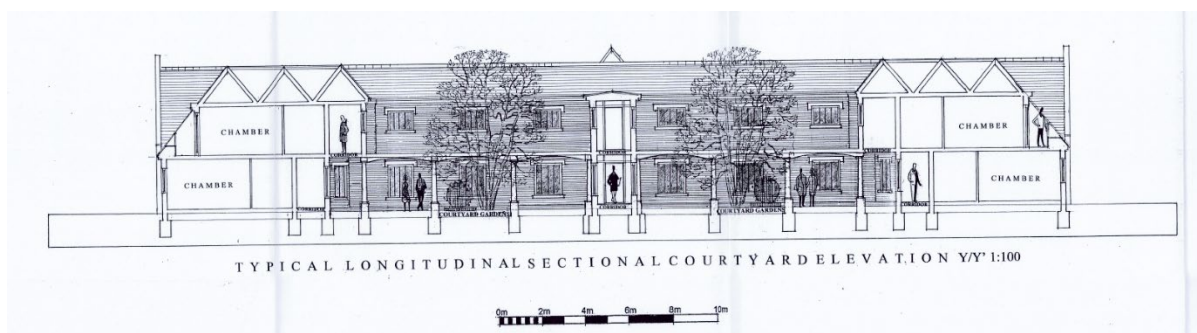
19/01437/FUL Kyngs Golf and Country Club

- 3.6. Land immediately north of the Site has been granted planning permission (approved June 2020) for the erection of a multi-purpose two storey golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 holiday homes (C1) and associated ancillary works and landscaping (Ref: 19/01437/FUL) and more recently for a 1.5 storey 50 room golf and leisure accommodation facility (24/00019/FUL). This will further reinforce the peri-urban context within which the site is situated, with development enclosing the site, and will intrude on what was View 11.



Insert TG 7: Consented layout for Kyngs Golf and Country Club





Insert TG 8: Sectional elevation of the proposed courtyard building with 6.675m ridge height.



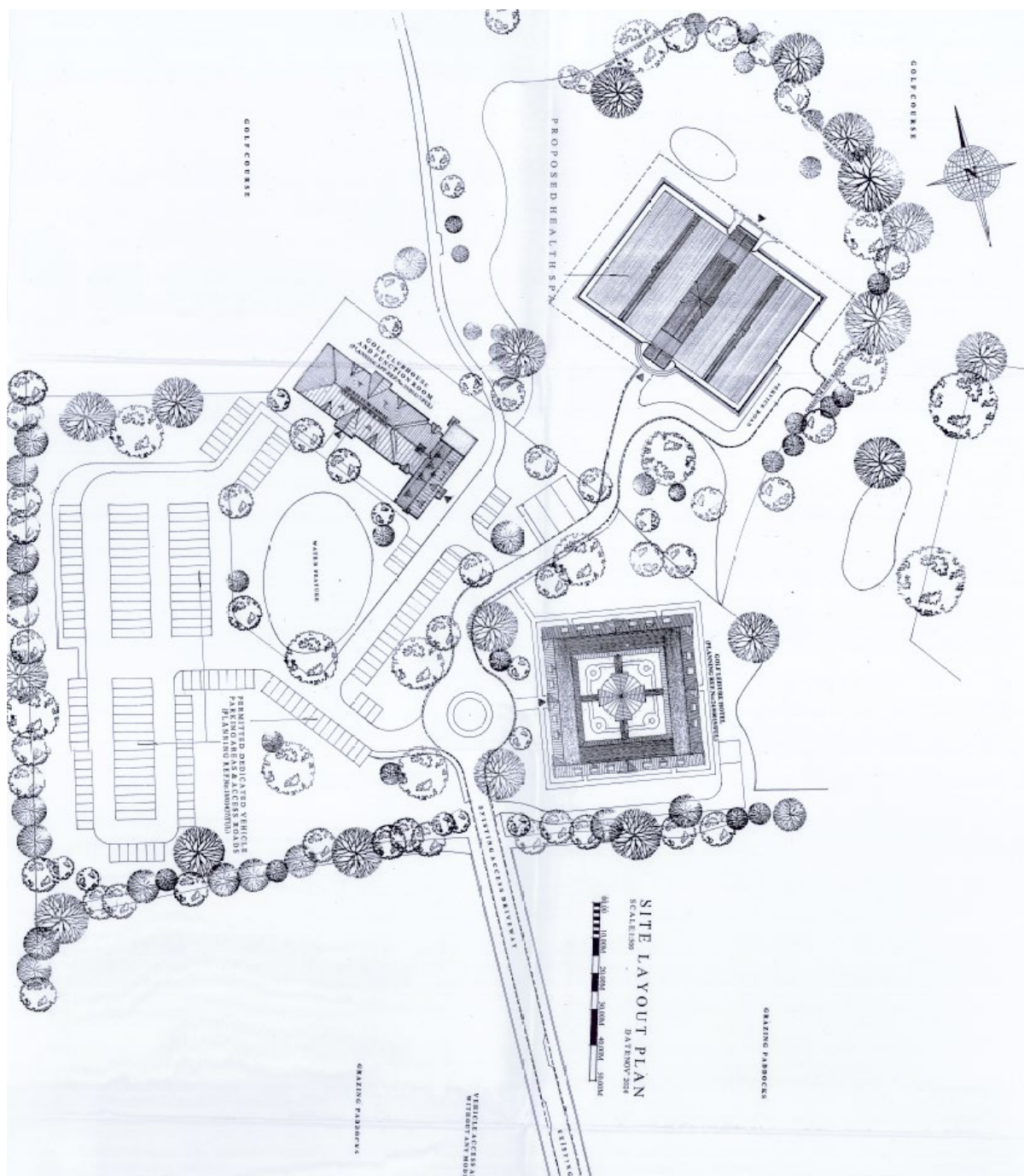
Insert TG 9: Club house elevations following reduction in height further to discussions with Council.

- 3.7. The golf club development will also form a backdrop to views across the site from Station Road. This includes both key 'View 1' and 'Vista 1' of the MBNP (CD5.04) (described further in Section 3 of this report). The golf course scheme was consented with notes that it would not adversely impact upon the protected views. When viewed from the south, these two buildings will comprise an almost complete horizontal form of development within the view.

Kyngs Golf and Country Club Further Planning Application 24/01157/HYB

- 3.8. A further application has been made on land to the north of the Site for a Health and Leisure Spa and 126 holiday lodges (24/01157/HYB). The lodges will be situated on the far side of the golf course to the Appeal Site on land between the Battlefield Railway Line and the Leicestershire Round long-distance trail, immediately adjacent to the PRoW. The proposed leisure and health spa, however, would be situated to the north of the consented hotel block and to the north-east of the golf club (see Insert TG 10 below).





Insert TG 10: Extract from hybrid application for new leisure and health spa and 126 lodges to the north of the Appeal Site

- 3.9. This will result in further development intrusion into views north from Station Road and will further increase the built context of the Appeal Site.

Withdrawn Planning Application No. 21/00970/OUT (CD6.04) – Land South of Stables Wharf Farm

- 3.10. Located to the immediate west of the Appeal Site, the proposals submitted by Ainscough Strategic Land were for approximately 100 new homes and a new shared access point from Station Road. A mixture of



housing types and tenures, including 40% affordable homes, were to be provided in line with policy guidance to help meet identified local needs. The proposed development would also be visible from View 1 and Vista 11. The application was submitted on 5th August 2021 but was subsequently withdrawn. It is relevant to the Appeal Site as consultation responses were provided, and comparable technical studies are available. The LVIA submitted for that application, concludes:

*“In summary, the Site is not covered by any landscape designations and is considered to be an area of ordinary landscape value. The Proposed Development would introduce a residential development into an area of rural landscape adjacent to the existing urban area of Market Bosworth to the south and west. It would change the character of the Application Site and local views from the nearby footpaths to the north and Station Road to the south. The proposed development would give rise to some adverse effects which are inevitable with development of this scale on a previously-undeveloped site. **However, effects on the wider landscape and townscape (including the historic core of Market Bosworth) as well as surrounding roads and public rights of way would be localised.** The retention and enhancement of existing vegetation around the Application Site would reinforce enclosure from the wider landscape and reduce the magnitude of potential landscape and visual effects whilst enhancing features of the landscape in accordance with the objectives identified in the Hinckley & Bosworth Landscape Character Assessment.”*

- 3.11. These findings are comparable and consistent with those presented in the 2025 LVIA (CD2.20).
- 3.12. The consultation response from the Council’s Policy Officer on 23rd September 2021 confirmed that:

“There are no significant policy objections to the principle of residential development on this site subject to the findings of the case officer, in consultation with any other relevant stakeholders.”

Recently Constructed - Planning Application No. 21/00379/FUL – Sedgemere, Station Road

- 3.13. Located approximately to the 190 metres to the south-west of the Appeal Site, this scheme by Owl Homes is for 73 dwellings made up of two, three, four and five-bedroom homes, including 29 affordable properties. It was a re-submitted application which was previously refused, but the revised scheme was consented on 19th October 2021 and deemed by the Council as not being unduly intrusive to the character of the Ashby Canal Conservation Area and would complement the character of the surrounding area as required by Policy DM10. It demonstrates that change of this scale is acceptable within the same Landscape Character Area as the Appeal Site, despite the loss of existing pond features and established tree cover.

DPD Allocation – Land South of Station Road (CD6.06)

- 3.14. Land South of Station Road, directly adjoining the Appeal Site has been identified for mixed use development within both the HBBC SADMP and the MBNP (CD5.04). The allocation is for approximately 100 residential dwellings, a half to one hectare of employment land, associated infrastructure, open space and landscaping. A draft masterplan and development brief SPD were adopted in 2021.





Insert TG 11: Illustrative Masterplan (CD2.12) from Market Bosworth: An Opportunity South of Station Road

- 3.15. The site is relevant as it illustrates the accepted direction of growth for Market Bosworth towards the west. This area of land was identified in the MBNP Examiners Report (March 2015) as being within the top five spaces valued by the local community in relation to visual amenity, leisure and recreation and is also situated within Vista J, K and I within the Landscape Review produced to inform the MBNP (CD5.04). The examination of the MBNP concluded that the land south of Station Road did represent sustainable development; however, the examiner also noted (para. 62) that:

“While the proposed site would result in some loss of attractive landscape, the nature of Market Bosworth is such that any green field development is likely to result in some loss of views over the countryside.”

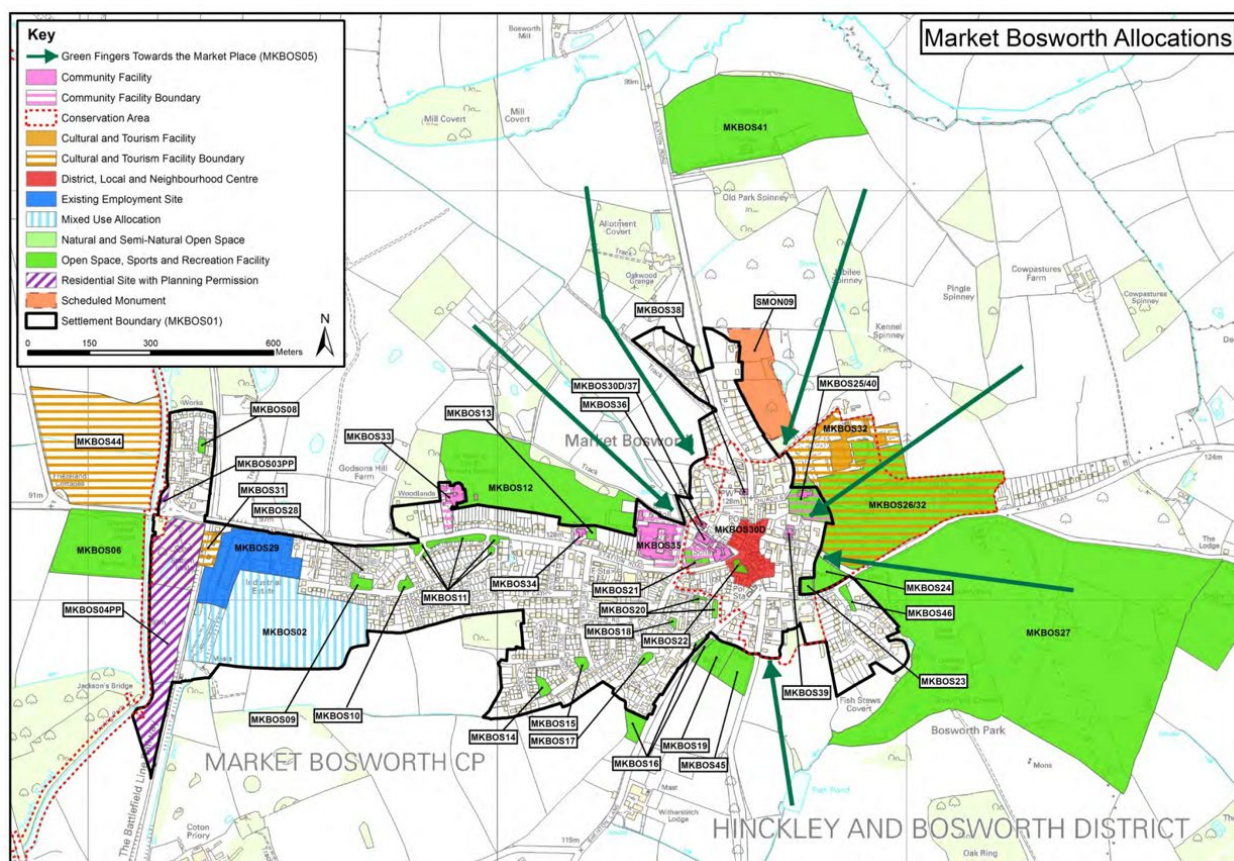
Designations and Constraints to Development

- 3.16. There are no landscape designations of relevance to the Appeal Site. However, 18 trees along the southern boundary are subject to Tree Preservation Orders (TPO) (75/00011/TPORD and 14/00001/TPORD).
- 3.17. The Market Bosworth Conservation Area is situated c. 700m east and with no visual relationship to the Site. The Ashby de la Zouch Canal Conservation Area is situated c. 137m west of the Site also with no visual relationship to the Site. The Conservation Officer (CD3.11) confirmed in the Committee Report (CD4.01) that there would be no adverse impacts upon these heritage assets. There are no listed buildings within the direct setting of the Site, and no heritage objection has been raised.
- 3.18. Market Bosworth is not surrounded by Green Wedge as are some other settlements within the Borough, which, as set out in para. 3.43 of the HBBC SADMP DPD (CDD5.02), seeks to guide the development form



of urban areas. The presence of a Green Wedge helps to maintain settlement identity whilst providing green infrastructure links between settlements as a 'green lung' and recreational resource.

- 3.19. Notwithstanding that, Market Bosworth itself has a number of other constraints to growth, including statutory designations as illustrated on Insert TG 12 below. To the north and east, the landscape is constrained by the proximity and coverage of the Conservation Area, as well as a Scheduled Monument (Roman foundations east of Barton Road) and the ancient parkland associated with Bosworth Hall. To the south-east, growth is constrained by the 35-hectare Country Park. To the north-west, the settlement boundary is adjoined by the Silk Hill protected Local Green Space and the area of recreational space associated with St Peter's Church of England Primary Academy, Market Bosworth School and the Dixie Grammar School.



Insert TG 12: Market Bosworth allocations and constraints to development (extract from HBBC SADMP DPD (CD5.02))

- 3.20. Furthermore, the main settlement area is surrounded by 'Green Fingers'. Para. 7.19 of the HBBC SADMP DPD, confirms that:

"The Hinckley and Bosworth Landscape Character Assessment highlighted the importance of the green fingers penetrating toward the Market Place for the rural setting and character of Market Bosworth. These findings are reinforced and the fingers identified for retention through Core Strategy Policy 11. These green fingers are identified on the Market Bosworth Allocations map to be safeguarded under Core Strategy Policy 11."

- 3.21. Policy 11 of the Core Strategy (CD6.01) states the requirement to:



“Protect the fingers of green open land which penetrate towards the market place as these are important to the rural setting of the town as supported by the Hinckley & Bosworth Landscape Character Assessment.”

- 3.22. This indicates that the Appeal Site and surrounding landscape was not considered to be an important rural setting to the town, and with the absence of other documented and designated constraints, it further demonstrates that it a logical direction for future growth.

Planning Policy and Evidence Base

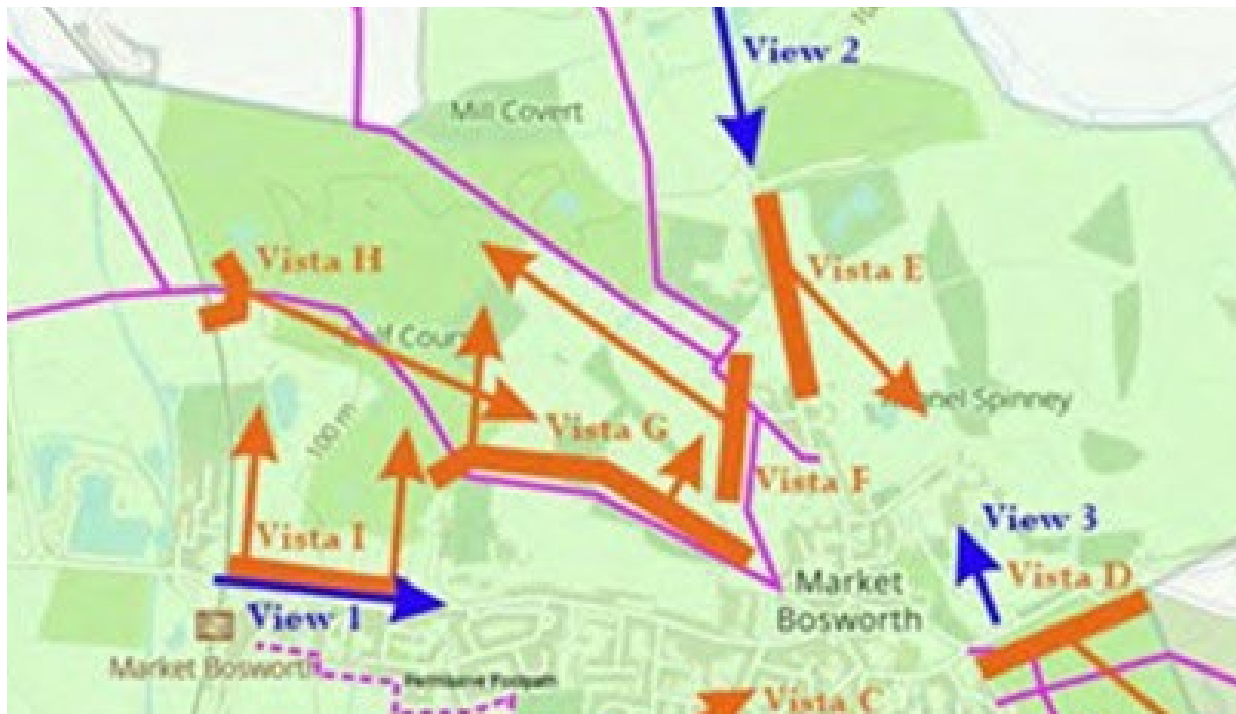
- 3.23. Adherence to the identified policies within the Reason for Refusal are addressed in Section 8 below. Relevant planning policy is set out in Section 4 of the 2025 LVIA (CD2.20) with the following a summary of the elements that have changed since it was produced or that require additional reflection.

Market Bosworth Neighbourhood Plan (MBNP (CD5.04)) (2025)

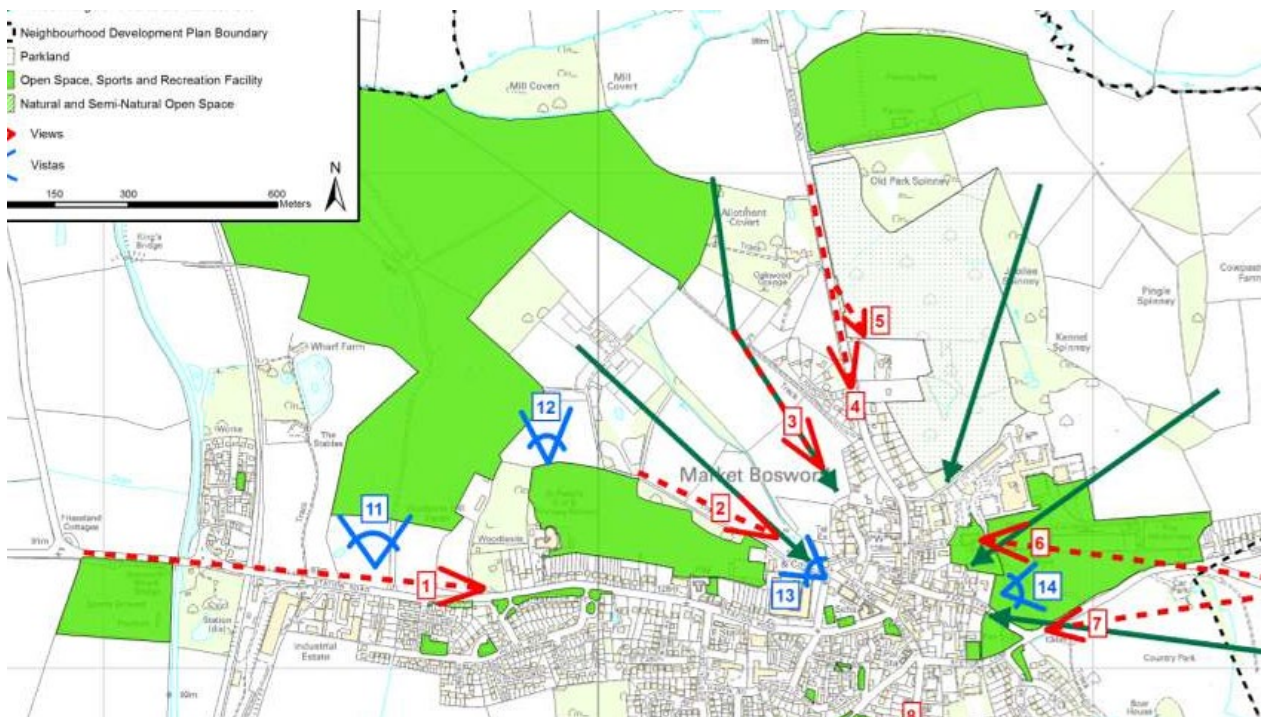
- 3.24. Since the production of the LVIA (CD2.20), the MBNP 2014-2026 (CD5.13) has been replaced by the MBNP 2020-2039 (2025) (CD5.04). The relevant sections (character and views) of the 2025 MBNP (CD5.04) closely reflect the similar sections of the superseded MBNP (CD5.13) with the main changes being in relation to the identified Important Views and Vistas.
- 3.25. The 2025 MBNP (CD5.04) continues the theme identified in the previous iteration of identifying views around Market Bosworth which it considers to be of value. These views and vistas were based upon the 2023 Landscape Review (CD5.14) produced by David Hickie Associates¹ (the Landscape Review). The broad locations of the Important Views and Vistas remain, although their extent and description have changed, with the Vistas in the 2025 MBNP covering greater areas of countryside than the superseded MBNP (CD5.13). Vista 11 has been replaced by Vista I, and the location of View 1 has moved to the east to reflect that no view east is possible until the railway bridge.
- 3.26. Figure 20 (Insert TG 13 below) demonstrates View 1 extending east along Station Road along the southern boundary of the Site in a similar to location to in the previous MBNP (CD5.13), although starting from a more easterly point to reflect that there are no views along Station Road from west of the railway bridge. It shows Vista I as looking north across the entirety of the Site from Station Road, a much greater extent of land than Vista 11.

¹ David Hickie Associates (March 2023) Landscape Review Market Bosworth Neighbourhood Plan Version 3





Insert TG 13: Extract from Figure 20 of the MBNP (CD5.04) demonstrating 'important views and vistas'.



Insert TG 14: Extract from page 34 of the superseded MBNP (CD5.13) demonstrating the increase in extent of Vista I as compared to View 11.

Landscape Review for Market Bosworth Neighbourhood Plan (2023)

- 3.27. The Landscape Review (CD5.14) is addressed in paragraph 4.54 onwards of the 2025 LVIA (CD2.20). The document was commissioned by the Parish Council as part of the evidence base to guide the emerging



MBNP Review (now Made (CD5.04)). It described similar views to those identified in the original MBNP (CD5.13), although some of the views, such as View 11, were renamed, in this case to Vista I, expanded to occupy larger areas of land and changed in description.

Important View 1

- 3.28. View 1 is described in the Landscape Review (CD5.14) as the “*view from Station Road Railway bridge looking eastwards towards Market Bosworth town centre and hilltop*”. Positive features are described as the “*unobstructed view of straight road focussing view towards top of slope, woodland avenue and town; hedgerows, roadside trees and shrubs*”. Neutral and negative features were described as the telegraph poles and power lines, the housing, “*clutter of street signage*” and road markings. Interestingly, the pylons were described as being neutral features in View 1 as opposed to Vista I where they were described as negative features.



Insert TG 15: View 1 in the 2013 Landscape Review showing the industrial development to the south of Station Road

- 3.29. The Illustrative Masterplan (CD2.12) demonstrates how built form has been set back to 63.3m to create greater space, a significant increase than the 23.4m in the previous dismissed scheme, in order to create greater space for View 1.

Important Vista I

- 3.30. Vista I was described in the Landscape Review (CD5.14) as a “*view from Station Road Railway Brigade [sic] to top of hill opposite Godsons Hill*” with a field of view of 180 degrees along “*the northern length of road and footpath*”. Positive features were described as “*foreground and middle-distance views of grass field with hedgerows*” and “*distant views of hedgerows and woodland on the skyline*” with built development settlement to the east. Neutral and negative features were described as including the view of the dwellings on the settlement edge, the power lines, cluttered road signage, golf club entrance and associated buildings.





Insert TG 16: Western extent of Vista I



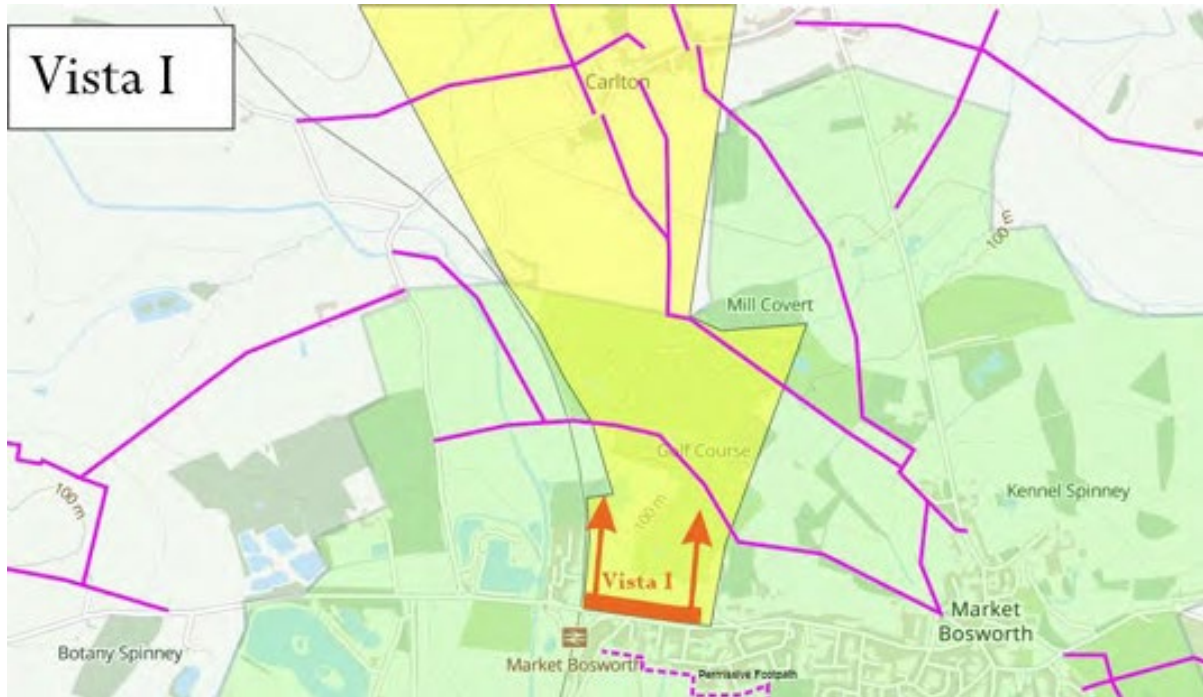
Insert TG 17: Eastern part of Vista I broadly equivalent to Vista 11

- 3.31. This description is greatly different from that in the superseded MBNP (CD5.13) which described Important Vista 11 thusly:

“Standing on Station Road pavement at the junction with Godsons Hill the vista starts with housing on the west side enclosed by trees, turning northwards to mature trees and wooded areas stretching across the golf course the land undulates with fields and woods to the horizon. Turning east across grazing land which rises up to woods with a couple of dwellings on the edge to the right. This vista is important because it gives extensive views of north west Leicestershire.”

- 3.32. The focus for the vista appears to have changed from long views towards the distant countryside to short distant views of fairly typical grazed fields with the golf course as a backdrop.
- 3.33. Greater detail was included for the extent of Vista I within the Landscape Review (CD5.14) than in the MBNP (CD5.04), demonstrating the area considered to be included in the Vista. The MBNP specifically refers to the Landscape Review to prevent duplication.

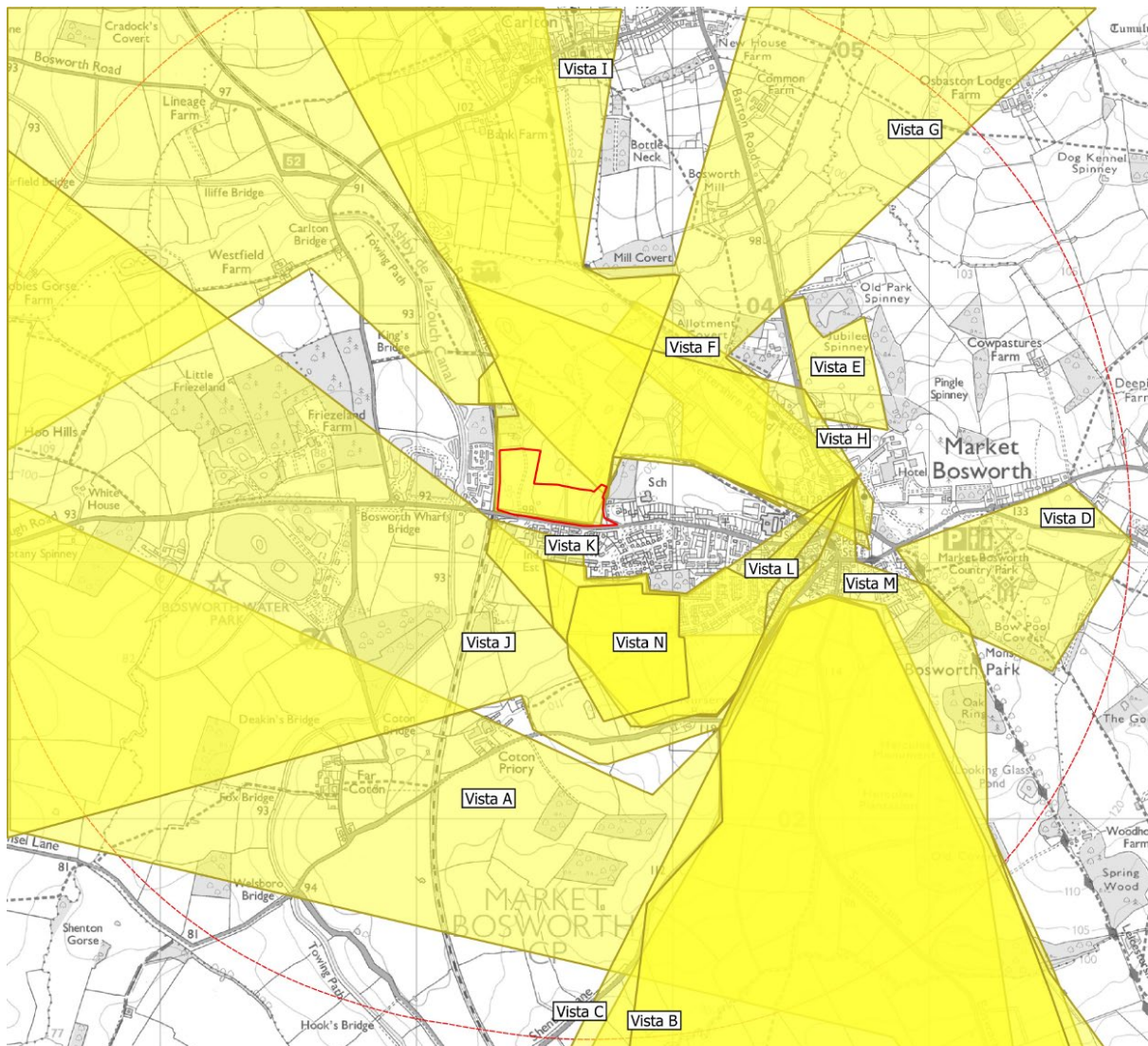




Insert TG 18: Extent of Vista I in the Landscape Review

- 3.34. Tyler Grange undertook an exercise where all of the vistas identified in the Landscape Review were overlaid on a single plan. As can be seen below, these overlap to cover almost all of the land around Market Bosworth.





Insert TG 19: Plan demonstrating all protect views cones identified within the Landscape Review used to inform the MBNP Review demonstrating that almost all areas of land around Market Bosworth would be precluded from development

- 3.35. In the Committee Report (CR) (CD4.01) (paragraph 8.117) the Case Officer noted that “the Examiner of the MBNP highlighted that the revised detailed for Policy CE3 could be used as a ‘catch-all’ policy, which could be used to resist new development regardless of its ability to be sustainable or include mitigation”. Looking at the above plan, it is possible to see why this was raised as a concern. It is important to note that the allocated land to the south of Station Road falls within three identified Important Vistas: I, J and K.



Section 4: Landscape and Visual Context

- 4.1. This section does not seek to recreate the information set out within the LVIA (CD2.20) produced to inform the outline planning application but, rather, refers to it where appropriate, highlights where the baseline has changed within the intervening time, and adds information where required.

Appeal Site and Context

- 4.2. The Appeal Site comprises areas of grazing land, on the north-western edge of Market Bosworth. A detailed site context is included in Section 1 of the 2025 LVIA (CD2.20).



Insert TG 20: Site Location (Extract from LVIA Plan 2)

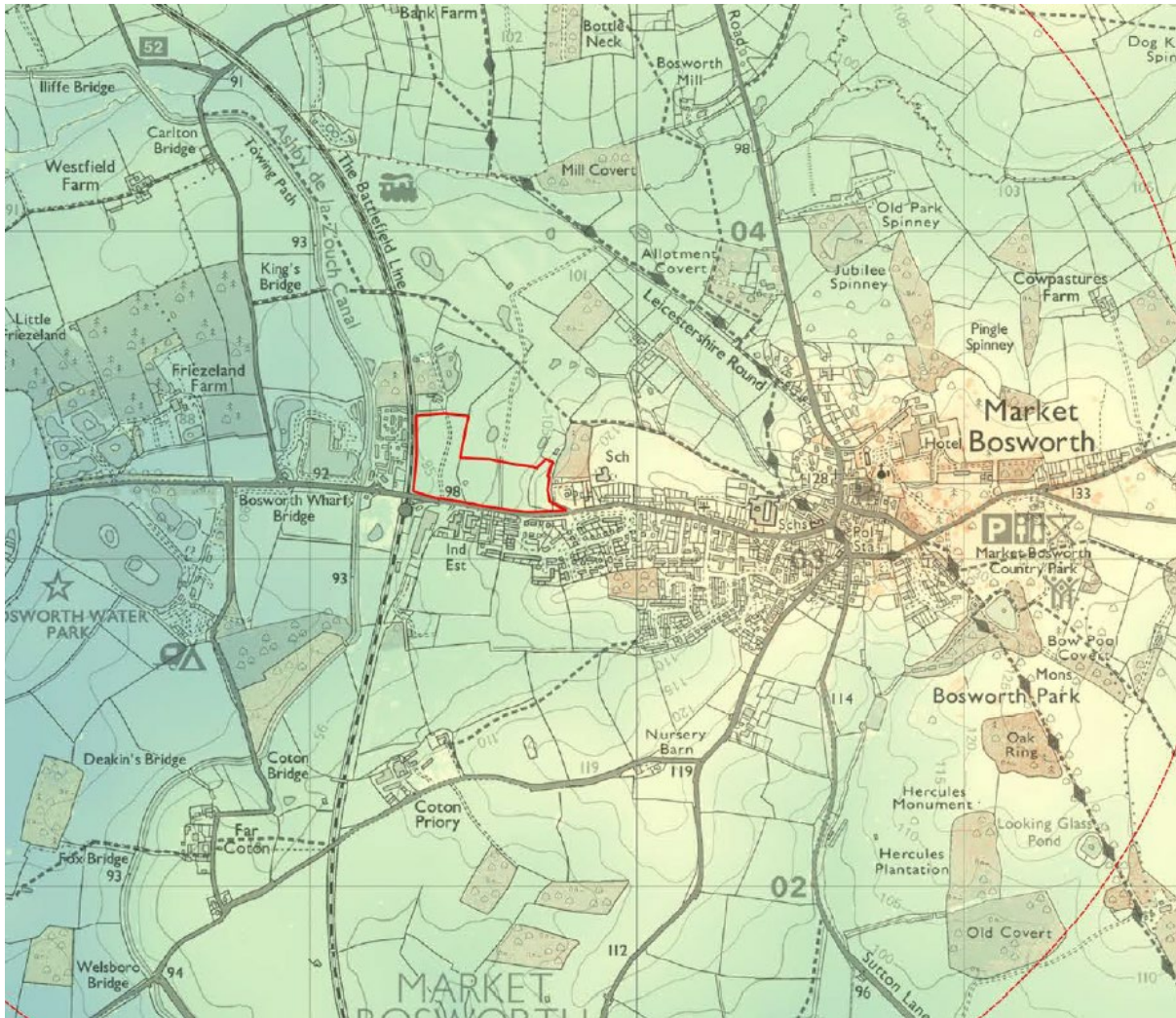
- 4.3. The western boundary is demarcated by shrub and tree planting along the heritage railway known as 'the Battlefield Line' which extends between Shenton, c. 3km to the south, and Shackerstone c. 3km to the north. The southern boundary is marked by Station Road, which is partially bordered by native hedgerows with



trees, with a large gap where the hedgerow has not been maintained at the eastern end of the Site and which is marked by timber post and rail fencing. The eastern boundary is marked by the curtilage of Spinney Cottage and Woodlands, the latter visible as a large dwelling adjacent to an area of woodland to the north of these. Land to the north of the Site is consented for the erection of Kyngs Golf and Country Club, a multi-purpose golf clubhouse, holiday homes, car parking and association planting and infrastructure, as well as a 50-room golf and leisure accommodation facility (see Section 3 above). An additional application for a new leisure and health spa is currently under consideration by the Council. An existing single storey temporary building is set within the land to the north which is operating as the current golf course facilities. Further properties are situated on the northern boundary, either side of the golf course site: Godsons Hill Farm in the east and The Stables in the west. The northern boundaries are mainly marked by native hedgerows with some notable gaps. The western part of the Site is crossed by the access road to The Stables, and the central part of the Site is marked by the access road to the golf course.

- 4.4. Market Bosworth was historically situated at the top of a local hill but has extended west from its historic centre down onto the lower lying and more level ground towards the railway station. Growth of the settlement has been constrained in other directions by a combination of historic and open space designations. Market Bosworth has now extended beyond the railway line to the west of the Site, with housing extending in a series of cul-de-sacs off Pipistrelle Drive to the north of London Road, and houses of Sedgemoor Road to the south. Land south of the Site, on the southern side of London Road, is occupied by a mix of residential and commercial development, including warehouse type development. Further consents and allocations are situated to the south of Station Road. West of the housing on Pipistrelle Drive are the Ashby de la Zouch canal and Bosworth Marina. Settlement within Markt Bosworth is therefore well established as far west as and beyond the Site boundary.
- 4.5. The Site is strongly contained to the west, south and east by existing residential development within Market Bosworth and will be further contained to the north by the consented Kyngs Golf and Country Club, which is currently subject to a further application for leisure and health space and 128 lodges, all of which would be accessed through the Site.
- 4.6. The Site rises gently from west to east, more steeply rising east of the access road to the golf course, resulting in the eastern extent of the Site (c.115mAOD) being situated c.18m above the western extent (c.97mAOD). This results in longer distance views west and north-west from Station Road as well as north across the Site in what was originally Vista 11.





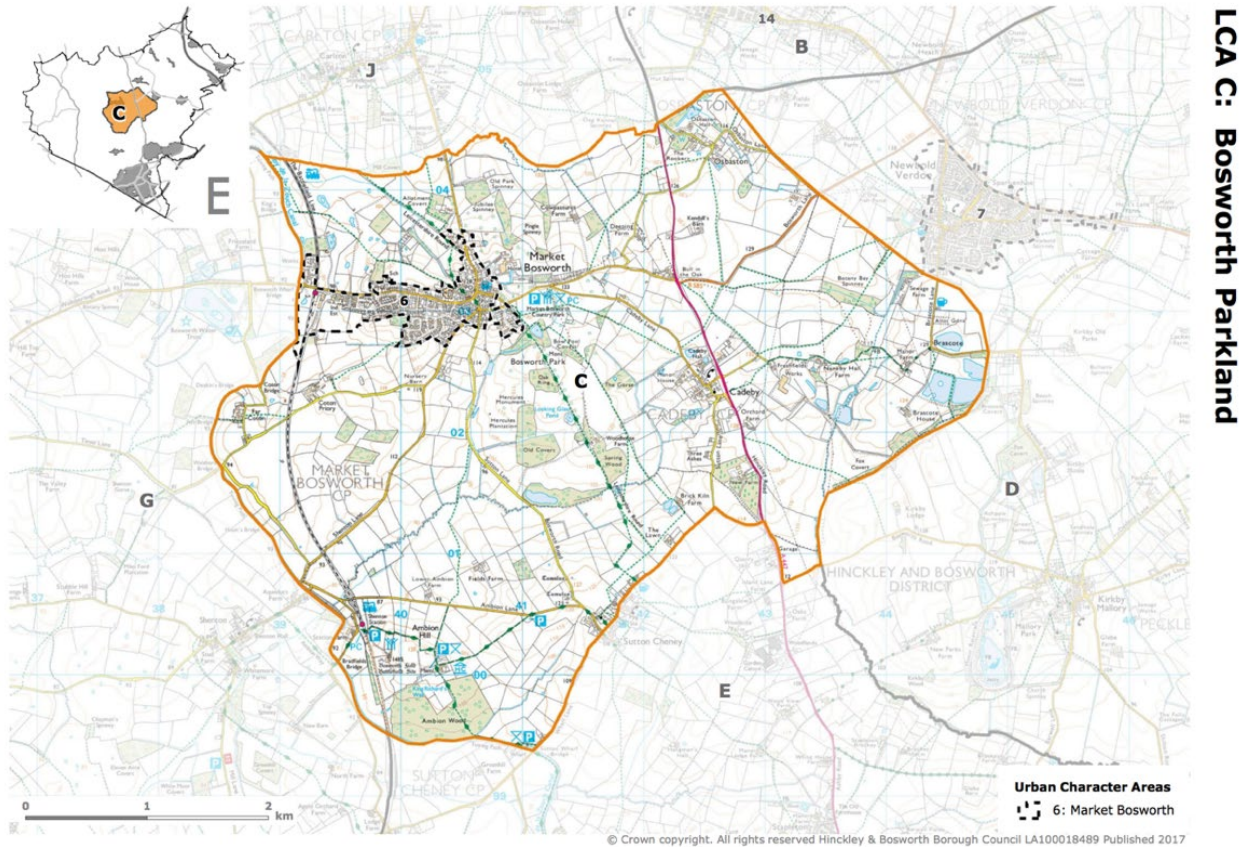
Insert TG 21: Topography of the Appeal Site and surroundings showing Market Bosworth extending west off the higher ground (Extract from LVIA (CD2.20) Plan 3)

Landscape Character

Hinckley and Bosworth Landscape Character Assessment (2017)

- 4.7. The LVIA (CD2.20) (Section 5) identified the relevant landscape character areas in the Study Area. The Site is situated within Landscape Character Area (LCA) C: Bosworth Parkland within the Hinckley Bosworth Landscape Character Assessment (2017) (CD5.15). Land to the west of the built edge of Market Bosworth falls within the Sense Lowlands LCA. Effects on neighbouring LCAs are always secondary, i.e. affecting the perception of landscape. If there is no visual relationship between a development and a neighbouring character area, then it cannot cause secondary effects. Any views towards the Proposed Development from the neighbouring LCA will be negligible and therefore they are scoped out of the assessment. Effects on the Sense Lowlands has not been raised as a concern throughout the life of the project.
- 4.8. LCA C is described as encompassing the estate parkland surrounding the hill on which Market Bosworth is situated and including part of the site of the Battle of Bosworth.





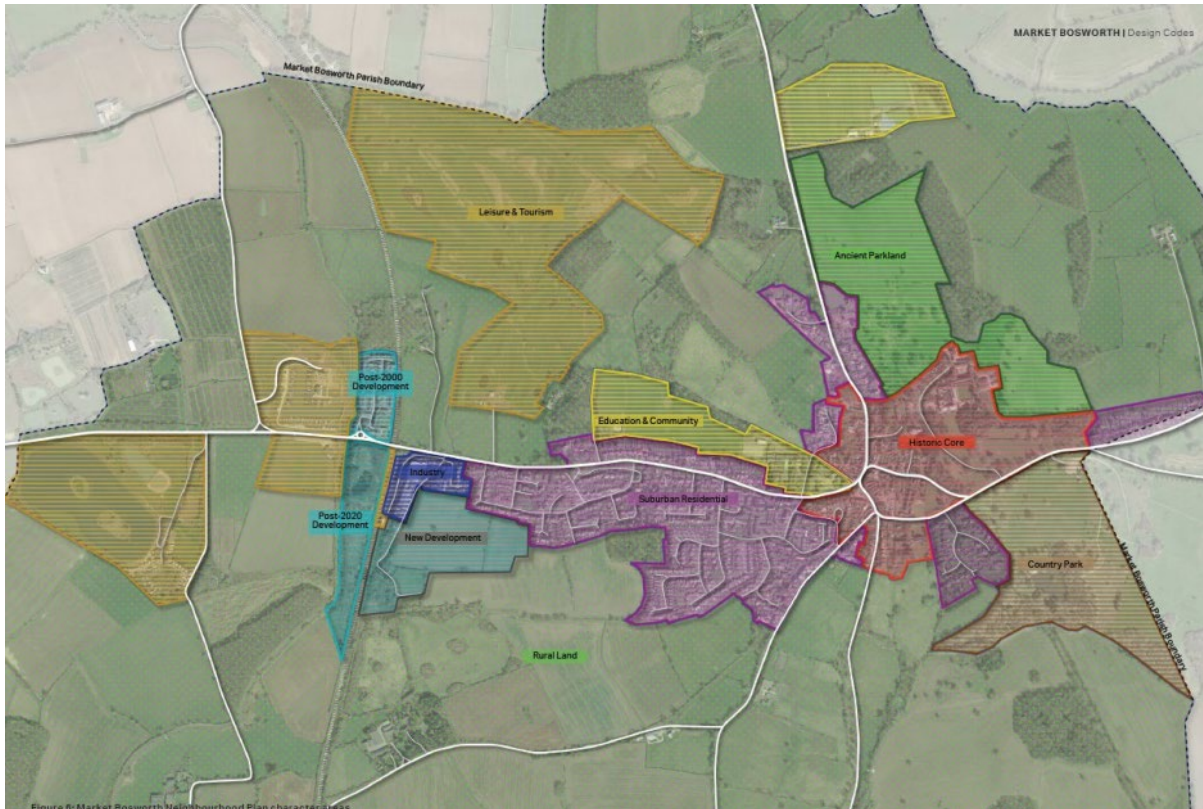
Insert TG 22: LCA C: Bosworth Parkland (Extract from the Hinckley and Bosworth Landscape Character Assessment)

- 4.9. The adjacent land to the west, south and east is situated within Urban Character Area (UCA) 6: Market Bosworth. The key characteristics of UCA 6 very much describe the historic core of the settlement, rather than the post war development which has extended west off the hill, and which does not strongly reflect local vernacular. The Site does not have a visual relationship with the historic core of the settlement being situated more in the context of post-war suburbia and industrial estates.

Market Bosworth Neighbourhood Plan (CD5.04)

- 4.10. The MBNP (CD5.04) also set out a series of Character Areas, which broadly correspond with those identified within the previous iteration. The Site is situated within the 'rural land' character area, with adjacent uses in the following areas:
- A: Leisure and tourism to the north;
 - B: Industry to the south;
 - D: Suburban residential to the south, south-east and east; and
 - H: Post-2000 development to the west, south west and south.





Insert TG 23: Figure 11 of the MBNP showing local Character Areas

- 4.11. Character Area A: Leisure and Tourism covers the area of the golf course to the north of the Site, noting it precedes the consented new facilities to the north of the Site, as well as the marina to the west and Bosworth Lakeside Lodges camping and water sports area. It is described on page 30 of the MBNP (CD5.04) as having *“open landscape features, large wide-open aspect, outdoor leisure pursuits and heritage-style leisure resources”*.
- 4.12. Character Area B is described as *“a 20th Century industrial estate, former railway sidings and buildings, a range of styles and building quality commercial/industrial buildings, minimal planting, concrete and tarmac surfacing”*. The industrial area is apparent in views along Station Road, particularly nearer to the railway bridge.
- 4.13. Character Area D refers to detached and semi-detached dwellings with properties set back from the pavement and with open gardens, public open space and garages. Character Area H is described as being a tightly grained mix of red brick property types, either fronting the onto the street or with small setbacks.
- 4.14. The Rural Land Character Area is described as comprising *“all other land within the Neighbourhood Plan Area”*.

Visual Context and Baseline

- 4.15. The Site is overall contained by existing residential development and conifer planting to the west on Pipistrelle Drive, suburban residential and industrial development along its southern boundary and by residential development and woodland on the higher ground to the east. These restrict the visual envelope of the Site to its immediate boundaries from these directions, i.e. to Station Road as it extends along the southern boundary.



- 4.16. The north of the Site is currently marked by The Stables, with woodland beyond, in the west, and Godsons Hill Farm in the north east, both single detached dwellings in large grounds. Between these two properties is the area of the golf course, which is well planted but still immature, creating a more visually open area to the north which will reduce as planting matures. The existing single storey club house, a single temporary building, is partially hidden behind boundary hedgerow extending along the northern boundary of the Site.
- 4.17. The western part of the Site is situated on lower ground, adjacent to existing residential development on Pipistrelle Drive to the west, and industrial and residential development to the south. The ground rises at the eastern end of the Site and elevated views are possible from Station Road across the centre and west of the Site towards existing settlement on Pipistrelle Drive and towards the countryside beyond, resulting in the western part of the Site appearing very much in the context of the existing built form from this angle. The boundary with Station Road is more strongly vegetation in the centre and west, with a native hedgerow in mixed condition and mature trees, some of which are in need of maintenance. The eastern part of the boundary with Station Road is open where the hedgerow has been lost through poor maintenance and where it has been replaced with a post and rail fence. Elevated views are also possible from the railway bridge at the western end of the southern boundary, where it is possible to see across the Site towards the golf course and the countryside to the north and north-west.
- 4.18. PRoW S70 extends approximately north-west from Market Bosworth, extending through the golf course c. 200m to the north-east of the Site. Due to the immaturity of the planting within the golf course, views towards the Site are possible from S70 from the north, albeit filtered by areas of maturing vegetation. In these views it will be seen in the context of the existing built form south of Station Road and on Pipistrelle Drive, both of which are visible filtered by intervening vegetation. As planting within the golf course continues to establish, these views will be further reduced. The Leicestershire Round long-distance trail extends broadly parallel with S70 but c. 500m to the north-east. Views from the Leicestershire Round are filtered by layers of intervening vegetation and will reduce as planting within the golf course continues to mature.



Insert TG 24: Extract from view from S70 showing existing golf course building in centre left and buildings on Pipistrelle Drive to the right.

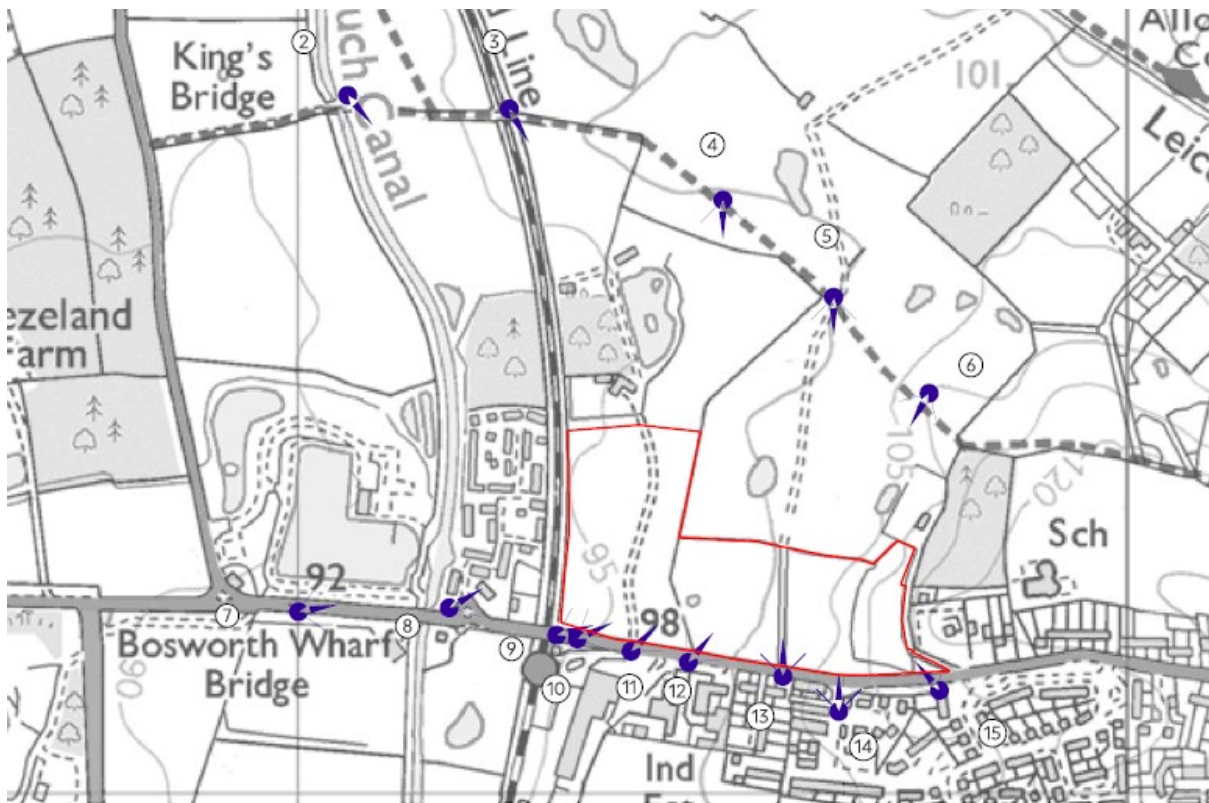
- 4.19. Site visits confirmed that the visual envelope of the Appeal Site is extremely limited, visible from Station Road as it passes the southern boundary, within filtered views from PRoW S70 to the north and from some properties to the south. Views towards the Site from PRoW S70 will change with the construction of the consented two storey club house and 1.5 storey hotel to the north and as the planting within the golf course



matures. The pending application of the health and leisure spa will further increase urbanising influences in views from S70 and reduce views towards the Appeal Scheme.

Visual Receptors

- 4.20. The Study Area and the location of 16 viewpoints were agreed as part of the 2020 Application at a pre-app meeting on 8th September 2020. These locations included views to cover View 1 as well as eight separate locations along Station Road to describe the transient experience of passing along Station Road. These were intended to equate to include Vista 11 but cover the extent of Vista I. The LVIA Review (CD3.20) (paragraph 3.13) agreed that these viewpoints were “*considered proportionate to the scale of the development and appear to represent all identified receptors*”. The Committee Report (CD4.01) agreed that visual receptors were likely to be those in close proximity, i.e. users of Station Road, users of nearby PRoW, visitors to the golf facilities and nearby residents (paragraph 8.133 and 8.134).



Insert TG 25: Extract from LVIA (CD2.20) Plan 7 showing location of closest agreed viewpoints.

- 4.21. It is important to note that LVIA is undertaken on receptor groups and not on individual viewpoints, unless specific viewpoints are identified within mapping, in accordance with TGN 24-01 (CD6.18). Viewpoints are used to illustrate the views but are not considered a complete substitute for visiting the area in person, particularly where views are transient.
- 4.22. The LVIA (CD2.20) identified the following receptor groups:
- Users of the Leicestershire Round;
 - Users of PRoW S70;



- Users of Kyngs Golf and Country Club (future receptors);
- Users of Station Road; and
- Users of residents to the south.

- 4.23. LVIA is primarily focussed on public views and there is no right to the public view. Case law has also established the 'Lavender test', which states that impact upon private views is only material if it makes the experience of living in the property unpleasant. A review of views from private properties is included in Appendix 1.
- 4.24. Although the site assessment was undertaken when there was still leaf cover on trees, with site visits in summer and autumn months, LVIA is always undertaken on the worst-case scenario, and taking into account seasonal changes.
- 4.25. The LVIA Review (CD3.20) did not dispute the findings of the LVIA (CD2.20), requesting clarity on the value of some receptors, particularly those from Station Road and PRoW S70, which it assessed as being medium. The Tyler Grange Clarification Note (CD2.19) confirmed that it agreed those views to be of medium value. The subsequent File Note (CD3.20a) produced by LUC addressed views from properties on Station Road, identifying ten properties that would have views impacted upon by the Appeal Scheme. A detailed assessment of views from properties on Station Road and effects on their visual amenity is included in Appendix 1 of this evidence.



Section 5: The LVIAs and Previous Consultation

The LVIA (CD2.20) and its Conclusions

5.1. The LVIA (CD2.20) set out its assessment of effects in Appendices 4-6 with the following as summary:

Operational Phase Effects (Year 1)

5.2. The following operational effects were predicted within the 2025 LVIA at Year 1:

- Moderate adverse;
 - The Site-specific landscape elements and features;
 - Views from recreational users of Footpath S70/1 to the north (VPs 2, 3, 4, 5 and 6);
 - Users of Kyns Golf and Country Club (Future Receptor) (VPs 2, 3, 4, 5 and 6);
- Minor adverse;
 - LCA C: Bosworth Parkland within the Hinckley and Bosworth Landscape Character Assessment;
 - Views from recreational users of Leicestershire Round long-distance footpath (VP1).
 - Transient users of Station Road (VPs 7, 8, 9, 10, 11, 12, 13 and 15)

Residual Effects (Year 15)

5.3. The Proposed Development will result in the creation of 3.9ha of public open space, excluding attenuation, and 4.33ha including attenuation, a total of 54.4% of the Site area dedicated to green and blue infrastructure. The Illustrative Masterplan (CD2.12) demonstrates the planting of new native trees as well as new hedgerows along boundaries where these have been removed historically.

5.4. The following residual effects (Year 15) were predicted:

- Minor adverse (reducing to neutral over time);
 - The Site-specific landscape elements and features;
 - Views from recreational users of Footpath S70/1 to the north (VPs 2, 3, 4, 5 and 6);
 - Users of Kyns Golf and Country Club (Future Receptor) (VPs 2, 3, 4, 5 and 6);
 - Transient users of Station Road (VPs 7, 8, 9, 10, 11, 12, 13 and 15);
- Negligible;
 - LCA C: Bosworth Parkland within the Hinckley and Bosworth Landscape Character Assessment;



- Views from recreational users of Leicestershire Round long-distance footpath (VP1).

- 5.5. Beyond Year 15, vegetation will continue to mature, further screening the residential development within views and integrating them into the landscape. Effects will continue to reduce over time as vegetation matures. Vegetation within the golf course will also continue to mature, increasing visual containment to the north and further reducing views from PRoW S70 and the Leicestershire Round.
- 5.6. The LVIA (CD2.20) considered effects that would be experienced by users of Kyns Golf and Country Club. However, LVIA is primarily concerned with public views and those experienced by users of the golf club will be private.

The LVIA Review (CD3.20)

- 5.7. As with the earlier application, the Council commissioned LUC to provide a review (the LVIA Review) (CD3.20) of the LVIA (CD2.20), which was dated March 2025.

Structure and Approach

- 5.8. The LVIA Review (CD3.20) noted the following points in 2.4-2.14:
- The LVIA *“broadly aligns with the principles set out in LVIA3”* and *“clearly identifies”* the baseline, design process, description of the proposals, mitigation and assessment of landscape and visual effects, with the latter two clearly separated.
 - A detailed assessment was presented in appendices 5 and 6 and a clear process was set out demonstrating how those effects have been derived.
 - The assessment thresholds *“are clearly defined and appear consistent with... GLVIA3”*.
 - The list of landscape receptors *“has been reviewed and is considered to be comprehensive”*.
 - The list of visual receptors *“has been reviewed and is considered to be predominantly comprehensive”*.
 - The LVIA acknowledges View 1 and Vista 11 of the then current and now superseded MBNP (CD5.13).
 - The LVIA *“provides a clear process to explain the basis for its findings and conclusions”*.
 - The methodology, scope and process *“appear proportionate to the scale of the project”*.
- 5.9. In paragraph 2.19, the LVIA Review (CD3.20) stated that *“the applicant’s LVIA is well laid out, clear and detailed in most parts”*.
- 5.10. The LVIA Review (CD3.20) raised the following concerns in 2.15:
- Clarity regarding the process of combining sensitivity and magnitude to achieve an overall level of effect, primarily the lack of definition of what each level of effect would mean in real terms. Further to the receipt of the LVIA Review, Tyler Grange submitted the missing matrix from the methodology which demonstrated how sensitivity and magnitude were combined to form the level of effect. Further narrative regarding the levels of effect is not included on the advice of Counsel on a number of occasions due to the risk of duplication or contradiction of the criteria set out within the sensitivity and magnitude tables. For instance, an effect stemming from an effect on a visual receptor of low sensitivity would be described as a combination of the relevant criteria, i.e. the resulting effect is of a large change over a large area on a visual receptor of low sensitivity. This is sufficient information to determine the nature of the effect.



- Query whether the subsequently submitted visualisations were accurate. These were confirmed to be Type 3 and verifiable with a description of how the images were produced by the creator, whose work has been subject to numerous successful appeals and who is well known and respected in the business.
- They also noted the lack of cumulative assessment with the consented golf club to the north, noting it was discussed as part of the future baseline. It was highlighted that TGN 24-01 does not require cumulative assessment outside of EIA and that the narrative was suitable to understand the effects. The consented and emerging proposals in the site to the north will change the backdrop of views across the Appeal Site, including Vista I, as well as reducing views towards the Site from PRoW S70.
- No mention of the TPOs within the Site, although acknowledging that these will not be impacted upon by the proposals. It was highlighted that the information had been taken from the Arboricultural Impact Assessment (AIA) (CD2.13) which had been subsequently updated to include mention of the TPOs.
- Lack of reference to winter views. Subsequent site visits were undertaken in winter but, even in the absence of winter photography, assessment is always undertaken on worst case scenario with allowances made for loss of leaf cover. In the case of the Appeal Site, it is the views from Station Road that will be most impacted upon during winter months. However, the identified View 1 is open during both winter and summer and, in the case of the Appeal Scheme, changes in leaf cover will make limited difference to the assessment of effects. During winter months there will be greater visibility of the consented golf club facilities.

Design, its Development and Benefits

- 5.11. The LVIA Review (CD3.20) acknowledged that the applicant has demonstrated that *“an iterative design process has been progressed with a multi-disciplinary approach to ensure that landscape and visual impacts have been considered within the overall design process, and where possible, effects have been limited through appropriate mitigation”* (paragraph 3.8).
- 5.12. Paragraph 3.21 of the LVIA Review (CD3.20) stated that *“the scale and description of mitigation is considered appropriate and the development framework plan and landscape strategy plan demonstrate the landscape and visual input into the scheme, including key design principles”*. It went on to state that the visual materials *“appear to demonstrate the design approach in terms of both Important View 1 and Important Vista 11”*.
- 5.13. In paragraph 5.4 the LVIA Review (CD3.20) that *“the applicant has **clearly developed a design proposal in collaboration with other disciplines which has considered landscape and visual effects, and in particular consideration of Important View 1 and Important Vista 11**”*. The LVIA Review then notes that *“the proposed development will deliver landscape and visual benefits including the reintroduction of key landscape characteristics such as hedgerows and hedgerow trees and grassland and pond habitats”* and that it will also *“deliver a new publicly accessible open space which will provide receptors with a new location to experience Important Vista 11 on previously inaccessible land”*.

Landscape Baseline and Assessment

- 5.14. The LVIA Review (CD3.20) made the following points regarding the landscape baseline and assessment:
- The description of the published character baseline is accurate. The LVIA provides a detailed description of the Site which is *“accurate and relays the site specific landscape character”* (3.4).
 - The LVIA Review acknowledges that *“the site is reflective of the wider landscape character area whilst also being influenced by adjacent development”* (3.5).
 - The detailed analysis of value is in accordance with TGN 02/21 (3.6).



- The detail and layout of the assessment of landscape effects is considered appropriate to the scale of development (3.7).
- The LVIA Review agrees an assessment of medium value for the Site (3.23).

Visual Baseline and Assessment

- 5.15. The LVIA Review (CD3.20) made the following points regarding the visual baseline and assessment:
- The number and location of the 16 identified viewpoints *“is considered to be proportionate to the scale of the development appears to represent all identified receptors”* (3.13).
 - The level of detail of the visual assessment in appendix 6 is *“considered appropriate for the scale of the development”* (3.15).
 - The LVIA Review raised concern with the sensitivity of some of the views identified in the LVIA, but these were clarified in the later Clarification Note (CD2.19) provided by Tyler Grange which confirmed an error in the text and agreeing with LUC’s assessment.

Viewpoint 1 and Vista 11

- 5.16. LUC agreed that the *“visual connection [to the wooded area to the east identified in View 1] is likely to be retained as a result of the siting and layout of the proposed development as presented on the development framework plan”* (4.9). They also note that the description of View 1 as including *“expansive views mainly open countryside on either side of the road”* *“does not particularly resonate with the section of Station Road adjacent the proposed site where recently constructed / under construction (Owl Homes Development) and mid 20th Century residential properties and commercial units contain views to the south”* (4.8). It is noted that this description no longer features within the MBNP (CD5.04) or the Landscape Review (CD5.14) produced to inform it. The LVIA Review (CD3.20) went on in paragraph 4.10 to state that *“the inclusion of the publicly accessible open space within the eastern part of the site will preserve visual and spatial openness ensuring that the proposed development does not form a fully enclosure ribbon development along Station Road”*.
- 5.17. In regard to Vista 11, the LVIA Review (CD3.20) stated in paragraph 4.13 that *“Important Vista 11 can be experienced...for approximately 200m along Station Road”* and that *“this vista and the visual connection with north west Leicestershire cannot be experienced once the receptor passes the semi-detached properties set back from Station Road”*. It went on to state that *“this vista can also only be experienced when travelling in a westerly direction or at a static location such as the bench at the junction of Godsons Hill / Station Road”*. The visualisation produced to accompany the LVIA *“would suggest that this visual connection will be maintained”*. It is noted that Vista I covers a greater extent of land than Vista 11 and all mention of views towards the wider Leicestershire countryside have been removed, with the Vista now protecting short and medium distance views of grazed fields within the Site.
- 5.18. The LVIA Review (CD3.20) appeared to agree with all of the findings of the LVIA (CD2.20) noting in paragraph 5.5 that *“the landscape and visual effects reported in the LVIA are generally appropriate”*.

Tyler Grange Response to the LVIA Review

- 5.19. Tyler Grange produced a Clarification Note (CD2.19) in April 2025, addressing outstanding points included in the LVIA Review (CD3.20). The main points to note are:
- The inclusion of the omitted matrix demonstrating how sensitivity and magnitude were combined to reach the level of effect addressing the point regarding clarity of process.



- Discrepancies between the tables in the appendices in the LVIA and the body text were clarified that the appendices were the correct version.
- There is no requirement in GLVIA3 (CD6.17) or TGN 24-01 (CD6.18) to include cumulative assessment outside of LVIA and therefore the description of the future baseline was sufficient to meet requirements.
- Further description regarding the visualisations to confirm their accuracy.
- Confirmation that the LVIA agreed with the LUC assessment of medium value and susceptibility for users of nearby PRoW and Station Road, resulting in medium sensitivity.

LUC File Note in Relation to Views from Station Road

- 5.20. A short file note (CD3.20a) was produced by LUC in May 2025 (CD3.20a) including a more detailed assessment of effects in relation to users of Station Road and adjacent residents, primarily in relation to View 1 and Vista 11/I. They made the following assessments:

Effects on users of Station Road

- 5.21. Receptors were assessed as having a medium susceptibility to change, with a local level of value. It is unclear what overall sensitivity this is. However, paragraph 3.26 of the LVIA Review (CD3.20) states that, in relation to views from Station Road, the presence of Important View 1 “*would likely increase the value attributed to views related to this receptor from low to medium*” and that “*whereby such a receptor is likely to be attributed with a medium susceptibility to change, rather than low as noted in the applicant’s LVIA, it is also likely that the overall sensitivity would increase*”. A medium susceptibility receptor experiencing a medium value view would be of medium sensitivity. This accords with the findings of the 2025 LVIA (CD2.20).
- 5.22. At Year 1, the scale of change within views was assessed as large, extent medium, long term and not reversible, resulting in moderate to major effects at Year 1 reducing to moderate at Year 15. However, this does not state what the assessment magnitude was, resulting in a lack of clarity.
- 5.23. The assessment stated that “*in some views looking west, the proposed development will be viewed within the context of existing residential development at Pipistrelle Drive*” and that “*it is not believed that the proposed development will obscure views towards North and North West Leicestershire for users travelling east, and will maintain visual connection with the wooded hilltop on the urban fringe of Market Bosworth*”.

Residents of Station Road

- 5.24. Receptors were assessed as being of high susceptibility with a local value of view. Again, no assessment of sensitivity was set out. Scale of change was assessed as being large at operation, experienced over a small extent and filtered, long term and irreversible. Again, no assessment of magnitude was set out. Overall level of effect was assessed as moderate-major reducing to moderate at Year 15.
- 5.25. A detailed assessment of effects on residential visual amenity is included in Appendix 1 of this evidence.

Comparison of Assessed Effects

- 5.26. The below table sets out the full Tyler Grange Assessment of effects and notes any differences raised by LUC. As can be seen, the only discrepancies relate to effects on views from Station Road and adjacent properties.



Table 1: Comparison of Tyler Grange and LUC Assessments

Receptor (Representative Photoviewpoint Number)	Susceptibility of the Receptor		Value of the Receptor		Sensitivity of the Receptor		Permanent Development - Year 1			Permanent Development - Year 15		
							Magnitude	Level of Effect		Magnitude	Level of Effect	
	2025 LVIA	LUC	2025 LVIA	LUC	2025 LVIA	LUC	2025 LVIA	2025 LVIA	LUC	2025 LVIA	2025 LVIA	LUC
LCA C: Bosworth Parkland within the Hinckley and Bosworth Landscape Character Assessment	Low	Not disputed	Low	Not disputed	Low	Not disputed	Minor	Minor adverse	Not disputed	Negligible	Negligible	Not disputed
The Site-specific landscape elements and features	Medium	Not disputed	Medium	Not disputed	Medium	Not disputed	Moderate	Moderate adverse	Not disputed	Minor	Minor adverse	Not disputed
Views from recreational users of Leicestershire Round long-distance footpath (VP1)	Medium	Not disputed	Medium	Not disputed	Medium	Not disputed	Low	Minor adverse	Not disputed	Negligible	Negligible	Not disputed
Views from recreational users of Footpath S70/1 to the north (VPs 2, 3, 4, 5 and 6)	Medium	Not disputed	Medium	Not disputed	Medium	Not disputed	Moderate	Moderate adverse	Not disputed	Low	Minor adverse	Not disputed
Users of Kyngs Golf and Country Club (Future Receptor) (VPs 2, 3, 4, 5 and 6)	Low	Not disputed	Low	Not disputed	Low	Not disputed	Moderate	Moderate adverse	Not disputed	Minor	Minor adverse	Not disputed
Transient users of Station Road (VPs 7, 8, 9, 10, 11, 12, 13 and 15)	Medium	Medium	Medium	Local	Medium	Not disputed	Minor	Minor adverse	Moderate-major	Minor	Minor adverse	Moderate
Residents of Station Road		High		Local			Minor		Moderate-major	Minor		Moderate



Section 6: The Case Against the Scheme

The Committee Report

- 6.1. The Committee Report (CR) (CD4.01) was presented by the Case Officer to the 12th of August 2025 Planning Committee and made a recommendation to grant planning permission subject to condition and s106 agreement.
- 6.2. The following is of note:
- The CR (CD4.01) acknowledges that the Site is only of local value and that it is not valued under paragraph 187 of the NPPF.
 - The CR acknowledges there is no harm to heritage assets, and the Site does not form part of the setting of heritage assets.
 - The CR misquotes the LVIA (CD2.20) and the 2022 Appeal Decision (CD6.03c).
 - The CR uses references to the dismissed scheme with the current Appeal Scheme despite notable differences in their design and response to the protected views.
 - The CR misunderstands and misapplies the findings of their landscape consultant.
- 6.3. In paragraph 6.6, the CR (CD4.01) confirmed that no objection had been received from the Conservation Officer or Leicestershire County Council's ecology department. The Conservation Officer's response was noted in paragraphs 6.11 and 6.12 which confirmed that *"the development was not considered to have an adverse impact [on] the setting of the Grade II* Listed Church of St Peter or the Ashby de la Zouch Canal Conservation Area, nor their character or significance"*. The Leicestershire County Council (LCC) Ecology Department response was set out in paragraph 6.15 to 6.19, confirming that *"the Ecology Department stated that the development was acceptable subject to six planning conditions that secure the mitigation measures identified"*.
- 6.4. The POS response was set out in paragraph 6.30 and 6.31 with confirmation that the May 2025 DAS (CD2.25) demonstrated that *"the development could be provided with a sufficient provision of on-site public open space in accordance with Policies 11 and 19 of the adopted Core Strategy"*.
- 6.5. The Council does not have a Landscape Officer and so no response was received. The Council's landscape consultant, LUC undertook a review (the LVIA Review (CD3.20)) of the LVIA (CD2.20) and provided commentary on the proposals which is set out above. The LVIA Review (CD3.20) did not dispute the findings of the LVIA (CD2.20), although a further File Note (CD3.20a) set out a more detailed assessment on visual receptors using Station Road and adjacent properties, concluding higher effects (major-moderate at Year 1 reducing to moderate at Year 15) than those set out in the LVIA (CD2.20).
- 6.6. Paragraph 8.63 onwards addressed the 'design and impact upon the character of the area'. In paragraph 8.74, the CR (CD4.01) concluded that *"the application site positively contributes to the Leicestershire Vales National Character Area"* and, in paragraph 8.75, that *"the application site positively contributes to the Bosworth Parkland Landscape Character Area"*, both of which assertions accorded with paragraph 8 of the dismissed Appeal Decision (CD6.03c).



- 6.7. Paragraph 8.77 of the CR (CD4.01) addressed the contribution of the Site to the adjacent character areas, stating that it featured two of the primarily characteristics of Character Area A (Leisure and Tourism) in that it was countryside with water bodies and that, therefore, it contributed positively to Character Area A. This is a misunderstanding of the character assessment process and, given that most undeveloped landscape is green countryside with waterbodies, it would imply that the majority of Leicestershire contributed positively to Character Area A. This assertion is also not echoed by the Council's own landscape consultant.
- 6.8. In paragraph 8.78, the CR (CD4.01) stated that *"the LVIA fails to acknowledge the extent of this [peri-urban] context, the rural character of the application site, and the comments of the Inspector within the Appeal Decision"*. In the following paragraphs, the CR included paragraphs from the 2022 Appeal Decision (CD6.03c) which stated that the Site is part of the countryside and has an informal scenic quality. It then quoted paragraph 6 of the Tyler Grange Clarification Note (CD2.19) which confirmed that the LVIA (CD2.20) did not specifically state that the Site does not form an important rural setting to the town, stretching this to incorrectly assert *"the Applicant's submitted details acknowledge that the application site contributes to the important rural setting of Market Bosworth"*. In fact, the information provided by the appellant does not state this, with paragraph 6 clarifying that the raised points *"place the Site in a peri-urban context which relates to the existing settlement as described within the LVIA"*. The Council's own landscape consultant confirmed the influence of existing development on the Site, stating in paragraph 3.5 of the LVIA Review (CD3.20) that *"the site...is reflective of the wider landscape character area whilst also being influenced by adjacent development"*. The LVIA Review continued in paragraphs 4.8 to 4.10 that the description of View 1 as including *"expansive views mainly open countryside on either side of the road"* *"does not particularly resonate with the section of Station Road adjacent the proposed site where recently constructed / under construction (Owl Homes Development) and mid 20th Century residential properties and commercial units contain views to the south"*.
- 6.9. This impact and influence of adjacent development is further confirmed in the Council's Statement of Case for the 2022 Appeal which acknowledged the influences of the surrounding land uses:
- "Comprising predominantly improved grassland and poor semi-improved grassland, the site is divided into two by a tarmac access road which leads from Station Road to the golf course to the north. The site is relatively flat before rising steeply towards the eastern part of the site. The surrounding land uses give the area its semi-rural character."*
- 6.10. In paragraph 8.83, the CR (CD4.01) stated that *"the importance of the character of the site to Market Bosworth can be seen through the identification of important views and vistas into and adjacent to the application site within the MBNP"*. As identified within the LVIA (CD2.20), these views and vistas cover nearly all of the land around Market Bosworth, implying that it is all of equal value. Furthermore, as set out on Insert TG 12 above, much of the landscape surrounding Market Bosworth is covered by 'Green Fingers' which are important to the *"rural setting and character of Market Bosworth"*. The Site, however, does not form part of one of these areas.
- 6.11. LUC's analysis of View 1 and Vista 11 (now Vista I) were that the description of View 1 as including *"expansive views mainly open countryside on either side of the road"* *"does not particularly resonate with the section of Station Road adjacent the proposed site where recently constructed / under construction (Owl Homes Development) and mid 20th Century residential properties and commercial units contain views to the south"* (4.8) and that *"Important Vista 11 can be experienced...for approximately 200m along Station Road"* and not *"once the receptor passes the semi-detached properties set back from Station Road"*. Even then, LUC notes that *"this vista can also only be experienced when travelling in a westerly direction or at a static location such as the bench at the junction of Godsons Hill / Station Road"*. This implies that the entirety of the recently expanded Vista I does not capture the experience of the superseded Vista 11. In any case, LUC



noted that the visualisation produced to accompany the LVIA (CD2.20) “*would suggest that this visual connection will be maintained*”.

- 6.12. The CR (CD4.01) acknowledged in paragraph 8.85 that the Site is not valued under paragraph 187(a) of the NPPF but is reflective of and contributes positively to the character of the area. The CR acknowledged that **the Site is of local value only**.
- 6.13. Paragraph 8.86 onwards of the CR (CD4.01) set out the assessment of the Appeal Scheme’s impact upon the landscape, stating that the proposals represent new residential development in open countryside. It then concluded that “*this is considered to cause significant harm to the character of the countryside in principle*”. The LVIA Review (CD3.20) did not dispute the assessment of the effects on the character of the Site as moderate adverse importance, reducing to minor at Year 15 and on LCA C as minor adverse at Year 1 and negligible at Year 15. None of these would fall within the boundaries of what would be assessed as ‘significant’ (noting that TGN 24-01 states that non-EIA LVIA’s should not refer to what is or is not significant). The assertion of a significant effect on the character of the countryside ignores the findings of the Council’s own landscape witness.
- 6.14. In paragraph 8.87, the CR (CD4.01) states that the scheme has doubled in size since it was dismissed at appeal and, although it will be set further back, “*it is considered that the extent of the impact of the scheme on the character of the site has significantly increased since the previous planning application*”. The majority of the Appeal Scheme is on already land was subject to an earlier planning permission and that the amount of development in the land that was subject to the dismissed appeal has significantly reduced in both number and area, from 63 dwellings to 27. Furthermore, the Case Officer’s assertion is not backed up by any evidence or assessment and contradicts the findings of the Council’s own landscape consultant who agreed effects of moderate adverse importance at Year 1, reducing to minor at Year 15. The scale of increase in development site does not equate in this scenario to a proportionate increase in harm. The harm identified from the previous scheme primarily related to harm on the view along Station Road and the identified Important View and Vista. The Appeal Scheme has been updated to remove these harms, as acknowledged by the Council’s own landscape consultant.
- 6.15. In paragraph 8.88, the CR (CD4.01) quoted paragraph 12 of the 2022 Appeal Decision (CD6.03c), which stated that the introduction of new development into a greenfield site would result in the introduction of urbanising features that would result in a permanent change and fundamentally change the character of the Site, as would be expected in greenfield development. The CR then extended this to mean that the increase in size and scale of the development would exacerbate the significant effects of the development. Again, this fails to acknowledge that the Council’s own landscape consultant has accepted effects of moderate adverse importance reducing to minor at Year 15, which would not be considered significant, and that the amended scheme has designed out the main causes of harm from the dismissed 2022 appeal, i.e. effects on views along Station Road. Converse to the statement in the CR, the increase in the size of the Appeal Site as compared to the dismissed 2022 appeal scheme has allowed the design to reduce the identified harms.
- 6.16. In paragraph 8.90, the CR (CD4.01) set out that the Site contributes to the wider landscape character, stating, without evidence, that the proposal will significantly alter the rural character of the Site, but acknowledged again that the Site is only valued at local level. It then went on to state that “*this impact is further heightened by the scheme’s impact on trees and hedgerows within the site*”. The AIA (CD2.13) produced by RammSanderson (dated May 2025) stated that the Appeal Scheme will result in the removal of six moderate quality (category B) trees (the relatively young horse chestnuts along the access road to The Stables), one low quality (Category C) tree and four sections of low quality (Category C) hedgerows (AIA 1.1 part iv). In terms of mitigation, the BNG metric set out that 155 trees are shown to be planted (excluding areas within the proposed housing development as locations unknown). The BNG assessment noted the loss of 40m of



native hedgerow (33m in the AIA (CD2.13)) balanced against the creation of 189m and enhancement of 192m of moderate to good condition hedgerow, comprising a 25.79% Biodiversity Net Gain in hedgerow units. The Ecology Officer supported the application and did not raise concerns regarding loss of trees or hedgerows.

- 6.17. In paragraph 8.97 the CR (CD4.01) acknowledged that the losses can be compensated, failing to acknowledge that they will be more than compensated for as set out above.
- 6.18. Paragraph 8.99 onwards addressed the impacts of the Appeal Scheme on views, commencing with impacts upon View 1 in the MBNP (CD5.04). In paragraph 8.103 the CR quoted Paragraph 13 of the Appeal Decision (CD6.03c) on the earlier scheme which raised the contribution of the Site to the framing of View 1, stating that *“whilst the exposed wooded hilltop is the main focus of Important View 1, the countryside setting and framing of this hilltop is significant and supports this feature to cumulatively create the importance of the view”*. It should be noted that the Inspector of the 2020 Appeal did not state that the contribution the Site made to the view was significant, just that it made a contribution. In addition, as then acknowledged by the CR in paragraph 8.105, the offset from Station Road has increased from 23.4m in the previous scheme to 63.3m in the Appeal Scheme resulting in a remarkably different relationship with View 1 than in the 2022 Appeal Scheme. The CR acknowledged that *“this proposed set back of this proposal shall retain views across to the upper slopes and wooded hilltop area to the east, which is an improvement on the previously refused scheme in relation to its impact upon Important View 1”*. However, it went on in paragraph 8.107 to conclude that *“the proposal is still considered to fundamentally and detrimentally alter the informal pastoral foreground and setting to the wooded hilltop”*.
- 6.19. This disregards and contradicts the findings of the Council's own landscape consultant who stated in their LVIA Review (CD3.20) in paragraph 4.8 that *“views to the north are contained by the existing built form at Pipistrelle Drive, the rise of the railway bridge and existing vegetation until the viewer is located on the elevated Battlefield Line Railway bridge and there is limited connection with the wooded area at the top of the hill until a similar point”* going on to state that *“at this viewing point, the proposed development parameters will be set back from Station Road with allowance for a landscaped buffer”*. At paragraph 4.9, the LVIA Review concluded that *“LUC agree this this visual connection is likely to be retained as a result of the siting and layout of the proposed development as presented on the development framework plan”*. The description for View 1 in the Landscape Review does not make reference to pasture either side of the view cone, referring only to the wooded horizon.
- 6.20. In paragraph 8.108, the CR (CD4.01) again quoted paragraph 13 of the 2022 Appeal Decision (CD6.03c), relating to a different scheme, stating that *“the extension of this urbanised settlement edge beyond Station Road would be largely unbroken along the extent of Important View 1 despite the proposed mitigation measures”*. Again, this contradicts the findings of the Council's own landscape consultant who stated in paragraph 4.10 of the LVIA Review (CD3.20) that *“the inclusion of the publicly accessible open space within the eastern part of the site will preserve visual and spatial openness ensuring that the proposed development **does not** form a fully enclosed ribbon development along Station Road”*.
- 6.21. It should also be noted that the 2022 Appeal Decision (CD6.03c) does not refer to the current Appeal Scheme but to a notably different previous scheme which extended further east, and which was c. 40m closer to Station Road. The CR (CD4.01) then misleadingly stated that the Appeal Scheme will result in an increase in the built frontage as compared to the previously dismissed scheme, when in fact the eastern extent of the frontage will reduce.
- 6.22. In paragraph 8.1110, the CR (CD4.01) stated that new planting cannot be relied upon to form visual mitigation as it can be *“removed without planning permission, they are susceptible to disease, and they are ever*



evolving and reliant on result maintenance to retain a consistent form". This contradicts the approach to development mitigation across the country and ignores the role of planting in softening the existing built edge to the east of the Site. The CR continued that compensatory planting could impact upon the Important View, but this is addressed in the LVIA Review which highlights the need to consider this within the detailed planting scheme.

- 6.23. In paragraph 8.111, the CR (CD4.01) stated that the provision of SuDS, pedestrian and cycle access and equipped play areas are not appropriate as they will impact upon Important View 1. Again, this is subject to detailed design and ignores the fact that there is already a pond within the Site and that waterbodies can form positive aspects to views if designed well. In paragraph 8.112 the CR reiterated the impacts upon View 1, again ignoring the advice of their own landscape consultant who did not express concerns and who stated the visual relationship would be maintained. Furthermore, the Appeal Scheme will result in increased access within the Site, including new locations from which to appreciate views towards the wider countryside, including that encapsulated within the superseded Vista 11.
- 6.24. The CR (CD4.01) concluded in paragraph 8.113 that the Scheme will result in significant harm to Viewpoint 1. The LVIA (CD2.20) assessed effects on views along Station Road as being of minor adverse importance at Year 1 and Year 15. The LVIA Review (CD3.20) did not dispute these findings but did assess effects on visual receptors using Station Road as of major-moderate at Year 1 reducing to moderate at Year 15, resulting in no significant residual effects.
- 6.25. The CR (CD4.01) addressed effects on Vista I from paragraph 8.114 onwards. It should be noted that Vista I covers a wider extent than the preceding Viewpoint 11 in the previous MBNP (CD5.13). In addition, it was not part of the adopted baseline at the time of the LVIA Review (CD3.20), and they did not comment upon it, referring instead to Viewpoint 11, which was more focussed in extent. The description of Vista I is also different to that of Vista 11, making no reference to views to the wider Leicestershire landscape. However, the LUC commentary in relation to Vista 11 is applicable to the wider Vista I, particularly in relation to the availability of the Vista and what it seeks to protect (see LVIA Review (CD3.20) 4.13).
- 6.26. In paragraph 8.117, the CR (CD4.01) acknowledged the MBNP Examiner's concerns that Policy CE3 "*could be used as a 'catch-all' policy, which could be used to resist new development regardless of its ability to be sustainable or include mitigation*". This is addressed in the LVIA (CD2.20) which demonstrates that the identified coverage of all of the Important Vistas identified would exclude development in almost any location on the edge of Market Bosworth. The CR considered this point has been addressed through the change in wording to MBNP Policy CE3 which states that development must demonstrate how it can integrate with the character of the landscape setting whilst conserving and enhancing the character of the landscape. The risk here is of conflating effects on views versus effects on landscape and the CR conflates the two issues here. The impact of the Appeal Scheme on CE3 is addressed later in this evidence.
- 6.27. The CR (CD4.01) confirmed in paragraph 8.120 that Vista 11 intends to protect horizontal countryside views as far as North West Leicestershire. This is addressed within the LVIA Review (CD3.20) in paragraph 4.12 to 4.14, which highlights in paragraph 4.13 that the connection to north-west Leicestershire can only be experienced from a limited location when travelling in a westerly direction or when sat on a specific roadside bench, as well as by local residents. LUC concluded in their paragraph 4.14 that "*whilst there will be a loss of some of the openness associated with foreground and middle-distance views for receptors experiencing Vista 11, it is unlikely to result in a complete loss of the extensive views towards north Leicestershire due to the open space provision within the western [eastern?] part of the site*" and that "*this visual connection will be maintained*". This is somewhat acknowledged in paragraph 8.124 of the CR where the Officer noted that the absence of planting along a stretch of Station Road provides more open views and which "*is considered to form the key viewpoint of the site*", i.e. the location of the previously identified Vista 11.



- 6.28. The CR (CD4.01) raised concerns in paragraph 8.124 that planting may adversely impact upon Vista I, and this is addressed by LUC in their Review who highlight the need to add a condition ensuring that the detailed scheme takes into account the views. This can be addressed through condition and at Reserved Matters. Again, it is noted that the consented golf course facilities will change some aspects of Vista I.
- 6.29. Again, in paragraph 8.125 and 126, the CR (CD4.01) uses the 2022 Appeal Decision (CD6.03c) in relation to the Appeal Scheme, failing to acknowledge the considerable differences between the schemes, including the increase in set back from Station Road and the reduction in built form in what was the previous appeal site.
- 6.30. Again, the CR (CD4.01) concluded significant adverse effects on Vista I which contradicts the findings of the LUC File Note (CD3.20a) which states moderate residual effects on views from Station Road, which would not be considered to be significant.
- 6.31. The CR (CD4.01) then returned to landscape effects to address effects on the wider landscape in paragraph 8.128 but conflates landscape and visual effects. Landscape effects can either be primary (directly affecting the host character area / receptor) or secondary (experienced from neighbouring receptors areas). The visual envelopes are used to understand the extent over which secondary effects may be experienced. It is unclear whether, at this point, the CR is referring to assessment of effects on the wider landscape as the title suggests, or effects on views, conflating the two in contravention to the GLVIA3.
- 6.32. The CR (CD4.01) then moved on to effects on views, referring to the LVIA's assessment that users of PRoW S70 will experience moderate adverse effects at Year 1, reducing to minor at Year 15. The CR does not appear to dispute this. It then again quoted the Appeal Decision (CD6.03c) on the previous scheme that *"the main impact of the development is therefore considered to be its adverse effects on localised views from Station Road"* before moving back again to acknowledge the LVIA's assessment that the main receptor groups affected by the Appeal Scheme will be users of the Leicester Round, PRoW S70, Kyngs Golf and Country Club, and Station Road. The CR then again conflates landscape and visual effects in 8.134 to state that there will be no significant effects on the wider views but that effects on views from the north, including from PRoW S70 will be moderate adverse. The CR's assertion is not based upon any assessment, as none is available other than the LVIA (CD2.20), the findings of which were agreed by LUC. These identify effects on future users of the golf club (noting this is not a public view) and from S70 would be moderate reducing to minor. These effects are localised in extent with only views from S70 being public.
- 6.33. In paragraph 8.135, the CR (CD4.01) makes reference to landscape effects, acknowledging that *"the application site is bounded by built form on its eastern, southern and western boundaries"* but that it contributes positively to the character of the surrounding area and the setting of Market Bosworth.
- 6.34. In paragraph 8.137, the CR (CD4.01) asserts, with no evidence to support it, that the Appeal Scheme will result in significant harm to the character of the surrounding area. Firstly, it must be taken into account that the CR acknowledges earlier, that the visual envelope is extremely limited, which limits the extent of the landscape which will be affected by the Appeal Scheme. It also fails to reflect the findings of the LVIA (CD2.20), agreed by the Council's own landscape consultant, that effects on LCA C would be minor, reducing to negligible at Year 15. Again, the CR conflates landscape and visual effects by making reference to View 1 and Vista I, which may contribute to the value of the local landscape and the Site (agreed with LUC to be medium). The removal of the mature trees will result in adverse effects, reflected in the adverse effects assessed within the LVIA (CD2.20), but more than compensated by the well over a hundred trees that will be introduced.



- 6.35. In paragraph 8.139, the CR (CD4.01) finally makes reference to the LVIA Review (CD3.20), but misquotes it, stating that *“there were several instances where LUC considered the LVIA’s assessment to underplay the effects of the development on visual receptors”*. At no point did the LVIA Review dispute the assessment of landscape or visual effects, simply querying the assessment of value of views which was later clarified to demonstrate that LUC and the LVIA (CD2.20) were in agreement.
- 6.36. The CR (CD4.01) continues to quote the Appeal Decision (CD6.03c) for the previous scheme and again conflates the LVIA’s assessment (uncontested by the LVIA Review (CD3.20)) that the character of the majority of views in the local area will remain unchanged, with the assessment that the effects on the Site will stem from a change in the character of the Site from rural to residential development.
- 6.37. The CR (CD4.01) contests the assessment in the LVIA (CD2.20) that the consented golf scheme will impact upon the integrity of Vista 11. The CR highlights that aspects of the consented golf scheme will be of 8.9m, i.e. two storeys with a 1.5 storey residential block (incorrectly referred to a single storey). It is acknowledged that the consented buildings within the golf course will be set back at a greater distance from Station Road than the Appeal Scheme but it also has to be acknowledged that they will result in an increase in the amount of development within the Vista, and the increase in planting which will achieve heights in excess of two storeys. The CR then tries to state that, because Character Area A is already characterised by leisure uses, the consented scheme is appropriate. This as may be, but it does not change the fact that it will impact upon Vista 11. Again, the CR conflates and confuses landscape effects with visual effects.
- 6.38. At paragraph 8.149 the CR (CD4.01) misquotes the LUC work, stating that the development would obscure all views towards Kyngs Golf and Country Club from Station Road. The LUC File Note (CD3.20a) states at the end of page 2 that the Appeal Scheme will result in a large scale of change when viewed from ten adjacent properties, as would be expected at this proximity, *“obscuring views towards the wooded tree belt screening Kyngs Golf Club House”* and experienced over a small geographic extent. The LUC File Note (CD3.20a) does not comprise a Residential Visual Amenity Assessment (RVAA) and does not set out whether the views being assessed are from ground floor or first floor windows, noting that only ground floor views are considered in effects on residential views.
- 6.39. In paragraph 8.150 the CR (CD4.01) again drastically misquotes and misinterprets the findings of LUC’s work stating that *“LUC considered the overall effect of the development to be moderate to major harm at Year 1, which would reduce to moderate harm at Year 15”* stating that this is contrary to the findings of the LVIA (CD2.20) which it again then misquotes as being minor adverse on the character of the Site. Firstly, this is not what was claimed by LUC, who have made no such assertion in either of their responses. The assessment of moderate-major effects reducing to moderate was on views experienced by users of Station Road and the ten adjacent properties who benefit from views of the Site. These are two completely different assessments, relating to effects on different receptors, one being for visual effects on users of Station Road and the ten adjacent properties, and the other being in relation to the character of the Site. Secondly, the LVIA (CD2.20) assessed effects on the character of the Site as being moderate at Year 1, reducing to minor at Year 15. No assessment of effects on the character of the Site has been put forward that contradicts the findings of the LVIA (CD2.20).
- 6.40. The CR (CD4.01) then conflates the misrepresentation and misunderstanding of the LUC findings in the attempt to understand the effects. It acknowledges that the Site is valued at a local level but then misquotes LUC that the geographical extent of the effects will be medium. The assessment of extents referred to by LUC related to the extent over which views would be experienced along Station Road, a different receptor group. The CR acknowledges itself that there are no views towards the Site that will be impacted beyond the immediate area of Station Road and PRow S70. The effects on character therefore are limited to primary effects on the area of the Site itself.



- 6.41. The CR (CD4.01) addresses residential amenity of properties to the east and south at paragraph 8.162 onward, concluding in paragraph 8.167 that *“it is possible for a detailed design of the development can come forward at the Reserved Matters state that is not considered to result in any significant adverse impact to residential amenity in these locations”*. It concludes in paragraph 8.168 that the Appeal Scheme *“is not considered to result in any significant adverse impact to residential amenity along Pipistrelle Drive”*. It concludes the same for The Stables to the north-west and for future users of the Kyngs Golf and Country Club.
- 6.42. In the planning balance in paragraph 8.243, the CR (CD4.01) states that the *“provision of public open space that the scheme is required to provide are needed to mitigate the impact of the development on local services and facilities”* and that these should therefore have neutral weight. However, the Appeal Scheme provides 3.90ha (4.33ha including attenuation) of Green Infrastructure as compared to the policy requirement of 0.785ha, a significant overprovision. Furthermore, the LVIA Review (CD3.20) notes in paragraph 3.22 that *“the applicant intends for the proposed open space within the eastern part of the site to be publicly accessible”* which *“is considered a landscape and visual benefit for the scheme”*. The over provision of open space, not all required for landscape or visual mitigation should be considered positively within the planning balance.
- 6.43. Under harms, the CR (CD4.01) refers in paragraph 8.245 to the *“significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, including Important View 1 and Important Vista I”*. It also asserts that overall effects will be moderate to major, reducing to moderate at Year 15. There is no evidence that there will be significant effects on the character of the Site or the surrounding landscape, and this is agreed with LUC, the Council’s own landscape consultant. The assertion of overall moderate-major harm is not reflected in the findings of the LVIA (CD2.20) or the LUC work and is a misunderstanding and misquote of the assessment by LUC of the views experienced by users of Station Road and ten adjacent properties. There is, therefore, no evidence to support the level of harm assigned to this element of the planning balance.
- 6.44. However, in spite of the misunderstanding of the landscape and visual effects of the Appeal Scheme, including misquoting and misunderstanding of their own landscape consultant’s work, the CR (CD4.01) recommended the approval of the Scheme. However, this was disregarded by the Committee who used the incorrect assertions in the CR to justify a refusal.

The Reason for Refusal and the Case Against the Scheme

- 6.45. A refusal was issued in August 2025 with the Decision Notice (CD4.05) setting out two Reasons for Refusal (RfR), of which the first is relevant to landscape and visual matters (my emphasis):

*“The proposal represents new development in the designated open countryside that results in **very significant permanent harm to the character of the site, Important View 1, Important Vista I, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated open countryside.** The proposal is therefore contrary to, and in conflict with, **Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies CE1, CE3, and CE5 of the Market Bosworth Neighbourhood Plan (2025), and Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024).** This harm significantly and demonstrably outweighs the potential benefits of the scheme when assessed against the Framework as a whole.”*

- 6.46. I summarise the issues to be addressed as follows:

- Effects on the character of the Site;



- Effects on the surrounding landscape character;
- Effects on View 1 and Vista I.

6.47. I address each of these issues in Section 7: and compliance of the Appeal Scheme with the above-mentioned policies in Section 8:. In respect of planning issues and balance, I defer to the evidence and expertise of Ms Brooks



Section 7: Responding to the Reasons for Refusal and Disputed Matters

- 7.1. The Decision Notice set out three Reasons for Refusal (RfR), of which the first is relevant to landscape and visual matters. The main matters raised are summarised as being:
- Landscape Effects:
 - Effects on the character of the Site;
 - Effects on the surrounding landscape character;
 - Effects on View 1 and Vista I.
- 7.2. Effects on residential receptors were not addressed within the RfR but were subsequently addressed within the LUC File Note (CD3.20a) and so I have addressed them here.

Landscape Effects

- 7.3. This Section of my evidence addresses the effects on the landscape of the Site and the surrounding area. The assessment of effects on the Site and surrounding landscape is set out in the LVIA (CD2.20), and I do not seek to recreate the assessment here. I have set out below; however, an analysis of how the Site reflects the key characteristics of the LCA and how the Appeal Scheme impacts upon the identified sensitivities.
- 7.4. The identified 'key characteristics' of LCA C (CD5.15 page 38) are set out below, with commentary on how they are reflected within the Site.

Table 2: Contribution of the Site and surroundings to the key characteristics of LCA C: Bosworth Parkland

Published 'key characteristic'	How reflected within the Site and Surroundings
Rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Market Bosworth.	The land within the Site rises up to the east to the edge of this particular area of development to the hill on which much of Market Bosworth is situated. In the 20 th and 21 st Century, Market Bosworth has extended off the hill to the lower lying ground to the west.
Scattered trees, woodlands and smaller fields of pasture around settlements add interest to the regular pattern of enclosure fields divided by low hawthorn hedges.	The Site contains a small number of trees but is primarily open fields divided by hedgerows in mixed condition.



Published 'key characteristic'	How reflected within the Site and Surroundings
A rural and peaceful character with development limited to scattered farm buildings and historic settlements well-integrated into the landscape by vegetation and small scale of buildings.	The Site is bordered by residential and commercial development to the south and west, by low density residential development to the east and by the consented golf facilities to the north. Its context is peri-urban which will increase with the completion of surrounding consented developments as set out in Section 4 above.
Parkland of Bosworth Park with avenue trees and Bosworth Hall country estate.	This has no intervisibility with the Site.
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.	There are no PRoW within the Site although the Battlefield Line extends along the western boundary.
Bosworth Battlefield has strong heritage associations.	The Site does not reflect this characteristic.
Historic villages of Cadeby and Sutton Cheney, with attractive red brick buildings and farm cottages, have a strong relationship with the surrounding agricultural landscape.	The Site is not within a historic village and is not surrounded by historic development.
Market Bosworth provides an important focus within the area and St Peter's church provides a key landmark.	The Site does not demonstrate intervisibility with the historic centre of Market Bosworth or the Church.

- 7.5. The Site reflects a small number of characteristics of LCA C, notably the rolling topography and the pasture fields, but these are ordinary features and characteristics. However, the Site does not constitute an example of a peaceful rural landscape with scattered farmsteads, is not associated with the historic parkland of Bosworth Hall and Bosworth Country Park, nor does it have a relationship with the Ashby Canal, Bosworth Battlefield or have intervisibility with St Peter's Church.
- 7.6. Furthermore, unlike other parts of the LCA, the Site is also influenced by adjacent residential and commercial development. As already described, there is consented development to the north in the form of the Kyngs Golf and Country Club, separated from the Site by existing scrubby hedgerow, whilst the western boundary is formed by a mature existing hedgerow, with a pastoral field and the Battlefield Line Railway beyond separating the Site from the early 21st Century residential development (Pipistrelle Drive) adjacent to the Ashby de la Zouche Canal and Bosworth Marina. To the east, mature woodland bounds the Site, beyond which there are several residential properties located within large plots and St Peter's Church of England Primary Academy. A post and rail fence and patchy areas of hedgerow form the southern boundary with Station Road to the south, with established mid-20th Century residential and commercial development beyond.



- 7.7. These elements place the Site in a peri-urban context which relates strongly to the settlement and, with the construction of the chalets, club house and car parking associated with the consented Kyngs Golf and Country Club to the immediate north, the Site will become surrounded by development on all sides.
- 7.8. The Council's own Statement of Case for the 2022 Appeal at para. 2.1-2.2 and para. 3.1-3.2 of the Officers Report of the 2020 Application confirm that Appeal Site is indeed ordinary and influenced by the adjoining settlement, noting that:

"Comprising predominantly improved grassland and poor semi-improved grassland, the site is divided into two by a tarmac access road which leads from Station Road to the golf course to the north. The site is relatively flat before rising steeply towards the eastern part of the site. The surrounding land uses give the area its semi-rural character."

- 7.9. The Landscape Character Assessment (CD5.15) also sets out a number of 'key sensitivities and values' for LCA 6, and their relevance to the Site is set out below.

Table 3: Relevance of identified 'key sensitivities and value' of LCA C: Bosworth Parkland with reflected elements highlighted.

Published 'key sensitivities and values'	How reflected within the Site
Historic value and associations with the nearby Bosworth Battlefield	The submitted Heritage Statement identified no value or associations between the Appeal Site and the Bosworth Battlefield. This is not a matter disputed by the Council.
Bosworth Hall and Park which has a strong sense of place as a result of the intact parkland and features of historic interest. Bosworth Country Park is a valuable recreational resource	There is no inter-visibility or landscape connectivity with the parkland characteristics associated with Bosworth Hall and Bosworth Country Park, both which are located to the east of Market Bosworth.
Earthworks at the old village of Ambion are a reminder of a much older history	There is no inter-visibility or landscape connectivity with Ambion, a former village that adjoins the Bosworth Battlefield, which is located some 2.7km to the south of the Appeal Site.
The rural character and relative sense of tranquillity. The rural settlement pattern of small linear villages and scattered farmsteads provide continuity with their agricultural origins	Market Bosworth does not represent a small linear village but is classified as a small market town with a historic nucleated core which expanded outwards from the central Market Place between the 17th to 19th Century. Further 20th Century residential neighbourhoods and other mixed-use development then spread west along Station Road towards the station, Ashby de la Zouch Canal and Bosworth Marina. The Appeal Site is not considered tranquil in comparison to the wider LCA, particularly given its proximity to Station Road and the fact it is directly flanked by development to the south and the expanding Kyngs Golf and Country Club to the north.



Published 'key sensitivities and values'	How reflected within the Site
Mature trees and ancient woodland are an important habitat for many species including bats and birds. Hedgerows and trees are important features, creating structure and pattern to the landscape	There is no ancient woodland in relation to the Appeal Site, but the proposed development parameters have sought to retain mature trees and other hedgerow features that are largely associated with the existing field parcel boundaries. There is no objection from the Council or consultees regarding the loss of any important features.
The Ashby Canal is a valued landscape asset, particularly as a recreation and biodiversity resource as well as a reminder of the area's industrial heritage	There is no clear inter-visibility or landscape connectivity with the Ashby Canal Conservation Area, which is located some 300 metres to the west of the Appeal Site. This is not a matter disputed by the Council.
The quintessential East Midlands landscape of mixed farming with pasture, arable and ridge and furrow providing a strong sense of place as well as field patterns, country houses, canals and rivers. The attractive villages and small towns feature many notable older buildings including Market Bosworth and its landscape setting of fields and trees	This is a broad statement that applies to much of the surrounding landscape; however, the Appeal Site does not present any of the historic features mentioned, such as ridge and furrow and notable older buildings. Instead, the Site represents a relatively isolated parcel of grazed farmland land that is being influenced by the adjoining settlement and leisure uses.
The rural setting and views to the church spire in Market Bosworth	The Church of St Peter is a Grade II* Listed Building situated some 1km east of the Appeal Site. There are no views of the church from within or across the Site as a result of the intervening built form and vegetation.

- 7.10. As can be seen above, much of the character of LCA C is derived from the rural landscape, historic settlements and historic associations with the area. The Site and its immediate settings do not reflect these characteristics, other than being an area of fields surrounded in part by native hedgerows with a small number of scattered trees. It is set firmly in the context of existing post war residential and commercial development, and the western part of the Site is already consented for development. Once the golf complex is constructed, the Site will be increasingly separated from the wider rural countryside to the north by further urban edge development. The Appeal Scheme will result in a limited impact upon the key values and sensitivities of LCA C as set out in the published character assessment.

Value, Susceptibility and Sensitivity of the Landscape

- 7.11. The LVIA (CD2.20) assessed the value of the Site as medium, i.e. of local value, and of medium susceptibility to change, resulting in a medium sensitivity. This was agreed by LUC at paragraph 3.23 of the LVIA Review (CD3.20). The LVIA (CD2.20) concluded the following:

"7.9. The Site is ordinary, valued at a local level, representative of the local landscape but also influenced by the surrounding residential context, which includes the existing vehicular access to the Kyngs Golf and Country Club, the properties along Station Road and residential development to the west at Pipistrelle Drive. Some



hedgerow features have been lost over time and natural age-related decline in trees has seen the gradual erosion of a former internal field boundary.

- 7.10. *As set out within the table above, the Site is of medium landscape value. Given the above findings, it is concluded that the Site is not considered ‘valued’ as per the TGN 02/21 analysis.*
- 7.11. *This recognises the content of the Neighbourhood Plan in terms of the proximity of ‘View 1’ and ‘Vista 11’, but also it is also important to recognise that the Site was not designated as Local Green Space and was not considered as being a ‘Green Finger’, which identified landscape that was important to the rural setting of the town as supported by the Hinckley & Bosworth Landscape Character Assessment.”*

- 7.12. The **overall sensitivity of the Site was assessed as being medium**, which was not disputed by LUC and with which I agree.
- 7.13. It was accepted Common Ground within the 2022 Appeal (Landscape SoCG 2.1xviii) that **LCA C was of low sensitivity to change**, stemming from low susceptibility and value. This was reiterated in the current LVIA (CD2.20), and I agree with both LUC and the LVIA.

Effects on wider landscape character

- 7.14. The LVIA (CD2.20) assessed effects on LCA C as being of **minor magnitude and minor adverse importance at Year 1**, reducing to **negligible magnitude and importance at Year 15**, stating the following in Appendix 4:

“Whilst the magnitude of change is long-term or permanent (10+ years), the Proposed Development results in a minor alteration to few elements, features, qualities or characteristics of LCA C and is localised, affecting the Site and immediate setting only. This results in a barely perceptible change to the wider landscape character. At year 1, the development would cause minor permanent loss or alteration to one or more characteristic elements or features of the LT and LDU, to include the introduction of elements that are not uncharacteristic of the wider landscape. By year 15, the development will be well assimilated into the settlement with characteristic planting and therefore cause limited changes to the LCA.”
- 7.15. The LVIA Review (CD3.20) did not dispute the above assessment, and **it was also Common Ground in relation to the 2022 Appeal that effects on LCA C would be minor adverse at Year 1** (2.1 xviii).
- 7.16. Furthermore, as set out below, the illustrative landscape scheme will contribute positively to the landscape strategies as set out for LCA C. These are set out in the table below with a description of how the Appeal Scheme contributes.

Table 4: Contribution of Appeal Scheme to identified 'landscape strategies' for LCA C: Bosworth Parkland

Published ‘landscape strategies’	How reflected within the Appeal Scheme
Promote the strong historic character and heritage including connections with the Battle of Bosworth and important medieval settlement remains	This is of no relevance to the Appeal Site as the submitted Heritage Statement confirmed no value or associations with the Bosworth Battlefield.



Published 'landscape strategies'	How reflected within the Appeal Scheme
Encourage the use of traditional 'Midlands-style' hedge laying to manage hedgerows, improving their structure and biodiversity value and strengthening landscape character	This is of limited relevance, albeit once new hedgerows are established as part of the operational development, they could be managed and controlled over time through traditional hedge laying techniques.
Maintain the rural character of the landscape, ensuring development responds sensitively to the landscape context	Tyler Grange worked alongside a wider technical and design team to formulate clear opportunities and constraints associated with the Appeal Site, to ensure that the development parameters responded to the local landscape context. From the outset this acknowledged the presence of View 1 and Vista 11/I, recognised that the topography and local landform rise to the east and, that there was an existing framework of boundary vegetation including some scattered internal mature trees. Paragraph 5.2 of the LVIA Review (CD3.20) states that the LVIA <i>"is reinforced by a development framework plan and landscape strategy plan which clearly demonstrates that landscape and visual effects have been considered as part of the development proposals"</i>.
Enhance and manage the diversity of parkland meadows, and retain features such as estate fencing and open roadsides with grass verges	The Appeal Scheme demonstrates large areas of new parkland style landscape, including meadow planting and the use of estate railings along frontages.
Maintain views to the church spire on the wooded skyline at Market Bosworth and rural views and setting of Market Bosworth	As already established, there is no visibility to from within or across the Appeal Site to the Grade II* Listed Church of St Peter; however, the development parameters were formulated to respond to the identified important views contained within the Market Bosworth Neighbourhood Plan. The open slopes of the Appeal Site remain free from development to ensure views remain towards the wooded backdrop and a new public vista opportunity has been created to offer views out over the wider Leicestershire countryside to the north.
Maintain and enhance the recreational assets including rights of way network and canal. Maintain positive management of the Ashby Canal and seek opportunities to extend and enhance areas of wetland habitat	There is no direct interaction with the Ashby Canal and no public footpaths within the Appeal Site itself; however, new circulate routes have been proposed as part of the proposed development and marginal planting is recommended to improve the biodiversity value of pond and SuDS margins.



Published 'landscape strategies'	How reflected within the Appeal Scheme
Create new and conserve existing notable habitats, in particular lowland wood pasture and parkland, wet woodland and grazing marsh	As confirmed within the submitted ecological reports, there are currently no notable lowland wood pasture habitats, parkland, wet woodland or grazing marsh associated with the Appeal Site, but opportunities are available to improve the ecological value of the Site. The DAS (CD2.25) demonstrates 1.95ha of accessible natural green space, 0.22ha of orchard and a 1.46ha biodiversity enhancement zone.

Effects on the character of the Site

- 7.17. The LVIA (CD2.20) assessed effects on the Site itself as moderate magnitude at Year 1 reducing to minor magnitude at Year 15, resulting in effects of **moderate adverse importance at Year 1** and **minor adverse at Year 15**. This assessment has not been disputed by LUC, and it was Common Ground in the 2022 Appeal that there would be no effects of greater than moderate adverse importance on the Site (Landscape SoCG 2.1 xviii).
- 7.18. There will be changes to the character of the Site, as would be expected with greenfield development. However, the landscape harms will be limited to the immediate setting of the Site, with its influence on the wider LCA C extremely limited in extent. The Landscape Masterplan (CD2.26) demonstrates an overprovision of open space, with the Appeal Scheme providing 4.33ha of Green Infrastructure, totalling 54.4% of the Site area. The landscape harms will be limited and localised and are those that would be expected for greenfield development, offset by the considerable Green Infrastructure provision.

Effects on View 1 and Vista I

View 1

- 7.19. Effects on View 1 are not specifically addressed within the LVIA (CD2.20), which takes into account users of Station Road as a receptor group, including View 1. In its conclusion, the LVIA states:

10.13. For transient users of Station Road, the assessment has determined that there will be Minor Adverse residual effects associated with the development. Station Road is experienced sequentially from the west on the approach to Market Bosworth, where development such as the sports club, the marina, the post-2000 development and the residential and commercial developments are experienced before views of the Site become possible. 'View 1' as identified within the Neighbourhood Plan is located on the Railway bridge along Station Road (corresponding assessment viewpoint 9), where views of the upper slopes within the Site are visible. The mitigation incorporated into the scheme allows for the retention of these views as part of a development set back from Station Road. Enhancements will be made in the form of the parkland-character traditional estate railings along the frontage, with carefully located new planting and the tree-lined avenue along the Site's main route.



- 7.20. Effects on View 1 are addressed specifically in paragraph 4.5 onwards of the LVIA Review (CD3.20), but this is taken from the previous iteration of the MBNP (CD5.13). The current Made MBNP (CD5.04) does not include descriptions of the view, simply referring to the Landscape Review produced to form part of the evidence base. The extent of View 1 has evolved from the earlier iteration of the MBNP (CD5.13), now starting at the railway bridge rather than to the west as it did previously.
- 7.21. The description of View 1 in the Landscape Review states that the positive features of the view are “unobstructed view of straight road focussing view towards top of slope, woodland avenue and tow; hedgerows, roadside trees and shrubs”. Neutral and negative features are described as powerlines and telegraphs poles, housing and clutter stemming from roads signs and markings.
- 7.22. The photomontages (CD2.02) for viewpoints 7 and 10 of the LVIA (submitted separately in January 2025) are situated to either side of the location of View 1 in the Landscape Review and take in more of the land to the west which is not identified as forming part of View 1. The photomontages were also produced on summer photography due to project timescales as compared to the winter view in the Landscape Review. However, it is possible to see that the Appeal Scheme will be set well back from Station Road and the View 1 corridor, maintaining the visual link to the wooded higher ground.
- 7.23. This is reinforced in the LVIA Review (CD3.20) which stated at paragraph 4.9 that:
- “The applicant states within the LVIA that visual connection with the wooded area at the top of the hill would be retained due to the landscape buffer and a defined publicly accessible open space area within the western part of the site. LUC agree that this visual connection is likely to be retained as a result of the siting and layout of the proposed development as presented on the development framework plan.”*
- 7.24. The set back from Station Road is a revision of the masterplan from the 2022 Appeal Scheme, resulting in the increase from 23.4m to 63.3m, as acknowledged in the CR (CD4.01) paragraph 8.105. This was amended further to the 2022 Appeal Decision (CD6.03c) to ensure that the defining features of View 1 could be retained.



Insert TG 26: View east to north of Station Road adjacent to View 1 showing long view to wooded hilltop.



- 7.25. In paragraph 8.106 of the CR (CD4.01), it is acknowledged that *“as per paragraph 4.5 of the Planning Statement, it is considered that this proposed set back of this proposal shall retain views across to the upper slopes and wooded hilltop area to the east, which is an improvement on the previously refused scheme”*.
- 7.26. As agreed with LUC, the CR (CD4.01) and as demonstrated on the photomontages (CD2.02), the Appeal Scheme will not affect the purposes and focus of View 1.

Vista I

- 7.27. Since the production of the LVIA (CD2.20) and the LVIA Review (CD3.20), Vista 11 has been replaced by Vista I. Vista 11 was experienced from a short stretch of Station Road near its junction with Godsons Hill as described by LUC in their Review (4.13) below:

“Important Vista 11 can be experienced by both residential and road user receptors on Station Road, and Godsons Hill for approximately 200m along Station Road. This vista and the visual connection with north west Leicestershire cannot be experienced once the receptor passes the semi-detached residential properties set back from Station Road due to reduced elevation and intervening vegetation at the boundary between the proposed development and Kyngs Golf Course. This vista can also only be experienced when travelling in a westerly direction or at a static location such as the bench at the junction of Godsons Hill / Station Road. This vista will likely be partially experienced by residential receptors on Station Road and Godsons Hill (approximately 12nr dwellings), although filtered by intervening garden and boundary vegetation.”

- 7.28. LUC went on in paragraph 4.14 to agree with the LVIA (CD2.20) that *“Vista 11 will remain visually uninterrupted”* and that *“whilst there will be a loss of some of the openness associated with foreground and mid-distance views for receptors experiencing Vista 11, it is unlikely to result in a complete loss of the extensive views towards north Leicestershire due to the open space provision within the western [eastern?] part of the site”*. LUC also stated that it was likely that the visual connection to north west Leicestershire would also be retained.
- 7.29. However, since the LVIA Review (CD3.20), Vista 11 has been replaced by Vista I, which is shown as covering the entirety of the Site between the railway line and the woodland at the top of the hill. It is described in the Landscape Review as the *“view from Station Road Railway Brigade [sic] to top of hill opposite Godsons Hill”* with a *“field of view along the northern length of road and footpath”*. Positive features are described as the *“foreground and middle-distance views of grass field with hedgerows”* and *“distant views of hedgerows and woodland on the skyline”* with built settlement to the east. It is interesting to note that the built settlement was listed as a detracting element in View 1. Neutral features are described as *“view of settlement edge dwellings and roadside timber fence”* with negative features comprising *“power lines and cluttered road signage, golf club entrance and associated buildings”*. It is interesting that Vista I makes no mention of the longer distance views to north and north-west Leicestershire which were the focus of View 11. It is unclear whether this implies that the longer distance views are no longer considered worthy of protection, especially when compared to the foreground of the Site.
- 7.30. The CR (CD4.01) acknowledges in paragraph 8.117 that the MBNP Examiner was concerned that Policy CE3 could be used as a *“catch-all”* policy to resist new development regardless of sustainability or mitigation. This was raised within the LVIA (CD2.20) which demonstrated that the Vistas cover almost all of the land surrounding Market Bosworth, potentially excluding any development (see Insert TG 19 above). In paragraph 8.118 the CR acknowledged the Examiner’s comments which required a proposal to demonstrate how it was appropriate and sustainable and how it could integrate with the character of the landscape setting whilst



conserving, and where appropriate, enhancing the character of the landscape. This is taken to mean that development can occur within the Vistas so long as they are well integrated.

- 7.31. The Appeal Scheme was designed when the more focussed View 11 was within adopted policy with LUC confirming in paragraph 5.3 that *“the applicant has clearly developed a design proposal in collaboration with other disciplines which has considered landscape and visual effects, and in particular consideration of Important View 1 and Important Vista 11”*. The goalposts have now moved, with the focus of Vista I apparently to now protect views of what was described in the SoCG for the 2022 Appeal as:

“Comprising predominantly improved grassland and poor semi-improved grassland, the site is divided into two by a tarmac access road which leads from Station Road to the golf course to the north.”

- 7.32. Views at the western end of Vista I are from the railway bridge, which offers elevated views across the western part of the Site towards the countryside to the north. As illustrated by the photomontage for Viewpoint 7 (CD2.02), views from this location will be changed by new residential development within the foreground with limited views towards areas of woodland towards the north-east.



Insert TG 27: View 7 from the railway bridge looking north-east.

- 7.33. Views within the central part of the Site are more limited by the intervening planting and immediately adjacent viewpoints. At this location, views are peripheral and there is no obvious stopping point from where to appreciate the Site, which is filtered by vegetation. Development will be set back more than 60m from Station Road and so will be visible filtered through the boundary planting, beyond new areas of open space but filtered by the intervening layers of vegetation.
- 7.34. Views at the eastern end of Vista I are comparable with those of Vista 11, seen north across the Site towards the countryside to the north. These views will not change in overall character, with development not extending east of the access to the golf course, although still appearing in the periphery of the view. When looking more to the west, the Appeal Scheme will be seen set in front of the housing on Pipistrelle Drive and in the context of other adjacent development, with longer views to the countryside beyond still possible, as seen below.





Insert TG 28: Visualisation for viewpoint 20 demonstrate long distance views beyond the housing still visible with no intervening buildings in the view north (noting that detailed planting schemes will need to ensure views are not obscured)

- 7.35. The Appeal Scheme will change the foreground of immediately adjacent viewpoints, particularly from the railway bridge, and will form a readily recognisable element within views, but will not notably reduce longer distance views towards the countryside. These long views beyond the development will remain from Station Road at the eastern end of the Site where the countryside to the north-west will remain visible above the roofline, as is currently the case, and to the north will be seen across the eastern side of the Site.
- 7.36. The Council's landscape consultant was content that the Appeal Scheme accounted for View 1, particularly in note to the 40m increase in set back as compared to the dismissed scheme. They were also content that the eastern end of Vista I, the original location of Vista 11, had been adequately accounted for. There will be an effect on Vista I but as set out previously, any development around Market Bosworth would impact upon at least one of these views, with the allocated site to the south impinging on three. The Appeal Scheme has been designed to protect the longer distance views to the countryside as identified within the 2022 Appeal Decision (CD6.03c).

Residential Views

- 7.37. Effects on residential views did not form part of the RfR but were raised by LUC in their May 2025 File Note (CD3.20a). As per TGN 02/19, residential views are assessed from 'habitable rooms', i.e. living and dining rooms, which are generally on the ground floor of a property. Therefore, Residential Visual Amenity Assessment (RVAA) focusses on views from ground floor windows. Neither residential amenity, nor views from private properties were raised as part of the RfR.
- 7.38. LUC concluded in their File Note (CD3.20a) that ten properties would be affected and set out an assessment of effects on the group as a whole. At Year 1, the Note stated that *"the proposed development will be visible through existing vegetation for the local community along Station Road"* and that *"it is likely that the built form will obscure all views towards Kyngs Golf Club, but it is unlikely that the proposed development will obscure views towards north and north west Leicestershire"*.
- 7.39. The Note (CD3.20a) then sets out the scale of change, notes the small geographic extent and that the changes will be long term and irreversible. However, it does not then set out a magnitude of effect, concluding that the overall level of effect at Year 1 will be moderate major, reducing to moderate.
- 7.40. A detailed Residential Visual Amenity Assessment (RVAA) has been set out in Appendix 1, examining the properties likely to be affected and to what degree. It accords with the LUC findings, that c. ten properties will be affected but to varying degrees. The greatest effects will be on the small number of properties which overlook the central part of the Site and which have little boundary vegetation to reduce views, i.e. numbers



253, 255, 271, 273 and 275 Station Road which are all assessed as experiencing major-moderate adverse effects at Year 1, reducing to moderate adverse at Year 15 once planting in the over 60m deep open space establishes.



Section 8: Compliance with Policy

- 8.1. This section of my evidence deals with the landscape policy context, and those policies specifically included within RfR1. As stated previously, in respect of the wider policy context, compliance and overall planning balance, I defer to the evidence and expertise of Ms Brooks.
- 8.2. The Decision Notice (RfR1) sets out the policies of the Development Plan that are relevant and with which the Council considers the Appeal Scheme to not be in compliance. The relevant policies are set out below for ease of reference:
- National Planning Policy Framework:
 - Paragraph 129; and
 - Paragraph 135.
 - Hinckley and Bosworth Site Allocations and Development Management Policies DPD July 2016 (CD5.02):
 - DM4: Safeguarding the Countryside and Settlement Separation; and
 - DM10: Development and Design.
 - Market Bosworth Neighbourhood Plan 2025 (CD5.04):
 - CE1: All New Development within Market Bosworth;
 - CE3: Important Views and Vistas; and
 - CE5: Landscape of the wider Parish.

National Planning Policy Framework

- 8.3. The relevant NPPF cited in the RfR is the now superseded December 2023 version.

Paragraph 129

- 8.4. Paragraph 129 primarily relates to need, although part d refers to *“the desirability of maintaining an area’s prevailing character and setting”*.
- 8.5. As set out above, the Appeal Scheme is set within the context and surrounded on three side by post war and early 21st Century housing development, (as well as commercial) of a similar scale and type. It is agreed with the Council’s landscape consultant that the Appeal Scheme will have minor adverse residual effects on the character of the Site and negligible effects on the character of the wider area, setting out that it is consistent with the area’s prevailing character and setting.

Paragraph 135

- 8.6. Paragraph 135 is multi-level paragraph relating to the quality and design of the scheme and its relation to local character. I have addressed each part below.



a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development

- 8.7. The Appeal Scheme has been designed using prevailing good practice in urban design with easily legible blocks and the large amount of open space (over half of the Site) benefitting from passive surveillance. The Landscape Masterplan (CD2.26) demonstrates how the SuDS have been designed to contribute to the quality of the open space.

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

- 8.8. The Appeal Scheme has been designed using prevailing good practice in urban design with easily legible blocks and the large amount of open space (over half of the Site) benefitting from passive surveillance. The Landscape Masterplan (CD2.26) demonstrates how the SuDS have been designed to contribute to the quality of the open space. Further detailed will be agreed at Reserved Matters stages.

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

- 8.9. The DAS (CD2.25) sets out how the Appeal Scheme has responded to local context, which comprises mainly late 20th Century and early 21st Century residential development, with a small pocket of commercial development. The Appeal Scheme has been designed to respond to the constraints of the Site and its surroundings, as acknowledged in the Landscape Review. The open space has been designed to enshrine the designated Important View 1 and Vista 11, the latter of which was the vista set out in adopted policy when the application was submitted.

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit

- 8.10. The Appeal Scheme benefits from a strong green frontage, designed to protect and enshrine Important View 1, and new areas of open space and wildlife habitat, including protecting long distance views towards the Leicestershire countryside. The Illustrative Masterplan (CD2.12) and Landscape Masterplan (CD2.26) set out a strong and legible framework which can be used as the basis for detailed design during the Reserved Matters stages.

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks

- 8.11. The amount and mix of development are set out in the DAS (CD2.25), demonstrating how it responds positively to its context. Support of local facilities and transport is outside the scope of this evidence.

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

- 8.12. The Appeal Scheme is set within a strong Green Infrastructure framework incorporating existing landscape features, new open space, play areas and footpaths to encourage people to use outdoor spaces. The streets and open spaces are shown to benefit from passive surveillance in accordance with Secured by Design principles.



Site Allocations and Development Management Policies Development Plan Document (2016)

DM4: Safeguarding the Countryside and Settlement Separation

- 8.13. The introduction to the policy states:

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

- 8.14. The policy sets out a series of criteria where development may be considered to be sustainable. Parts a) to e) are address in the evidence of Ms Brooks.

- 8.15. The policy then sets out a series of associated criteria (i) to (v) which I deal with each in turn below.

i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside

- 8.16. The submitted LVIA (CD2.20) and my evidence recognises that the sensitivity of the LCA C - Bosworth Parklands is 'low' and that the predicted magnitude of change as a result of the development is also 'low'. That would result in 'minor adverse effects' at year 1. As defined by the assessment criteria (Landscape Clarification Note (CD2.19) Appendix 1), the development would cause minor loss or alteration to one or more elements of the landscape, to include the introduction of elements that may not be uncharacteristic in the surrounding landscape. This was agreed at para. 2.1(xvi) and (xviii) of the Landscape SoCG for the 2022 Appeal.

- 8.17. There is also agreement with the Council at para. 2.1(xvi) of the Landscape SoCG for the 2022 Appeal that the proposed development would not result in a change to the understanding and documented characteristics of the wider Bosworth Parkland LCA. As such, the effects are highly localised.

- 8.18. In my opinion and as accepted by LUC as expert advisors to the Council, the effects upon the LCA and surrounding countryside at year 15 would become 'negligible' as the proposed development would be perceived as causing very limited changes to the local landscape.

- 8.19. On that basis, with limited and highly localised effects arising, the proposed development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.

ii) It does not undermine the physical and perceived separation and open character between settlements

- 8.20. The nearest settlement to the north of the Appeal Site is Carlton which is quite some distance away. There is no perceptible intervisibility and the proposed development would not impact on this criterion.

- 8.21. It is also agreed at para. 2.1(xix) of the Landscape SoCG for the 2022 Appeal that the proposed development does not undermine the physical and perceived separation and open character between settlements.

iii) It does not create or exacerbate ribbon development

- 8.22. As described at para. 13.12 of the HBBC SADMP DPD, ribbon development is where buildings are located single depth along a road frontage and often occurs on roads into and out of settlements, extending the area recognised as belonging to a village or town. That is not the case in relation to the Appeal scheme, as the



proposed development is several plots in depth and is consistent with the form and scale of the surrounding context as illustrated on LVIA (CD2.20) Plan 2: Site Context.

- 8.23. The response from the Policy Officer in relation to the extant planning application to the immediate west of the Site (No. 21/00970/OUT), also confirms that development to the north of Station Road would not represent or exacerbate ribbon development.

iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9

- 8.24. The Appeal Site is not located within an area designated as Green Wedge and does not need to be considered in line with Core Strategy Policies 6 and 9.

v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

- 8.25. The Appeal Site is not identified as being within the National Forest and so there is no requirement to deliver the National Forest Strategy in accordance with Core Strategy Policy 21.

- 8.26. Overall, when considering each criterion, it is my opinion that the harm arising as a result of the proposed development would not be significant and would be limited and highly localised.

DM10: Development and Design

- 8.27. Policy DM10 sets out a series of requirements that development is required to meet in order to be permitted.

a) It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion

- 8.28. Of the above matters, only the visual element of residential amenity is applicable to this application. An appraisal of views from nearby properties has shown that effects will be limited to c. ten properties on Station Road. The LUC File Note (CD3.20a) assessed effects on these at Year 1 to be major-moderate, reducing to moderate at Year 15, the latter of which would not be considered significant. A more detailed study undertaken by Tyler Grange has demonstrated that this level of effects will only be experienced by five properties, with effects reducing to moderate adverse in agreement with LUC.

b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site

- 8.29. Only the visual aspect of residential amenity is of relevance to this evidence. Future residents would be taking on their properties in knowledge of the visual context of the Site and there are no elements around the Site that would result in unacceptable effects on visual amenity of new properties.

c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features

- 8.30. The housing typologies, massing and layout have been indicated on the Illustrative Masterplan (CD2.12), and these are reflective of the surrounding residential development types, including single storey dwellings on the higher parts of the Site where it abuts single storey properties on Godsons Hill. The DAS (CD2.25) sets out an analysis of the surrounding context and how it has been incorporated, and more detailed matters such as housing types and materials will be determined at Reserved Matters stages.



d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally

8.31. The choice of materials will be determined at Reserved Matters stages.

e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting

8.32. The Illustrative Masterplan (CD2.12) and Landscape Masterplan (CD2.26) demonstrate over half of the Site set aside for Green Infrastructure, with new tree, hedgerow, parkland and meadow planting throughout the Site and areas of wildlife habitat. These will result in a high quality development with new areas of accessible open space for use of existing and future residents, including new opportunities to experience longer distance views towards the Leicestershire countryside.

f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24

8.33. These elements are not applicable to the landscape evidence.

g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible

8.34. These elements are not applicable to the landscape evidence.

h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate.

8.35. The Landscape Masterplan (CD2.26) demonstrates how the SuDS strategy has been incorporated into the open space and how ponds can be planted to create new biodiverse habitats and contribute to the quality of open space. The detailed design will be determined at Reserved Matters stages.

i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures

8.36. The Illustrative Masterplan (CD2.12) demonstrates the layout using back-to-back perimeter blocks with areas of public open space benefitting from passive surveillance. Fire safety falls outside the remit of this evidence.

Market Bosworth Neighbourhood Plan (2025)

CE1: All New Development within Market Bosworth

8.37. The first sentence of Policy CE1 states that all new development should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. The Appeal Scheme is situated adjacent to the 'Suburban Residential' and 'Post 2000 Development' character areas. The former does not demonstrate a distinct sense of place, using typical materials and housing styles that were prevalent across the country at that time. The post 2000 development also uses relatively typical two storey housing types although more local features are reflected in detailing and materials. The layout has been designed to preserve identified Important Views and Vistas within the MBNP (CD5.04), creating new areas of open space from which to appreciate them. It has been designed to respond to the constraints of the Site and address Station Road and other surrounding development. Materials and detailed layout will be determined at Reserved Matters stages.



- 8.38. The second sentence states that where new development is visible from adjacent character areas it should be sensitive to the principal characteristics of the area. As set out in Section 4 above, the Site is situated to a number of late 20th and early 21st Century, industrial and leisure character areas, none of which contain features which are notably worth of reflection in the Appeal Scheme. The Site is not adjacent to or visible from the historic core the village and, although being situated within the rural character area type, it is separated from the wider countryside by existing development on three sides and the golf course to the north.
- 8.39. Part CE1b states that new development should respect adjacent rooflines by not harming important views and vistas. As set out in Sections 3, 4 and 6, the Site is situated within Important View 1 and Important Vista I, which replaced the more focussed Vista 11, which was in place when the application was submitted. The Appeal Scheme has evolved from the dismissed scheme from the 2022 Appeal and the LVIA Review (CD3.20) sets out clearly that the Appeal Scheme has responded to these views and will not unacceptably harm them. The Appeal Scheme will result in changes to the larger Vista I, however, as set out in Section 3 above, almost every part of the land surrounding Market Bosworth is situated within at least one Important Vista, with the allocated land to the south of Station Road being situated within three. The LUC File Note (CD3.20a), which included a more detailed assessment of views from Station Road, concluded moderate adverse residual effects, which are not significant.

CE3: Important Views and Vistas and Landscape Characteristics

- 8.40. Policy CE3 conflates landscape and views, stating that *“new development proposals impacting [important views and vistas] should include an assessment, appropriate to the scale of the development, of the impact on the landscape character of Market Bosworth”*. It then goes on to state that *“development will be resisted if it has a significant adverse impact on an important view [sic], vista or the character of the Parish, unless it can demonstrate how that development is appropriate and considered sustainable development, and can integrate with the character of the landscape setting whilst conserving, and where appropriate, enhancing the character of the landscape”*.
- 8.41. The LUC LVIA Review (CD3.20) agreed that the Appeal Scheme had addressed effects on View 1, stating that the *“visual connection [to the wooded area to the east identified in View 1] is likely to be retained as a result of the siting and layout of the proposed development as presented on the development framework plan”* (4.9). In relation to Vista 11, which was the appropriate vista at the time of the application, stating that *“this visual connection will be maintained”*. Vista I differs from Vista 11 in that it now encompasses the entirety of the southern boundary of the Site and does not make reference to the longer views toward the Leicestershire countryside which were the subject of the earlier iteration of the MBNP (CD5.13), instead focussing on the short distance views of agricultural land.
- 8.42. The Appeal Scheme will impact upon the western part of Vista I where there are elevated views from the railway bridge across the Site and golf course to the higher ground to the wooded horizon. This will be impacted upon by the residential development, as set out in the visualisations for Viewpoint 9 in LVIA (CD2.20) Appendix 2 and Insert TG 16 above. Views from the central part of Vista I are heavily filtered by existing vegetation, which will be added to by over 60m of intervening open space and planting, as illustrated on the Landscape Masterplan (CD2.26). The eastern end of Vista I will be impacted to a far lesser degree, with the eastern part of the Site retained for public open space and wildlife habitat, and from where new opportunities will be created to enjoy long views to the countryside beyond.
- 8.43. In terms of landscape, the Council’s landscape consultant agreed that effects on the character of the Site will be moderate adverse at Year 1, reducing to minor at Year 15 and that effects on the wider countryside would be minor adverse at Year 1 and negligible at Year 15. The Appeal Scheme will result in the retention and enhancement of characteristic landscape features and will result in the planting of new trees, meadow and



hedgerows. The Appeal Scheme will be consistent with neighbouring residential areas in terms of scale and layout, and material and typologies can be agreed at Reserved Matters stages to ensure local distinctiveness is enshrined in the new development.

- 8.44. The Appeal Scheme will not have a significant adverse effect on identified Views and Vistas and will be appropriate to its landscape context.

CE5: Landscape of the Wider Parish

- 8.45. Policy CE5, despite its title, does not relate to landscape or visual matters but rather the principle of development outside the development boundary and is addressed by Ms Brooks in the planning evidence.



Section 9: Conclusion

- 9.1. Development within the Site has been recommended for approval twice, once in its previous iteration and now in the updated Appeal Scheme. The Illustrative Masterplan (CD2.12) has evolved in response to the Inspector's findings in the 2022 Appeal Decision (CD6.03c), focussing development towards existing settlement edge at Pipistrelle Drive on the lower part of the Site, and setting the development edge by an additional 40m to be 63m from the frontage with Station Road, and not extending further east than the access to the golf course to ensure views across and from the highest parts of the Site towards the distant countryside remain. New opportunities to view the countryside will also be created from the eastern part of the Site.
- 9.2. The Council's landscape consultant, LUC, accepted that residual effects on the character and features of the Site would be minor adverse and those on the wider countryside would be neutral. The Appeal Scheme will impact upon views from the immediate vicinity, i.e. from Station Road, with heavily filtered views from PRow S70, which will reduce as vegetation within the golf course continues to mature and the new golf club facilities are constructed.
- 9.3. The Site is surrounded on three sides by existing residential and commercial development and to the north by a golf course, which benefits from planning permission for new large one and two storey development, with an application for a further single storey leisure facility and spa as well as timber lodges. The Appeal Scheme will not contribute to sprawl and comprises a logical infill between existing development on Station Road and that on Pipistrelle Drive.
- 9.4. Visual effects will be extremely limited to those from Station Road, immediately adjacent to the Site, mainly from the short stretch of the road as it crosses the railway bridge and from the elevated land to the east. Heavily filtered views from PRow S70 will also be possible, but these will continue to reduce as planting in the golf course continues to establish. Effects on wider views are accepted by the Council's landscape witness to be of no more than minor importance.
- 9.5. The Appeal Scheme comprises a sensitively designed development, relating well to the existing settlement edge and landscape framework, and with over half of the Site dedicated to Green Infrastructure. The Appeal Scheme is agreed with the Council's landscape consultant to not have any unacceptable effects on landscape character or views and has been agreed to have been designed to take into account the Important Views and Vistas identified within the MBNP (CD5.04).
- 9.6. There are no reasons sufficient to dismiss the appeal on landscape and visual grounds.



12th November 2025

Land at Station Road,
Market Bosworth

Landscape
Evidence of Wendy
Lancaster PGDipLA
PGDipUD FLI FRSA

Appeal between Richborough and Hinckley
and Bosworth Borough Council

Volume 2: Plans and Appendices

Council Ref: 24/01079/OUT

Report Number: 11776_R08B_WL



Volume 1: Text

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Appendix 1: Residential Visual Amenity Assessment



Appendix 1: Residential Visual Amenity Assessment

A1.1. The GLVIA3 states at paragraph 6.17 that the assessment of effects on residential properties is separate to LVIA. Therefore, effects on residential receptors are assessed separately to the main LVIA.

A1.2. Residential Visual Amenity Assessment (RVAA) forms a part of Residential Amenity in combination with other aspects which are beyond the scope of this evidence. RVAA is covered by Landscape Institute Technical Guidance Note (TGN) 02/19. This sets out the purposes and structure of RVAA, defining visual amenity as:

“The overall pleasantness of the views they enjoy of their surroundings”.

A1.3. Within TGN 02/1019, Residential Visual Amenity refers to:

“The overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage”.

A1.4. The purpose of RVAA is to determine whether development would affect living conditions to an unacceptable degree, referred to in the document as the ‘Residential Visual Amenity Threshold’. The Threshold and whether the identified visual impact on residential receptors meet them is set out later in this appendix. TGN 02/2019 acknowledges in paragraph 1.5 that *“it is widely known that no one has a ‘right to a view’”*. Furthermore, TGN 02/2019 states that:

“Judgements formed in respect of Residential Visual Amenity should not be confused with the judgement regarding Residential Amenity because the latter is a planning matter. Nor should the judgement therefore be seen as a ‘test’ with a simple ‘pass’ or ‘fail’.”

A1.5. The LUC File Note (dated 19th May 2025) makes specific mention on page 2 to the ‘local community at Station Road’. This refers to views experienced by a number of properties on Station Road and the corner of Godsons Hill, identifying at the top of page 3 that is equates to *“approximately 10 houses”*.

A1.6. Under the heading of *“Magnitude of effect: Scale, Geographic Extent, Duration and Reversibility (Operation)”*, the File Note states that the Appeal Scheme will be visible *“through existing vegetation”* going on to state that *“the built form will obscure all views towards Kyngs Golf Club, but unlikely that the proposed development will obscure views towards north and north west Leicestershire”*. LUC assessed the scale of change as large, over a small geographic extent, long term and irreversible.

A1.7. A study on the ground has identified potential views from the following properties:

- Numbers 1 and 2 Godsons Hill;
- Numbers 13-16 Godsons Hill (4 no. properties);



- Numbers 253 to 275 Station Road (6 no. properties).

A1.8. Each property was assessed on site and through the use of aerial photography and cross sections to better understand the location and orientation of windows and gardens, together with intervening vegetation.

Methodology

A1.9. As set out above, the purpose of RVAA is to identify if the effect of the development *“of such nature and / or magnitude that it potentially affects ‘living conditions’ or Residential Amenity”*. This is referred to as the ‘Residential Visual Amenity Threshold’. Paragraph 2.2 of the TGN states that *“factors which might contribute to the threshold being reached...might use terms such as ‘overwhelming/overbearing’ for tall structures, or ‘overly intrusive’ for a development overlooking a garden or principal room”*. Paragraph 2.3 of the TGN confirms that RVAA does not address the other elements that make up Residential Amenity, such as noise or air quality.

A1.10. Chapter 3 of the guidance states that “RVAA should provide a transparent, objective assessment, grounded in GLVIA3 principles and processes, evaluating and assessing the likely change to the visual amenity of a dwelling resulting from a development”.

A1.11. There are four steps to the RVAA:

- Define the study area and identifying properties to be assessed:
- Evaluate the baseline visual amenity of the properties:
- Assess changes to visual amenity and identify properties for more detailed assessment:
- Detailed assessment of identified properties.

A1.12. Assessment is undertaken taking into account views from ‘principal rooms’ an, curtilages and private access routes. Principal rooms are defined in the glossary of TGN 02/2019 as being *“a living room or one fulfilling the sane primary use role”*. It is acknowledged that in some properties this may not be located on the ground floor. A conservatory is also identified as potentially fulfilling a living room / primary use role.



Table A1.1: Magnitude of Change in Views from Properties

Magnitude of Change to Visual Amenity	Description
High	The property will experience a large change to views and/or visual amenity when considered in the round, i.e. the entire property. The Proposed Development may be the main part of an important view from the property, including from the garden or may be visible from more than one aspect of the property.
Medium	The property will experience a moderate change to views and/or visual amenity when considered in the round, i.e. the entire property. The Proposed Development will be clearly visible in at least one aspect of the property but will not be the main feature within views due to distance, relative position or screening.
Low	The property will experience a small change to views and/or visual amenity when considered in the round, i.e. the entire property. The Proposed Development will be visible but will have comparatively little influence on the visual amenity of the residents due to distance, relative position or screening.
Barely Perceptible	The Proposed Development is either negligible or will go unnoticed.

- A1.13. There is no description what constitute the Residential Visual Amenity Threshold in TGN 02/19. However, the Planning Inspectorate has developed what is known as the 'Lavender test'. This comes from the Carland Cross Appeal Decision (APP/D0840/A/0921030260) overseen by Inspector Lavender, with paragraph 23 stating:

*"The planning system is designed to protect public rather than private interests, but both interests coincide here **where, for example, a visual intrusion is of such a magnitude as to render a property an unattractive place to live.** This is because it is not in the public interest to create such living conditions where they did not exist before. This I do not consider that simply being able to see a turbine or turbines from a particular window or part of a garden of a house is sufficient reason to find the visual impact unacceptable (even though a particular occupier might find it objectionable). However, when turbines are present in such number, size and proximity that they **represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as unattractive (rather than simply less attractive, but not necessarily uninhabitable) place in which to live.**"*

Visual Context

- A1.14. All of the properties face towards the Site with properties being a mix of a single and two storeys in height.



Table A1. 2: Analysis of Changes to Views from Adjacent Properties

Housing Group	Current Relationship and Visibility	Assessment
Numbers 1 and 2 Hillside	Numbers 1 and 2 Hillside face towards the eastern part of the Site. They are separated from the Site by nearly 30m, with mature trees on the road verge to the rear of the property. The rear gardens are marked by six-foot-high timber lap fencing. There are not likely to be views from principal rooms or the rear gardens towards the Site.	The area of the Site to the north of these properties will not change. The existing block of woodland on the hilltop will be extended towards the west but not as far as these properties so their views will remain open. There are not likely to be views from principal rooms or the gardens due to the high fencing within the gardens.
Numbers 3 and 4 Hillside	Numbers 3 and 4 are set on higher ground than Numbers 1 and 2 with ground floor rooms that are likely to have views along Station Road with the western and central parts of the Site seen in front of the existing housing on Pipistrelle Drive and longer distance views beyond.	Development within the western part of the Site will be visible from ground floor windows and the higher parts of the gardens. Planting along Station Road restricts views towards the east part of the Site. The more than 60m set back from Station Road will ensure that a green swathe is retained within the views, with the built form broken up by new and existing planting at Year 15. Longer distance views to the distant countryside will remain.
Numbers 1 and 2 Godsons Hill	Numbers 1 and 2 Godsons Hill have oblique views towards the central and eastern parts of the Site, with existing housing on Pipistrelle Drive seen beyond a rural horizon above the existing roofline.	The eastern part of the Site will be retained as open space. New development in the centre of the Site will be visible in the middle ground, with the new golf course facilities to the right. The properties in the centre of the Site will be well set back from Station Road with a c. 60m set back of open space, further reducing the amount of built form within the view. Over time, as planting establishes within the open space, views to the built edge will reduce and soften, including those towards the new golf course buildings.
Numbers 13-16 Godsons Hill (4 no. properties)	These are single storey properties, with views mainly obscured by a dense hedgerow between their access path and Station Road. Numbers 15 and 16 may benefit from some oblique views across the western part of the Site, which is filtered by the internal field boundaries, with development in Pipistrelle Drive beyond and a rural horizon.	The limited view from Number 15 takes in primarily the area of the Site east of the access to the golf course and which will be open space. Should the boundary hedge be reduced to open views, they will primarily be towards the new areas of open space and the golf course facilities. New housing to the west of the access to the golf course may be visible but, in the periphery, and softening over time.
Numbers 253 and 255	Numbers 253 and 255 are single storey properties with little vegetation along their frontages. They benefit from direct views across the Site in the region of the access track to the golf course. The western part of the Site will be possibly, seen obliquely from windows in number 255, seen above their neighbouring dense hedgerow.	Number 253 is more open in aspect and looks over the proposed open space east of the access to the golf course. Number 255 looks towards the proposed development area, set back beyond the over 60m open space along Station Road. This property is more enclosed with views likely to take in the development in the centre of the Site and, in the periphery, the west of the Site set beyond the intervening layers of vegetation. Over time, the impact of the development will reduce due to planting in the open space.



Housing Group	Current Relationship and Visibility	Assessment
Number 269	Number 269 is single storey and has a number of shed type outbuildings in its front garden and is surrounded by a dense boundary hedge. There are limited if any views towards the Site from number 269.	Due to the set back of the Appeal Scheme from Station Road, and the planting and outbuildings within the curtilage of number 269, there will be limited changes to its outlook.
Number 271	Number 271 has a more open front garden with a low hedge on the northern boundary and a low fence between their curtilage and that of number 273. Views towards the western part of the Site are heavily filtered during summer months due to tree planting along the frontage with Station Road on the Site and the existing internal field boundary. Views will increase during winter months. The roofs of the existing development on Pipistrelle Drive are visible above the Site boundaries, with a higher vegetated skyline beyond.	Number 271 is set back c. 30m from the southern edge of the Site and overlooks the area of the proposed development west of the access road. The proposed set back from the road to the buildings within the Appeal Scheme is over 60m in this location, resulting in a distance of c. 100m between the frontage of the buildings. A new building frontage will be visible, with the western part of the Appeal Scheme filtered by the intervening hedgerow with trees and set back against the existing development on Pipistrelle Drive. The outlook to the property will change to a vegetated foreground with development beyond.
Numbers 273 and 275	Numbers 273 and 275 are two storeys in height and look directly towards the central part of the Site west of the access to the golf course. Views of the western part of the Site are heavily filtered during summer months by the intervening trees and hedgerows along this more densely vegetated part of the Site boundary. These views will increase during winter months when the western part of the Site will be seen in front of the existing development on Pipistrelle Drive.	These properties are also set back c. 30m from the southern edge of the Site but have open aspects with little vegetation in front gardens. The Appeal Scheme will be visible in the centre of the Site beyond the over 60m set back. Development in the west of the Site will be visible in the left of the view, filtered by the intervening trees and hedgerows. Views will take in the open space in the east of the Site on the higher ground. The Appeal Scheme will introduce development into the views from ground floor windows and front gardens, with the new frontage softening over time as vegetation in the open space established.



Table A1. 3: Analysis of Changes to Views from Adjacent Properties

		Year 1		Year 15	
Housing Group	Sensitivity	Magnitude of Change	Importance of Effect	Magnitude of Change	Importance of Effect
Numbers 1 and 2 Hillside	High	Negligible	Negligible	Negligible	Negligible
Numbers 3 and 4 Hillside	High	Minor	Moderate adverse	Minor	Moderate adverse
Numbers 1 and 2 Godsons Hill	High	Minor	Moderate adverse	Minor to negligible	Minor to negligible adverse
Numbers 13-16 Godsons Hill (4 no. properties)	High	Negligible	Negligible	Negligible	Negligible
Numbers 253 and 255	High	Moderate	Major-moderate adverse	Moderate to minor	Moderate adverse
Number 269	High	Negligible	Negligible	Negligible	Negligible
Number 271	High	Major to moderate	Major-moderate adverse	Moderate to minor adverse	Moderate adverse
Numbers 273 and 275	High	Major to moderate	Major-moderate adverse	Moderate to minor adverse	Moderate adverse

Residential Visual Amenity Threshold

- A1.15. Significant effects would be experienced by residents of numbers 253, 255, 271, 273 and 275 at Year 1 as the Appeal Scheme would introduce development into areas of the view where there is currently none, and into the focus of the views from the properties. At Year 15, once vegetation with the open spaces has become established, the proposed development edge will be softened and broken up by the planting in the more than 60m deep area of open space. This will reduce the appearance of the development within the views but will still result in the loss of undeveloped land within the views. At Year 15, significant effects will remain on numbers 271, 273 and 275.
- A1.16. Although the changes will be large, the Appeal Scheme will be seen set beyond a significant area of open space with parkland style planting which will soften and break up the development edge. Well-designed attenuation ponds will create positive features within the view. None of the effects identified in the table above would meet the Lavender test as it would continue to be pleasant to live in the properties, however unwelcome those changes may be.

Summary

- A1.17. Effects will be experienced by a small number of properties directly facing on to the Site, with those most affected being the properties facing onto the central areas of the Site and where



the views are not prevented or softened by existing planting. The western areas of the Site are softened and, in summer, screened by the planting along the various field boundaries whereas the central areas of the Site are currently more open.

- A1.18. The effects that will be experienced by the local residents do not reach the Residential Visual Amenity Threshold or the Lavendar test, although it is noted that these changes may be unwelcome to local residents.





**Tyler
Grange**

Landscape | Ecology | Arboriculture