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**From:** Cathy Monkman <clerk@marketbosworth-pc.gov.uk>  
**Sent:** 26 June 2023 16:07  
**To:** Matt Jedruch  
**Cc:** Maureen Cook  
**Subject:** Mkt Bos PC's comments on planning application 23/00508/FUL  
**Attachments:** 2101473FUL Golf Club final comments.pdf; Kyngs Golf Course Appeal Market Bosworth response (Final for PINS).pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon Matt

Please find below Market Bosworth Parish Council's observations on the most recent planning application for the golf course referenced 23/00508/FUL, Kyngs Golf and Country Club, erection of 9 single storey holiday lodges with vehicle parking and associated works. I am emailing these to enable 2 x attachments and because the word count may be too long for the planning portal. I trust this is acceptable.

Market Bosworth Parish Council strongly objects to this planning application.

A number of applications have been submitted for the Kyngs Golf and Country Club, one of which has recently gone to Appeal (21/00195/FUL APP/K2420/W/23/3315336) and as such this application should not be considered in isolation.

The placement of the lodges on travel skids as proposed does not address the fundamental reasons for objection to the original scheme (21/01473/FUL), or the reasons for refusal of that scheme. As such the Parish Council's original objections still stand.

Appended to this response for further detail are a copy of the Parish Council's original objections to this application, as well as its response to the Appeal.

- 1) The application is vague and the site plan is unclear as it does not reference existing public footpaths.
- 2) Construction of the long access track from Station Road across footpath S70 would have a detrimental urbanising effect on an important green access corridor leading in to Market Bosworth and would generate significant vehicle movements through what is presently tranquil countryside.
- 3) The long access track would negatively impact valued views and vistas identified in the MBNP thereby contravening Policy CE3 of the MBNP.
- 4) The proposed access track would cross the golf course - if it is reinstated - posing risk of damage to vehicles and harm to drivers from golf balls.
- 5) There has been no effort to reinstate the golf course. Instead, one application after another is submitted proposing yet more holiday lodges of varying description, each involving additional roadworks thereby rendering a golf course less and less likely. Development outside the original purpose of the site should be resisted.
- 6) The application site is in open countryside outside the settlement boundary. There are no utilities services such as gas, electricity, sewerage and water. Nor is there any street lighting which would make it dangerous for visitors wishing to walk anywhere at night. Installation of street lighting would not be acceptable or appropriate in this location which is an area of deep countryside. To introduce utilities would be economically unviable for so few dwellings and as such the Parish Council wonders whether there might be an intention to subsequently increase the number of lodges if these are approved. The site is not allocated for development in either the MBNP or the HBBC Local Plan.

7) Following the development of Bosworth Lakeside Lodges on Wellsborough Road, the Parish Council queries whether more lodges are really necessary and whether they would be sustainable. The lodges would contravene Policy DM4 of the SADMP.

DM4 Safeguarding the Countryside and Settlement Separation explains what development may take place.

DM4 Para (a): *It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries.*

This application does not specify any sport or recreation which will ensue from the erection of these lodges. There is no playable golf course and there are no other sporting activities on the site.

DM4 Para (b): *The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting.*

This application is not for a change of use or re-use.

DM4 Para (c): *It significantly contributes to economic growth, job creation and/or diversification of rural businesses.*

The application does not state the level of employment as far as we can see. Any employment created is at best likely to be minimal and therefore the application does not meet this requirement.

DM4 Para (d): *It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development.*

No renewable energy, no energy production of any kind is mentioned.

DM4 Para (e): *It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.*

Obviously, this does not apply. There are no workers employed at the Golf Club as it does not exist per se.

8) The proposed lodges would overlook the Leicestershire Round and have an adverse impact on walkers' privacy and enjoyment of the open countryside. As such the application contravenes Policy 23 of the Core Strategy as the lodges would impact negatively, rather than support, existing services and facilities.

9) The track would require an amendment to the existing line of the Leicestershire Round as it approaches Harcourt Spinney

10) There could be increased activity on the permissive track which links Barton Road to the Leicestershire Round across the south of Harcourt Spinney. The track is not for use by the general public but anybody staying at the lodges wishing to access the site via Barton Road rather than Station Road may be tempted to use it. This could create potential for conflict.

11) The Parish Council supports valid objections submitted by neighbours.

Based on the above considerations we urge that this application be refused and the owner be advised that the golf course must be returned to a playable condition.

Regards

Cathy

Mrs Cathy Monkman  
Parish Clerk

Market Bosworth Parish Council, Parish Council Office, Parish Hall, Park Street, Market Bosworth, CV13 0LL. Tel: 01455 291867. Website: [www.marketbosworth-pc.gov.uk](http://www.marketbosworth-pc.gov.uk)

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-----Original Message-----

From: "Cathy Monkman" <clerk@marketbosworth-pc.gov.uk>  
Sent: Tuesday, February 8, 2022 11:26pm  
To: clerk@marketbosworth-pc.gov.uk  
Subject: FW: 21/01473/FUL Kyngs Golf and Country Club

To file because consultee comment automated responses not coming through for some reason.

Mrs Cathy Monkman  
Parish Clerk

Market Bosworth Parish Council, Parish Council Office, Parish Hall, Park Street, Market Bosworth, CV13 0LL. Tel: 01455 291867. Website: [www.marketbosworth-pc.gov.uk](http://www.marketbosworth-pc.gov.uk)

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-----Original Message-----

From: "Cathy Monkman" <clerk@marketbosworth-pc.gov.uk>  
Sent: Tuesday, February 8, 2022 11:22pm  
To: Mohammad.Islam@hinckley-bosworth.gov.uk, planning@hinckley-bosworth.gov.uk  
Subject: 21/01473/FUL Kyngs Golf and Country Club

Dear team

Please find below Market Bosworth Parish Council's objections to planning application 21/01473/FUL, Kyngs Golf and Country Club, Station Road, Market Bosworth, erection of 9 single storey holiday lodges with vehicle parking and associated works.

I have submitted the comments twice on the planning portal but have not received the usual automated response confirming consultee comments have been submitted, hence I am emailing the comments as well to ensure receipt. Please acknowledge this email has been received. Thank you.

Market Bosworth Parish Council is extremely concerned by the submission of this planning application for 9 holiday lodges. Already the applicant has submitted several applications for this site. These included most recently an application to construct a golf clubhouse, new parking areas, access roads and 6 golf holiday homes (19/01437/FUL). Although permission was granted to commence works in June 2020 no works have commenced to date. Subsequently, the applicant submitted an application to construct 9 holiday cabins (21/00195/FUL) for which the planning authority's decision is still outstanding. This latest application for a further 9 lodges (21/01473/FUL) must not be considered in isolation but must be considered as a whole along with other outstanding applications for the site to understand true impact.

As such, Market Bosworth Parish Council objects to planning application 21/01473/FUL for the following reasons:

- 1) The application is vague and the site plan is unclear, especially as it does not reference existing public footpaths.
- 2) The applicant has made no effort to reinstate the golf course. Instead, one application after another is submitted proposing yet more so-called holiday lodges of varying description, each involving additional roadworks thereby rendering a golf course less and less likely.
- 3) The application site is in open countryside outside the Market Bosworth settlement boundary. There are no facilities nearby. Permission has been granted for holiday lodges at the Water Park, but that site is already serviced by gas, electricity, sewerage and water services, as well as a café and shop. Market Bosworth does not need more holiday lodges especially if they are without facilities or emergency access as those proposed in 21/01473/FUL would be. As such, the application contravenes Policy DM4 of the SADMP as the proposed lodges do not meet the required sustainability criteria.

4) The proposed lodges will overlook the Leicestershire Round, a popular circular walk around Leicestershire, and thus have an adverse impact on walkers' privacy and enjoyment of the countryside. As such the application contravenes Policy 23 of the Core Strategy as the lodges would impact negatively, rather than support, existing services and facilities.

5) The proposed access track will include a section directly along the Leicestershire Round and could give rise to conflict between walkers and site traffic.

6) The track would require an amendment to the existing line of the Leicestershire Round as it approaches Harcourt Spinney.

7) The Parish Council is concerned there could be increased activity on the permissive track which links Barton Road to the Leicestershire Round across the south of Harcourt Spinney. This track is not for use by the general public but it could be a tempting access for anybody staying at the lodges and accessing Market Bosworth via Barton Road. It would constitute a shorter route than driving through the town and across the golf course and could create potential for conflict.

8) Construction of the long access track and the lodges will have a detrimental urbanising effect on an important green access corridor leading into Market Bosworth.

9) The long access track will generate significant vehicle movements through what is presently tranquil countryside. Construction of a track and encouragement of vehicle movement across the site from Station Road towards the back of Harcourt Spinney would negatively impact valued views and vistas as identified in the Market Bosworth Neighbourhood Plan thereby contravening Policy CE3 of the MBNP.

10) The access track will cross a golf course with a risk of damage to vehicles and harm to drivers from golf balls.

11) There is no street lighting near the proposed development site. This would make it dangerous for visitors wishing to walk anywhere at night. Installation of lighting would not be acceptable as the location is an area of deep countryside and as such lighting would be totally out of character.

12) To the best of our knowledge the area is not served by any mains utilities, gas, water, electricity or sewerage. Installation of such services would require significant work and disruption to the public footpaths linked to the Leicestershire Round and would not be economically viable for such few dwellings.

The Parish Council trusts the above will be given due consideration. Meanwhile, the Parish Council confirms support for any valid neighbours' objections.

Yours sincerely

Mrs Cathy Monkman  
Parish Clerk

Market Bosworth Parish Council, Parish Council Office, Parish Hall, Park Street, Market Bosworth, CV13 0LL. Tel: 01455 291867. Website: [www.marketbosworth-pc.gov.uk](http://www.marketbosworth-pc.gov.uk)

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# Market Bosworth Parish Council



## MARKET BOSWORTH PARISH COUNCIL RESPONSE TO

Statue Homes Limited

### **APPEAL STATEMENT**

Appeal against the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the erection of 9 holiday cabins with associated parking and landscaping at

Kyns Golf and Country Club, Station Road, Market Bosworth, Nuneaton, Leicestershire, CV13 0NP

Appeal Reference APP/K2420/W/23/3315336

LPA Ref: 21/00195/FUL

# 1 Introduction

- 1.1 Market Bosworth Parish Council (MBPC), whilst submitting detailed objections to the various planning applications relevant to the now defunct Kyngs Golf Course and Country Club, has consistently stated there will be support for an application that identifies a sustainable and viable solution which includes a playable golf course at the outset. MBPC has always expressed concerns regarding permitting development of permanent features such as a clubhouse, lodges or cottages in advance, which in themselves cannot guarantee the former golf course will be restored to a playable condition. There is a temporary clubhouse that functioned well and could be utilised until such time as membership and casual players can demonstrate the need for additional facilities. Golf Lodges are certainly a feature of some established courses but until a fully restored course has reached maturity the demand for these features cannot be proven viable and therefore cannot be deemed sustainable development.
- 1.2 Kyngs Golf Course was initially developed by a professional golfer with an ambition to establish a challenging 18 hole golf course supplemented by a 9 hole short course.
- 1.3 The course had been operational for several years and had started to gain growing membership as the course became established and recognised. However, the golf course apparently encountered financial difficulties and was purchased by the Appellant in 2016.
- 1.4 It is understood the existing membership offered to maintain the golf course until the new owners were able to put together ground staff and employees required to enable the course to continue functioning. The offer was refused, and the course has gradually become overrun with dominant grass weeds and wildflowers with no perceptible difference between the fairways, rough, tees or greens. The maintenance of a golf course to ensure it remains viable requires specialist greenkeepers and equipment plus all year-round care and attention.
- 1.5 Since changing hands there has been little attempt to reinstate a golf club or course. From the table of Planning History for the site it can be noted that from 2017 onwards, each application (17/00528/FUL, 18/00732/FUL, 19/00230/FUL, 19/01437/FUL and 21/01473/FUL) has related to attempts to build on the land instead.
- 1.6 MBPC is concerned that this Appellant Statement of Case (ASOC) generates a rather confused narrative by selectively referencing elements of previous applications and appeals. Simultaneously this approach has introduced requirements to be considered in their rationale for appeal that were never part of the original proposals. This could be construed as an attempt

to see this as a new planning application or at least an amended planning application for what the Appellant now describes in the ASOC para 3.41 as a proposal for “The ‘Golf Retreat’”.

- 1.7 MBPC will aim to demonstrate that this Appeal does nothing to ensure the Parish Council has confidence in the revival of a viable golf course and that the ASOC has not demonstrated why the Local Planning Authority (LPA) ‘Decision Notice – Reasons for refusal’ December 2022 should be overturned.
- 1.8 MBPC submitted comments and objections to the original application 21/00195/FUL to the LPA on May 17<sup>th</sup> 2021.
- 1.9 MBPC therefore now addresses the inconsistencies, inaccuracies, the newly introduced elements and the conflicting narrative between the ASOC and the initial application.

## 2 Comments on the Appellant Statement of Case

- 2.1 The ASOC para 3.2 relies on the Core Strategy 2009 definition of a Key Rural Centre and that Market Bosworth is categorised as a “Key Rural Centre Standalone”. It cites “villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service”.

MBPC contends that basic research would quickly dispel this characterisation as no longer applicable to Market Bosworth in 2023. Whilst there is a primary school, a local shop and a GP, the Community College closed in 2004 significantly reducing the community facilities, the post office closed in 2015, the only bank (HSBC) closed in April this year, the bus service between Hinckley and Coalville no longer operates, and the bus service referenced in paras 3.10, 5.14 and 5.33 “as providing sustainable access, being a walkable distance of 800m from the bus stops at Station Road” is incorrect. The service beyond Market Place ceased to function early 2022, so the nearest bus stop is now some 2km away from the site which goes beyond an accepted walkable distance.

- 2.2 Para 3.3 final sentence states:

*The site is also framed by a line of native vegetation cover that runs alongside the nearest part of the fairway, providing delineation between the maintained setting of the former golf course and the proposed development area.*

The Appellant is, in this comment, acknowledging that this a former golf course but equally in para 3.7 references the escalating costs of maintaining the golf course.

- 2.3 The ASOC Para 3.4 refers to the “highly modified landscape” of the “golf course for the Kyns Golf and Country Club”. MBPC contends there is no discernible golf course.

- 2.4 The ASOC Para 3.5 (and paras 5.57, 5.58, 5.59) reference the modified landscape provides some visual mitigation from specific key viewing points. The is shown in Fig 7 (ASOC p49) which shows the rising landform. It also clearly shows the proximity to the fairway.

MBPC contends that locating holiday lodges adjacent to a fairway is dangerous. Stray golf shots can cause serious injury and death. Similarly, the lodges are sited at a considerable distance from the entrance and from where the temporary clubhouse is located. Access to the proposed lodges will need to be by car which involves not only traversing the course but crossing a public footpath.

2.5 The ASOC para 3.7 states that:

*The Appeal Site and entire golf course is maintained by the Appellant at considerable expense, which is only increasing each year with rising fuel costs. Essential maintenance includes weekly mowing of the golf course for the period of March - November, which prior to 2020, cost the appellant £50,000.00 per annum. These costs have increased to in excess of £65,000.00 per annum due to the on-going cost of living crisis and rising costs of petroleum based goods.*

This statement is at variance with ASOC para 5.17:

*The Appellant has continued to maintain the golf course grounds, which requires mowing the 126 acres daily between March and November to ensure that the facility does not become irretrievably abandoned.*

MBPC contends that the Appellant bought a Golf Course. The Appellant was advised by the Kyngs Golf Club committee of the responsibility and costs of maintenance. The golf course was purchased by the Appellant and whilst MBPC acknowledges the costs of maintaining this possession is rising, possession is not an acceptable reason to grant planning permission.

MBPC accepts the Appellant does mow the site, particularly in summer months, however this is done with an agricultural tractor and gang mower attachment. It appears the Appellant has chosen the words “to maintain the golf course grounds” carefully. The grounds are maintained but as a managed grassland meadow not as a golf course would be managed.

In respect of para 2.4 above, MBPC contests the veracity of both statements. Two public footpaths cross the golf course, and these are regularly used by local people who dispute the frequency of mowing stated. The images taken May 14<sup>th</sup> 2023, (Fig 1) illustrate views on or across fairways showing how the course has almost ‘rewilded’ and reverted to meadowland. The distinction between the fairways, rough, bunkers, tees, and greens is almost imperceptible apart from some of the elevated tee platforms.



Fig 1

2.6 The ASOC paras 3.8 – 3.39 attempt to weave selective references from several different historic applications, supporting evidence from prior applications, refusal notices and appeal decisions to create a narrative based on the perceived ‘best bits’ to bolster their statement of case.

MBPC considers this approach disingenuous as it deflects from the application currently under consideration and marginalises the specific outcomes from the previous:

- LPA decisions ‘reasons for refusal’ or the conditions imposed on the one application approved.
- Appeal dismissal and the Appeal conditions imposed for the Appeal upheld.

2.7 Of specific concern to MBPC is ASOC para 3.17 which includes the statement:

*Figure 2 clearly demonstrates that the appeal site is located north of a large area of woodland, which limits any views of the proposals when viewed from IVV’s 11 and 12, to the south of the appeal site, notwithstanding the intervening topography further limiting views of the proposals, as demonstrated within the Landscape Sections drawing (enc. 608) and as discussed at Section 5 of this SoC.*

MBPC contests this statement. Fig 2 identifies the coppice (outlined in red) which serves to mask the development (blue) from a very narrow viewpoint. A small coppice of trees cannot hope to mask a development of this size. The extent of the site would not only make it visible from most directions, it would also be visible from Carlton in the north and three important footpaths (yellow) S68, S69 and S70 will all have direct line of sight to this development. The lodges would thus introduce significant development in to open countryside.

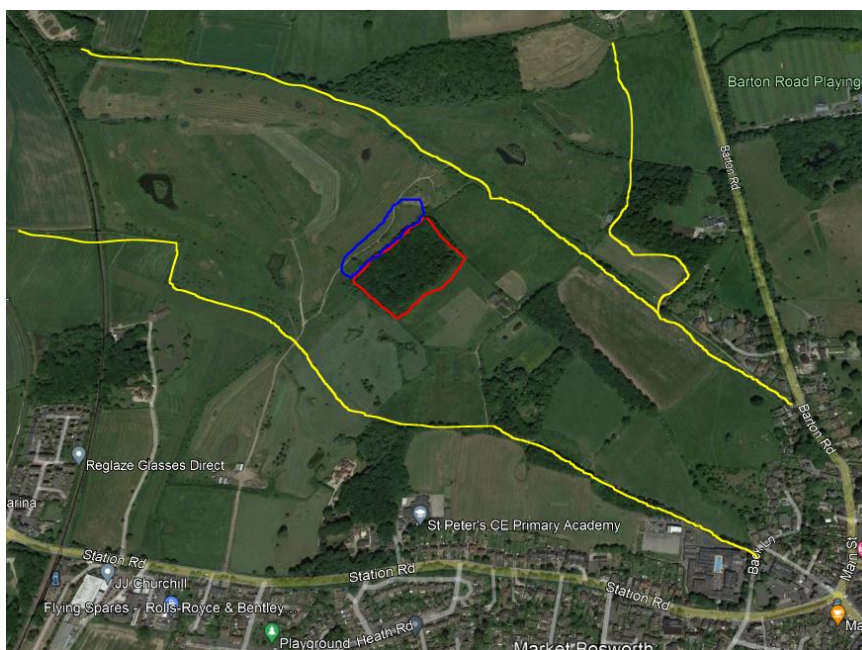


Fig. 2

2.8 The ASOC para 3.40 cites two reasons the Appellant submitted in their previous statement of case for an Appeal in relation to needing to develop golf lodges to generate income to fund the work required to reinstate an operational golf club. The Appeal APP/K2420/W/18/3218401 was dismissed. MBPC contends that the golf course itself has deteriorated considerably in the 4 years since the Appeal was dismissed in 2019 and therefore has less relevance to this Appeal.

2.9 ASOC para 3.41 predicates a key rationale for this development is to generate income from the sale of land to generate income for the construction of a clubhouse. MBPC contends this approach was not identified as part of the original application and the Appellant is therefore introducing new considerations which were not elemental within the original application. In addition, the sale of land and the building of a 'Golf Retreat' once again puts the 'cart before the horse'.

MBPC contends that irrespective of the income generated by the sale of land the building of a clubhouse or Golf Retreat serves no purpose until such time as the golf course is reinstated, in playable condition and can demonstrate viability with paying members and casual players who will make use of the facilities. Those principles underpinned the rationale for the conditions imposed within Appeal reference APP/K2420/W/18/3229633, the dismissal of Appeal APP/K2420/W/18/3218401 and the significant conditions imposed in the LPA decision notice in respect of 19/01437/FUL.

2.10 The application for the 'change of use of Vacant Outbuilding to No. 1 holiday lodge.' APP/K2420/W/18/3229633 (Appeal B) was allowed, the decision notice stating:

*....planning permission is granted for change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive, at Kyngs Golf and Country Club, Station Road, Market Bosworth CV13 ONP in accordance with the terms of the application Ref 19/00230/FUL, dated 14 February 2019, and subject to the conditions listed in the attached Schedule.*

The conditions identified 7 very crucial pre-requisites not least condition 1) which states:

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

The decision date was given as 24<sup>th</sup> October 2019 and none of these conditions have been fulfilled. This is now over the 3 years set as the requirement for these works.

2.11 At the same appeal APP/K2420/W/18/3218401 (Appeal A) was also considered in relation to:

*The development proposed was originally described as 'Resubmission of refused planning application (LPA ref: 17/00528/FUL) for the erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking areas and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping.*

This appeal was dismissed.

- 2.12 The Appellant subsequently reapplied with modified plans to address the reasons for refusal identified in the decision notice for Appeal A. The modified plans LPA reference 19/01437/FUL went to committee and was approved subject to conditions. The decision notice 15<sup>th</sup> June 2020 identifies 26 conditions many of which are precursor requirements before work can commence on the implementation of proposals described as

*Resubmission of refused planning application (LPA ref: 17/00528/FUL) for the erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking areas and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping.*

MBPC contends that no attempt have been made to address any of the conditions previously imposed as criteria for the successful appeal B, APP/K2420/W/18/3229633 and this is now beyond the 3 year timeframe imposed for these works. Similarly, there is no evidence that any of the 26 conditions imposed in the LPA decision notice appear to have been addressed.

- 2.13 The ASOC para 3.42 recognises that pre-commencement conditions were imposed on the application 19/01437/FUL for the development of a clubhouse and 6 Golf holiday homes with ancillary works for car parking etc. However, the very reason that these 26 conditions were imposed was to ensure the integrity of the development of a golf course. The building of a clubhouse and a golf retreat of 9 lodges with no playable golf course defeats the very purpose for which the Applicant says they are intended.

- 2.14 The Appellant has been fully aware of conditions since the decision notice was issued on 15<sup>th</sup> June 2020 giving 3 years for the commencement of the conditions to be undertaken. With no action taken 2 years 11 months later the tenet of this Appeal is to change the principle of the original application. The Appellant now wishes to develop a Golf Retreat and sell it to generate income to fund a club house which will be the management centre for the rentals of the Retreat Lodges. If sold the land will no longer remain within the ownership of the golf course. There can

therefore be no guarantees that the new owners will want to rent the lodges as Golf Lodges if there is no active Golf Course. Equally should these facilities be permitted there are no guarantees that sufficient funding will be generated to re-establish the golf course into a playable condition.

2.15 The ASOC para 3.42 identifies the model for this approach is predicated on:

*....the Ashworth Report and the Confidential Costs Plan at set out appendix 7.*

The Ashworth report (2018) is identified in a footnote in the Appellant's Appendices document Appendix 1, but a copy of the report is not included in the Appendices for reference. The Confidential Costs Estimate Appraisal (CEA), Appendix 7, is also dated 2018.

MBPC contends that:

- a) this is now extremely out of date as all costs have risen in the last five years with a notably significant escalation of materials in the building industry and public works elements typically increasing by 30% and rising labour costs without the additional inflationary costs of the last three years.
- b) the CEA does not include a contingency which would normally be approximately 10%. This renders the model to be extremely fragile as a multi £million venture.
- c) the CEA assumes a sale price based on achieving £400 per sq ft. Whilst £400 per sq ft might be achieved for a freehold house, a golfing lodge would achieve a much lower figure, if at best achieving £300 per sq ft and therefore a consequent reduction in sales value from £6.6m to £5.0m
- d) The CEA appears to consider only construction costs and the reliance then on the sale of the lodges at profit. However, whilst construction is being undertaken there still need to be the ongoing costs of maintaining the golf course and many other allied requirements associated with such a venture as well as for the sale and or rental of these lodges.
- e) The CEA includes the cost for 'reinstatement of the golf course' as £2,413,000. This estimate was dated September 2018 when the golf course was only 2 years on from being played. The greens, fairways, tees and bunkers had not deteriorated to the extent that they now are almost 5 years later. The reinstatement costs may well be double those of 2018.

2.16 The CEA para 3.36 references:

*'the capital receipt arising from the sale of the parcel of land related to the no.9 detached holiday units'.*

This is confusing as the CEA refers income from the sale of the completed lodges and the rental income from the lodges. This raises several questions.

- a) What is the business plan? to sell the finished lodges or the land that they are being built on?
- b) If the former, then all the construction costs must be financed in advance, or if the latter, then the land value will likely be no more than £2m and this cannot finance the construction of the Club House/Retreat, so how will these be funded?
- c) If the Lodges or the land upon which they sit must be sold first then why would anyone buy them if the Club House/Retreat does not exist?
- d) Why does the CEA now reference the development as 'no 9 detached holiday units'? Does this indicate that the sale of land and or lodges assume a designation of holiday homes and independent of any existence of a golf course? If so this evidence, presented as part of this ASOC, conflicts with the proposals of the planning application under consideration.
- e) How can the CEA which has no contingency allowance reconcile the materials and inflationary costs on all aspects of the work be representative of the overall magnitude of this proposal.

MBPC therefore proposes that the statements made in clause 3.39 are unrealistic as they do not represent a current financial overview. The CEA identifies construction costs but does not include a full cashflow statement of all operational and other on cost elements required to implement this development.

2.17 MBPC is concerned that para 3.45 is the only reference to the design of the lodge proposals.

Despite the rhetoric of viability, sustainability, economic benefits, lack of impact on visual amenity and so on – what is being proposed in terms of built form is not clear. The Appellant states in para 3.45

*A detailed description of the proposals, and justification regarding the design is set out at Section 5: The Lodge Proposal of the Planning, Landscape and Design Statement (enc. 700)*

The Planning, Landscape and Design Statement submitted in respect of this planning application 21/00195/FUL was dated January 2020 and identifies in para 1.8 that:

*Throughout this report reference should be made to the following supporting information:*

- *Proposed Floor Plans and Elevation Golf/Leisure Holiday Lodge Type A, prepared by Housemartin Designs;*
- *Proposed Floor Plans and Elevation Golf/Leisure Holiday Lodge Type B, prepared by Housemartin Designs;*
- *Proposed Floor Plans and Elevation Golf/Leisure Holiday Lodge Type C, prepared by Housemartin Designs;*
- *Proposed Floor Plans and Elevation Golf/Leisure Holiday Lodge Type D, prepared by Housemartin Designs;'*

Housemartin Designs elevations and floor plans that were submitted with this application 21/00195/FUL are included as Appendix 2 of this document. The 4 designs clearly show the proposed Golf Lodges as being built on stilts. This seemingly contradicts Section 5 of the Planning Landscape and Design document para 5.3 which states that:

*The lodge design is taken from the previous scheme with the units rearranged at the site boundary and set at ground level to minimise their vertical scale and visibility. Lodges 1 to 8 will be sighted along the boundary of the water woodland with an appropriate buffer as described below. Lodge 9 will be set just beyond the boundary of the woodland dug into the landform to create a contained setting to the lodge.*

MBPC is very unclear as to the interpretation of 'set at ground level' – this according to Housemartin Designs means the wooden stilts are set at ground level i.e. on mini piles identified in the Planning Landscape and Design document para 5.2

*The lodges will be located on mini piles to avoid any impact on the root protection area associated with the adjoining woodland and the existing ground water conditions/surface water drainage*

or if the lodges will be situated at ground level as shown in the Appellant's plans and elevations presented as Appendix 5, albeit those lodges are clearly identified for a totally different planning application. It is therefore unclear which lodges are actually the final designs being proposed.

2.18 MBPC is concerned that the ASOC Section 5 further adds to the confusion by citing extracts from different planning appeals selectively interpreting comments to create a specific narrative and

detract from the actual proposal under consideration. This includes references to discussions with the LPA to consider options for bringing a viable proposal forward. The Appellant appears to blame the LPA for delays, yet no amended plans resulted from discussions and the Appellant did not appeal on grounds of non-determination if they felt the delays had been unacceptable.

### 3 Other Matters

3.19 MBPC has identified a number of additional issues arising from the ASOC which have been introduced in Section 2 as responses to specific ASOC paragraphs.

3.20 This Appeal is to consider the refusal planning application 19/00195/FUL for the erection of 9 holiday cabins with associated parking and landscaping. Whilst the ASOC references conversations and discussions with the LPA, no amended plans or supplementary documents have been submitted in respect of the original application.

3.21 The ASOC contains several factual statements and references which are inaccurate or outdated. The reliance on historic evidence in a world that has changed rapidly since 2020 has created a very misleading narrative.

3.22 This misleading narrative has been compounded by the conflation of evidence and references from the many different previous applications and appeals. This is further exemplified by ASOC paras 5.58 to 5.64 in which the Appellant seeks to demonstrate the location of the lodges is not intrusive into the landscape due to the artificially created ridge alongside fairway 17. The evidence of the application for a range of two storey, one and a half storey and single storey lodges on stilts would not be hidden beyond a grass bank.

3.23 The ASOC omits any reference to the structure and relies on the cross referencing of Appendices and original application documents, which do not provide any clear indication of what will finally be built. The implication from ASOC references and Appendix 5 to single storey cabins relates to a previous application ref: 20/00026/FUL and therefore is not relevant to this appeal.

MBPC contends that this is duplicitous and again impacts on the overall narrative.

3.24 MBPC contends that the lack of clarity on the design of the proposed 'golf lodges' is uncertain. However, whichever designs are implemented there will be significant impact on this open landscape identified in para 3.28.

3.25 MBPC has a Neighbourhood Plan, this was made in 2015 and modified in 2021 as a minor modification. Since that modification MBPC Neighbourhood Plan has been fully reviewed and updated. The final draft will be at Regulation 14 consultation in June 2023. In February 2023 MBPC adopted a Design Code and a number of Supplementary Evidence Base Documents (SEBD) as the updated evidence for the impending modified Neighbourhood Plan. The Landscape Review of Market Bosworth by Dr David Hickie identifies a number of key Vistas that

would be impacted by this proposal. Fig. 2 below shows Vista G, H and I are relevant to this appeal. The detailed analysis for these Vistas are found on pages 38 -45 in Appendix 1.

Figure 5: Map showing Vistas and Views within the Neighbourhood Plan Area

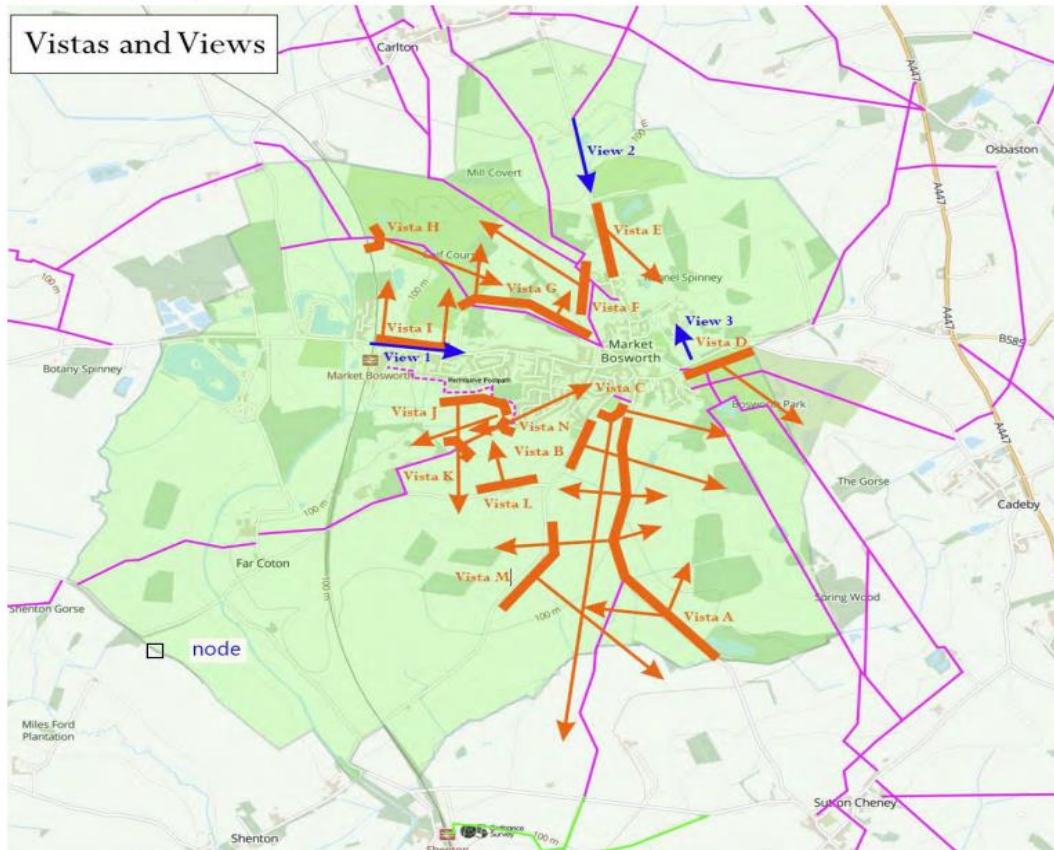


Fig. 2

3.26 The modification will not significantly impact on the existing policies but in line with the Neighbourhood Planning Acts 2012 and 2017, the NPPF and PPG paras 084, 085 and 106 MBPC has undertaken due diligence to consistently monitor and evaluate the Plan and undertake modifications to keep the plan relevant and ensure the policies continue to carry weight in the decision-making process. This has been affirmed in the recent Appeal decision 2<sup>nd</sup> Feb. 2022 reference APP/K2420/W/21/3279808 in which the Inspector states in para 32:

*For the reasons set out above, I have found that the appeal proposal conflicts with Policy 7 of the Core Strategy. The circumstances here mean that the weight afforded to this policy is reduced. However, there is also conflict with Policy DM4 of the SADPD, as well as Policy CE3 and Policy CE5 of the MBNP. Their weight is unaffected as crucially although their outcome may constrain housing, unlike Policy 7, these policies also serve an important function*

*relating to managing the important character and appearance of the area. These serious conflicts with the development plan when taken as a whole carry great weight.*

MBPC contends that the Market Bosworth Neighbourhood Plan Policies CE1, CE3 and CE5 are therefore relevant to this Appeal.

MBPC is extremely concerned in respect of the proposal introduced in this ASOC to sell off the parcel of land to generate capital is a reason to appeal. The funding generated will primarily be used to develop a club house. The previous Appeal APP/K2420/W/18/3229633 that permitted a change of use for a disused building to be converted to a golf holiday let, applied significant conditions before work could commence. Similarly, the Planning Application 19/01437/FUL for a Club House, car park and other associated works was granted permission subject to stringent conditions. To date no work has been undertaken and none of the conditions put in place to ensure that the golf course will be restored and to safeguard the development of any unwarranted dwellings or facilities on site until the land is suitably restored to a golf course. This lack of action therefore casts some doubt on the long-term intentions of the Appellant in terms of future reinstatement of a playable golf course.

3.27 The analyses in 2.17 and 2.18 illustrate that the financial model is flawed at this point in time and therefore questionable in terms achievement. The original application 21/00195/FUL is in respect of developing 9 'Golf Holiday lodges' but the financial model clearly identifies dependencies on many other criteria for the viability of this proposed development.

MBPC therefore contends the arguments put forward in respect of the funding proposals in the ASOC and Appendices were not an element of the original application and whilst not directly relevant to the appeal serve to demonstrate that as a standalone development the proposal does not constitute sustainable development.

3.28 MBPC is also concerned that the proposals indicate that the cabins have car parking spaces. The access appears to be along a track. This track runs alongside and possibly crosses fairways. Given the distance from the golf course entrance to the lodges, vehicular access would be essential for golfers especially with sets of clubs as well as luggage. The track crosses footpath S70 so the introduction of vehicles across this public footpath becomes a hazard not referenced in the application or the ASOC. This path is well used by adults, families and even children as it forms part of a circular route from the secondary and primary schools to the canal towpath and return to the schools.

3.27 MBPC has seen a significant increase in visitor numbers in recent years. The historic links between Market Bosworth and the Battle of Bosworth Field and the discovery of Richard III's remains, the reinterment procession of 2015 from the Battlefield to Market Bosworth where a service of commemoration was held before the cortege moved on to Leicester Cathedral focussed national and international interest in the town. The pandemic of 2020 and the desire for freedom and the ability to experience the outdoors boosted the interest. Market Bosworth Country Park had the greatest increase in visitors of all the country parks in Leicestershire. This added increase to visitor numbers has put considerable pressure on the infrastructure of the historic core and transport infrastructure. The ASOC references the LPA Destination Management Plan to which MBPC has already made a significant contribution. The opening of a 150 berth Marina and the change of use at Bosworth Water Trust from caravan and touring vehicles to a holiday lodge park providing 103 lodges significantly add to the transient population and help to sustain the local economy.

3.29 MBPC would welcome the restoration of the golf course to add another facility for the residents and visitors who already stay at the 200+ bedroom hotel, the many award-winning bed and breakfast locations and the Holiday Lodge Park. However, MBPC is very conscious of the reluctance of the Appellant to:

- engage with the former golf club members,
- to make any attempt to maintain the site as a golf course but to operate a one size fits all approach to mowing which has led to drastic deterioration of the facility,
- undertake implementation of pre-conditions for previously permitted applications and Appeals,
- to present a realistic business plan and a formal application that demonstrates a golf course will be established first and foremost.

3.32 MBPC therefore concludes that this Appeal should be dismissed on the following grounds,

a) the objections initially submitted by MBPC

b) the reasons for refusal identified by the LPA in the Decision Notice

c) The Market Bosworth Neighbourhood Plan policies CE1, CE3 and CE5 supported by the updated evidence base of the Landscape Review

d) the ASOC and supporting evidence fails to demonstrate that the development of 9 holiday lodges as identified in the planning application under consideration in this Appeal, constitutes sustainable development in the open countryside outside the settlement boundary.