

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

**WRITTEN STATEMENT ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

PLANNING APPEAL BY STATUE HOMES LIMITED

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE PROPOSED
ERECTION OF 9 SINGLE STOREY HOLIDAY LODGES WITH VEHICLE PARKING AND
ASSOCIATED WORKS**

AT:

**KYNGS GOLF AND COUNTRY CLUB, STATION ROAD, MARKET BOSWORTH,
CV13 0NP**

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE:
23/00508/FUL**

**THE PLANNING INSPECTORATE REFERENCE:
APP/K2420/W/24/3337087**

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1. INTRODUCTION

- 1.1. This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the erection of 9 single storey holiday lodges with vehicle parking and associated works at Kyns Golf and Country Club, Station Road, Market Bosworth.

2. DESCRIPTION OF THE APPEAL SITE, THE SURROUNDING AREA, AND THE PROPOSAL

- 2.1. The appeal site consists of a track and section of golf course (circa 0.25 hectare) to the north of Market Bosworth, approximately 1km northeast of the access on Station Road. The site is relatively open but there is some vegetation cover including a woodland copse immediately to the east. The wider golf course comprises of approximately 48 hectares of land extending north beyond the settlement boundary of Market Bosworth towards Carlton and the topography of the site is undulating due to its modification as a golf course. Generally, the land rises to the east, towards the approach of the settlement boundary of Market Bosworth.
- 2.2. The site extends north beyond the settlement boundary of Market Bosworth towards the neighbouring settlement of Carlton and is surrounded by undulating countryside. Footpath S69 runs directly adjacent to the eastern boundary of the site and is bound to the east by a large copse. Approximately 100m southwest of the site lies footpath S68 and further beyond to the southwest (approximately 700m from the site) footpath S70 runs roughly horizontally through the golf course.
- 2.3. This application seeks full planning permission for the erection of 9 single storey holiday lodges with vehicle parking and associated works. The lodges would be sited along the eastern boundary of the golf course with the backdrop of mature woodland. The lodge design is single storey with mono pitched roofs, in two different styles, with timber clad with sedum wildflower roofs, and measuring between 7.5m – 9.5m in length, up to 3.45m in height and 6m - 6.5m in depth.
- 2.4. Access to the lodges would be provided via the existing track with the creation of new hardstanding/track following the route of footpath S68 running west to east. The distance between the existing site access and the proposed lodges is approximately 1.35km. Parking provision and a new hardstanding area would be positioned to the front of the lodges, along the eastern boundary of the site.

3. SITE HISTORY

92/01068/COU	Golf course, driving range, club house and maintenance buildings	Refused	23.07.1997
98/00963/COU	Proposed golf course and ancillary facilities including club house	Permission	09.11.2000
02/00685/COU	Proposed golf course and ancillary facilities including siting of club house and associated parking	Permission	30.04.2003
08/00217/FUL	Retention of slab area	Permission	09.04.2008

08/00750/FUL	Erection of golf club house, new access and associated parking and managers flat	Permission	24.09.2008
13/00272/CONDIT	Variation of condition 18 of planning permission 02/00685/COU to remove the right-hand turn lane and propose other off site highway works.	Permission	17.02.2014
13/00520/FUL	Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space and public open space	Refused	31.10.2013
14/00674/FUL	Erection of 64 dwellings and associated works including 2 no. balancing ponds, formal play area space and public open space (revised proposal)	Refused	01.08.2014
17/00528/FUL	Erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking area for 242 vehicles and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping	Refused	15.09.2017
18/00732/FUL	Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission)	Refused, appeal dismissed	23.10.2018
21/00195/FUL	Erection of 9 holiday cabins with associated parking and landscaping	Refused (appealed)	16.12.2022 (dismissed at appeal on 31.10.2023)
19/00230/FUL	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	Refused, appeal allowed	
19/01437/FUL	Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary	Permission	15.06.2020

	works and landscaping		
20/01021/OUT	Residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (outline – access to be considered)	Refused	25.05.2021
21/01473/FUL	Erection of 9 single storey holiday lodges with vehicle parking and associated works	Refused	23.12.2022
21/00195/FUL	Erection of 9 holiday cabins with associated parking and landscaping	Refused, appeal dismissed	31.10.2023

4. **NATIONAL POLICIES**

4.1 National Planning Policy Framework (NPPF) (2023).

4.2 National Planning Practice Guidance (PPG).

4.3 National Design Guide (NDG) (2019).

5. **LOCAL POLICIES**

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Market Bosworth Neighbourhood Plan 2014-2026

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

5.3 Core Strategy (2009)

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

5.4 Site Allocations and Development Management Policies (SADMP) DPD (2016)

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

5.5 Other relevant guidance

- Good Design Guide (GDG) (2020)
- Leicestershire Highways Design Guide (LHDG)
- North Warwickshire and Hinckley & Bosworth Destination Management Plan 2017-2022

6. **THE CASE FOR THE LOCAL PLANNING AUTHORITY**

6.1 The planning application was refused on 17 July 2023 under delegated powers for the following reasons:

1. The proposed scheme would relate to an existing recreation facility outside the settlement boundary of Market Bosworth. The applicant has failed to demonstrate that there is a viable need and justification for the type and location of development proposed, that it would significantly contribute to economic growth, job creation and/or diversification of rural business, whilst also failing to evidence that the development would be ancillary to the existing golf course. It is therefore considered that the proposed development is contrary to Policy DM1 and DM4 of the Site Allocations and Development Management Policies DPD and Policy 23 of the Core Strategy.
2. The proposed scheme would be sited in a sensitive location outside the settlement boundary of Market Bosworth. By virtue of its scale, layout, siting, and design, the proposal would neither complement nor enhance the character of the countryside, and would cause significant harm to the intrinsic value, open character, and landscape character of the countryside. The proposal is therefore contrary to Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies DPD, Policy CE5 of the Market Bosworth Neighbourhood Plan, and Policy 23 of the Core Strategy.
3. The proposed scheme fails to provide sufficient information to demonstrate that it would not cause ecological harm. The proposal therefore fails to comply with Policy DM6 of the SADMP and Paragraph 174 of the NPPF.

Assessment against strategic planning policies

- 6.2 Paragraph 11 of the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and states that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 6.3 Whilst the relevant policies of the Development Plan were adopted prior to the publication of the NPPF (2023), paragraph 219 of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. In this case the Development Plan should not be considered out-of-date as there is a strong level of consistency between the policies of the Development Plan and the Framework in terms of seeking sustainable development which includes consideration of the character and appearance of the countryside and the landscape. Therefore, full weight is attached to the adopted policies of the Development Plan. This was the view of the Inspector in dismissed appeal reference: APP/K2420/W/23/3315336 in October 2023 (Appendix 1).
- 6.4 Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 6.5 The application site is situated outside any defined settlement boundaries and is therefore within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria

outlining where development in the countryside will be considered sustainable. It is considered that two of the 5 criteria are relevant to this application.

- 6.6 Policy DM4 of the SADMP identifies that development in the countryside will be considered sustainable where proposed development 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; subject to it meeting further detailed criteria.
- 6.7 Secondly Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business will be considered sustainable, subject to meeting other criteria. It is accepted that the proposed development and use would result in a degree of economic growth as part of the construction process and ongoing use of the lodges, however it is not considered significant due to the scale of the proposal and temporary nature of the construction process.
- 6.8 The application site is not designated within the Site Allocations and Development Management Policies DPD, it is however identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility. Policy DM24 of the SADMP seeks to resist the loss of or change of use of cultural and tourism facilities, and redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:
- a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
 - b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
 - c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
 - d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.
- 6.9 Policy 11 of the Core Strategy seeks to support the development of the tourism industry within Key Rural Centres Stand Alone, for which Market Bosworth is considered to be. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:
- The development can help to support existing local community services and facilities: and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping: and
 - The development adds to Hinckley & Bosworth's local distinctiveness:
 - Complements the tourism themes of the borough: and
 - The development adds to the economic wellbeing of the area.
- 6.10 Since issuing the refusal for application 23/00508/FUL in July 2023, we have received the appeal decision (dismissal) APP/K2420/W/23/3315336 (Appendix 1) in October 2023, which is a material consideration as part of this appeal process.
- 6.11 Based on the Inspector's conclusions regarding the aforementioned appeal, the LPA wishes to withdraw the reason for refusal relating to the principle of

development, that the principle of holiday lodges would not conflict with Policies 23 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan as a whole.

- 6.12 However, the LPA maintains that for economic benefits to be realised and to constitute material factor in outweighing the identified harm, there should be a link to the existing golf course use, as the golf course use fundamentally underpins the site's allocation as a tourism and leisure facility.
- 6.13 Moreover, having regard to the North Warwickshire and Hinckley and Bosworth Destination Management Plan 2017 – 2022, the LPA acknowledges that the area may be an attractive place to visit and that the provision of 9 holiday lodges has the potential to support the local tourist economy. However, there is no evidence to suggest that there is a critical need for such accommodation. Jobs associated with the holiday lodges and the spend of those using the lodges in local services and facilities are unlikely to be of a substantial magnitude.
- 6.14 Whilst officers considered that for the principle of development to be established, the proposed lodges should include a tie to the reinstatement of the golf course and use of the lodges primarily as accommodation for those using the golf course, the previous Inspector took a different approach to their assessment on the basis that the proposal remains for tourism and recreation purposes, albeit not necessarily golf.

Design and impact upon the character of the area

- 6.15 The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 180 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside.
- 6.16 Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside and does not have a significant adverse effect on its intrinsic value, beauty, and open character and landscape character. The categories of development listed at a) to e) of Policy DM4 of the SADMP are only considered to be sustainable in the countryside where they also address the requirements at parts i) – v) of that policy. Part i) is of pertinence to this main issue as it requires that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 6.17 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 6.18 The Market Bosworth Neighbourhood Development Plan (MBNDP) was adopted in 2015 and therefore full weight is afforded to relevant policies within the Document. The Market Bosworth NDP, identifies the site as falling within Character Area A, and describes the site as follows: -

“A large, landscaped 126-acre site forming an 18 hole golf course and associated facilities. The course spans north to the parish boundary of Carlton”

- 6.19 The Market Bosworth NDP describes the character as:

1. *Open landscape features including open bodies of water and green countryside landscape*
2. *Large wide open aspect (within individual sites)*
3. *Outdoor leisure pursuits including water-based activities*
4. *Heritage-style leisure resources*

- 6.20 Policy CE1 seeks to ensure that all new development within the Neighbourhood Plan area of Market Bosworth should in keeping with its Character Area with regards to scale, layout and materials. Policy CE3 of the Market Bosworth NDP (Important Views and Vistas) seeks to restrict development which would harm important views and vistas as defined in the NDP. Policy CE5 of the Market Bosworth NPD identifies that development outside the settlement boundary will be permitted for sport or recreation where it does not cause harm on the landscape or biodiversity of the countryside.
- 6.21 The appeal site is identified within the Market Bosworth NDP as the Kyngs Golf Course as providing and contributing to the approach into Market Bosworth from the west along Station Road (B585). The Market Bosworth NDP identifies this view as being important because it shows how close the countryside is to the built form of the village and the fact that the settlement sits on an open wooded hilltop. The wider site and adjoining countryside also form an important vista due to its extensive views of northwest Leicestershire.
- 6.22 Policy 23 of Core Strategy seeks to ensure that development relating to tourism is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping.
- 6.23 The appeal site is situated within the Bosworth Parkland Landscape Character Area as identified in the Hinckley and Bosworth Landscape Character Assessment (2017) (LCA). The key characteristics include rolling farmland with gentle slopes which rise to a high point around the town of Market Bosworth, scattered trees, woodlands and smaller fields of pasture, and development limited to scattered farm buildings and historic settlements. The recreational role of the area is also highlighted, including the network of historic footpaths and the Battleline Railway.
- 6.24 The LCA identifies that the key sensitivities and values of this area include the rural character and relative sense of tranquillity. It also includes amongst the landscape strategies that the rural character of the landscape will be maintained, ensuring that development responds sensitively to the landscape context. Furthermore, recreational assets including the rights of way network will be maintained and enhanced.
- 6.25 The site generally rises up to the east travelling up towards the settlement. The belt of woodland defines and contains the east edge of the golf course, and the nine proposed holiday lodges would back on to a woodland belt/copse in the northeastern part of the site. To the east of the site, there is one existing dwelling located approximately 160m south east, which is partially separated by the intervening woodland copse. Beyond this is Barton Road (230m east) which links Market Bosworth to Carlton in the north. The proposed development is located on the periphery of the golf course and wider site, and it is accepted that the lodges would not be perceptible from Important Views and Vistas 11 (IVV 11, Figure 1) which is perceived from Station Road to the south, facing northwards across the wider site.

- 6.26 The public right of way (S70) runs from northwest to southeast across the golf course, approximately 150m from the southern boundary of the site. Most of the views from the public right of way currently comprise of an open undulating golf course, a belt of woods which define the approach into the settlement, and the existing small-scale buildings on site, which are largely restricted by views due to the existing topography of the site, providing a verdant and rural character.
- 6.27 Public footpath S68 forms part of the Leicestershire Round, a 100-mile circular walk around the county of Leicestershire which is a popular route for walkers. S68 runs along the northern boundary of the golf course to the north-east of the site, roughly 100m southwest of the appeal site. Views of the proposed lodges from S68 would be partially screened by the modified landscape as part of the golf course development, however the introduction of nine lodges and the associated hardstanding and parked vehicles would greatly contrast with the sparsely developed rural character of their immediate surroundings.
- 6.28 Where the proposal would be most perceptible is from footpath S69 which runs directly adjacent to the appeal site boundary on its eastern side. The introduction of 9 lodges in this peripheral location, would create a prominent feature and significantly alter the character and verdant nature of the site. The lodges would also introduce areas of hard surfacing in the form of access tracks and parking areas, resulting in the domestication and urbanisation of this area of countryside, which would be visible from the footpaths S68 and particularly S69. At present, views into the site from footpath S69 are entirely open and rural, with only the greenkeeper building as a visible form of development. The introduction of built form and hard surfacing would permanently alter the character of both the modified and natural landscape, to one with built form. In summary, the appearance of the holiday lodges are residential in character, which combined with their substantial form, number of units, placement in one row, and introduction of areas of hardstanding, would contrast with the sparsely developed rural character of the immediate surroundings.
- 6.29 Additionally, the MBNP identifies a number of green fingers which are defined areas of countryside which penetrate towards the marketplace (Figure 1). The MBNP outlines the setting of Market Bosworth as being its most striking characteristic, stating that:
- “...its location on top of a hill and bound in all directions by a mature wooded landscape, parkland and farmed countryside with green fingers of land penetrating in towards the market place, the settlement is hidden from view except for an occasional glimpse of the spire of St Peter’s Church. The combination of natural landscape and parklands provides dramatic approaches into Market Bosworth as the centre appears unexpectedly with a sharp transition from rural to built form.”*
- 6.30 The proposed development would directly intersect the green finger which runs parallel with Barton Road before joining viewpoint #3 (outside of the proposed site) (Figure 1), thus introducing built development into an area which has been identified as a key approach to the marketplace. This confirms that the introduction of 9 single storey lodges, in addition to a large area of hardstanding, and up to 18 parked cars at full capacity, would result in the significant domestication and urbanisation of this area of countryside, which would be visibly at odds with the prevailing open and natural character of this part of the wider landscape which has been identified as a key approach into the historic market town.

- 6.31 In summary, the proposed development, due its scale, layout, siting, and design, would introduce a significant amount of built form in an otherwise remote, rural, and verdant area, where views into and out of the site are readily available and on a popular walking route. The proposed development would have a significant and detrimental impact upon the character and appearance of the area and the intrinsic value, open character, and landscape character of the countryside. Furthermore, the proposal would interrupt the green finger identified within the Market Bosworth NDP, where the distinguishable character between the settlement boundary of Market Bosworth the surrounding countryside provides an important characteristic of the settlement of Market Bosworth. The proposal is therefore contrary to the aims of Policy DM4 and DM10 of the SADMP, Policy CE1, CE3 and CE5 of the Market Bosworth NDP and Policy 23 of the Core Strategy.

Impact on ecology and biodiversity

- 6.32 Policy DM6 of the SADMP states that on-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. Paragraph 185 of the NPPF aims to protect and enhance biodiversity.
- 6.33 During determination of the application, LCC Ecology requested a preliminary ecological appraisal (PEA) to highlight any potential impacts upon designated sites or protected species within the locality of the site. This was not produced during determination of the refused application but has been submitted as part of the appeal documents. The PEA (Arbtech, January 2024) has a list of recommendations in section 4.0 (Table 6), some of which could be included as planning conditions (low impact lighting scheme, a precautionary working method for badger and hedgehog, time periods for tree felling, Arboricultural Impact Assessment, and a Ground Level Tree Assessment), and some which require additional work prior to determination, such as the eDNA surveys for Amphibians.
- 6.34 The Appellant's Statement of Case claims that the site is of low ecological value and implies that no further ecological survey work is required in paragraph 5.60 of the Appellant's SOC:
- "...the PEA confirms that the site has no particular ecological value, and that there would [be] no protected species unduly affected by the proposals. The PEA recommends standard planning conditions, these being a landscape management plan to be secured by condition."*
- 6.35 This statement conflicts with the submitted Preliminary Ecological Appraisal which confirms in section 4.0 that:
- "Environmental DNA (eDNA) surveys will be required of any ponds within 250m of the site (where accessible) to determine the presence or absence of GCN. This will comprise collecting water samples and sending them off for laboratory analysis and such surveys must be undertaken between mid-April and June, in accordance with current survey guidelines (Biggs et al, 2014)."*
- 6.36 Furthermore, LCC Ecology have reviewed the submitted PEA and confirm that the PEA report recommends further survey work in the form of a desk study and great crested newt eDNA assessments which should be carried out prior to determination.

- 6.37 The applicant could go down a district level licencing route where further surveys would not be required, however an enquiry to Natural England will need to be made, and the LPA have not been made aware that the applicant has instigated this. To ensure compliance with the district level licencing scheme, the applicant would need to submit a copy of their Impact Assessment and Conservation Payment Certificate (IACPC), which has been countersigned by Natural England to evidence this as part of the appeal. Alternatively, the further surveys and potential mitigation would be required.
- 6.38 Without the additional information as requested above, it has not been demonstrated that the proposal would not cause unacceptable harm to the biodiversity of the site and surrounding area and is therefore in conflict with SADMP Policy DM6 and Paragraph 185 of the NPPF.

Comments on the Appellant's Statement of Case

- 6.39 The Appellant's Statement of Case makes reference to a fallback position whereby it is claimed that proposed lodges could be located on the site for up to 28 days per annum under the Caravan Sites Act. This is a position which was not presented to the LPA as part of the planning application. The appellant's evidence as to whether the structures would comply with the Caravan Act is limited. In any event, were the Inspector of the opinion that they did comply with the Act, this would only be for a period of 28 days per annum. This limited timeframe would significantly reduce the degree of visual permanence when compared to the appeal proposal, and the introduction of hardstanding would not factor into the development in this case, again reducing the degree of visual impact significantly.
- 6.40 Additionally, the Appellant's Statement of Case refers to Class BC regulations of the General Permitted Development Order, stating that the Appellant could have up to 50 pitches on-site in any location and at any time for up to 60 days / 42 consecutive days, provided that those caravans are either motorhomes, campervans or tents. As with the previous point regarding the Caravan Sites Act, the introduction of up to 50 pitches on the site would not be permanent and would therefore reduce the degree of visual permanence. The Appellant implies that this type of development would be more visually intrusive than the appeal proposal, however it is unclear to the LPA as to how much of the site could be used for the introduction of up to 50 pitches given its use (albeit dormant) as a golf course.
- 6.41 The LPA wishes to highlight that the red and yellow star indicators (Figures 1-4 within the Appellant's Statement of Case) for the location of the site proposal is misleading in that they are not positioned in the correct location where the lodges are proposed. The yellow and red stars are marginally south of the proposal, thereby not reflecting the fact that the site intersects the 'green finger' which are described in the Neighbourhood Plan as areas of countryside which penetrate towards the market place, with this specific green finger intersecting with 'view 3' further south, outside of the site area (see Figure 1).

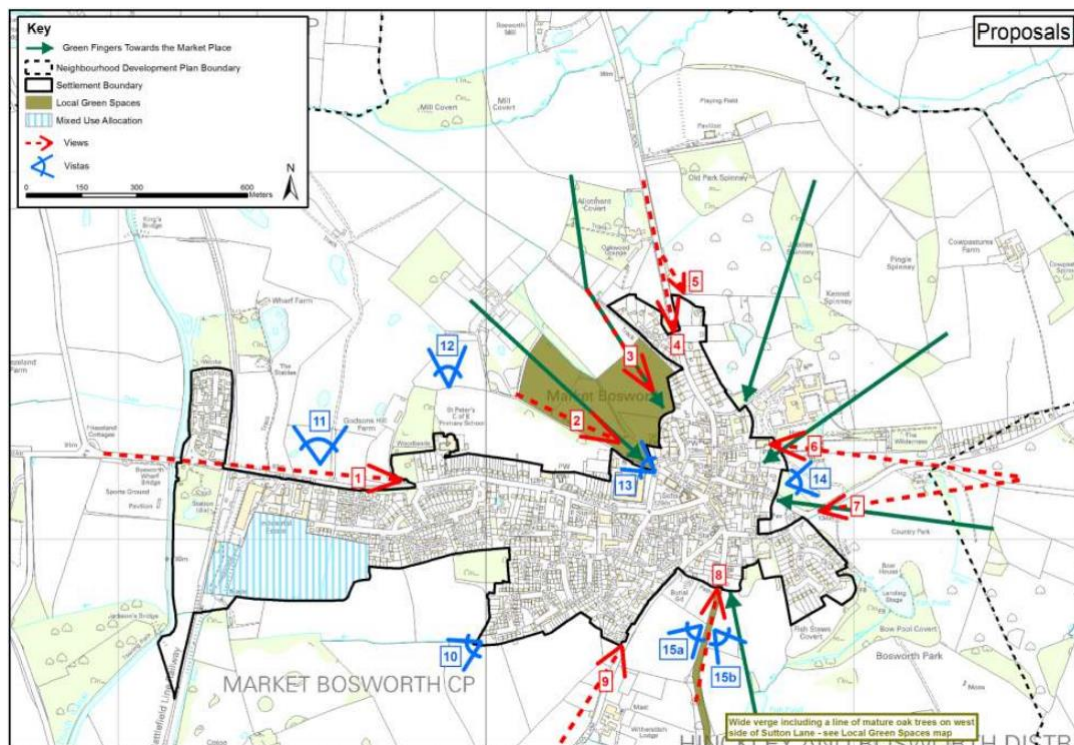


Figure 1 – Proposals Map – Market Bosworth Neighbourhood Plan (2015)

- 6.42 The Appellant's statement refers to the planning permission at the Bosworth Water Trust site for 103 holiday accommodation caravans (20/00026/FUL) commenting on the significantly larger quantum of development, the remoteness and sensitivity of the location, and the locational sustainability of the site. Each application must be assessed on its own individual merits and the LPA do not consider that the application in question, nor the sites characteristics or history, are directly comparable to the proposal before us.
- 6.43 In any event, in terms of the visual impact of the Bosworth Water approval, the LPA concluded that due to its siting, and scale along with their external appearance, the scheme would complement the existing recreation and tourism use of the application site. The proposal would also introduce additional landscaping and any new structures would be set back significantly from the Wellsborough Road and as such is not considered to result in any significant adverse impacts on the character or appearance of the surrounding landscape. The proposal is therefore in accordance with Policies CE1a and CE5 of the made MBNP and Policies DM4 and DM10 of the adopted SADMP.
- 6.44 In terms of the sustainability of the Bosworth Water site, it is already an established and allocated tourism facility within the adopted SADMP (reference MKBOS44) and is within walking distance of Market Bosworth and public transport links, albeit further from the town centre than the appeal site. Part of the site already provides holiday accommodation in the form of areas for touring caravans, lodges, and camping, along with lakes for water sports and recreation etc. and play areas to serve day visitors. Therefore, the proposal is acceptable in principle in accordance with Policy CE5 of the made MBNP, Policies 11 and 23 of the adopted Core Strategy, Policies DM4 and DM24 of the adopted SADMP and the overarching principles of the NPPF (2023).
- 6.45 Paragraph 5.65 of the Appellant's Statement of Case states that the proposal would deliver environmental benefits by reducing the reliance upon the private motor

vehicle. It also goes on to state that no protected species have been identified within the documents submitted in support of the appeal.

- 6.46 Firstly, it has not been robustly demonstrated that the proposal would reduce the reliance on the private motor vehicle. The Inspector of Appeal reference APP/K2420/W/23/3315336 (Appendix 1, paragraph 13) states that:

“Given their proposed use and position away from Station Road, the holiday cabins would likely be reached more often than not by car. However, they could also be accessed by bus services to and from Market Bosworth or via the public footpath network which sits in close proximity to the proposed cabins and connects to the town.”

- 6.47 Whilst this comment demonstrates that alternative and sustainable modes of transport are available, the LPA would contest that the mere availability of alternative modes of transport to access the site does not amount to an environmental benefit of the proposed scheme.
- 6.48 Furthermore, the proposed development includes a large area of hardstanding and 18 car parking spaces (two per holiday lodge). Whilst this does not prohibit guests from arriving by sustainable or alternative modes of transport, the mere presence of footpath networks close to the site would not necessarily encourage guests to use public transport or arrive on foot. It is more likely that guests would use the footpath network once they have arrived by private motor vehicle in the view of the LPA.
- 6.49 In regard to the statement in paragraph 5.65 that no protected species have been identified within the documents submitted in support of the appeal, evidence in the form of the Appellant’s submitted PEA and the subsequent responses from LCC Ecology (Appendix 2) confirm that it has not been demonstrated that no protected species have been identified, whilst also recommended that further surveys should be completed prior to determination.

7. CONCLUSION AND PLANNING BALANCE

- 7.1 In conclusion, the development would have a significantly harmful effect on the character and appearance of the area including its landscape character. In those regards, the proposal would conflict with the sustainable development, design, character and landscape requirements of Policies DM1 (Presumption in Favour of Sustainable Development), DM4 (Safeguarding the Countryside and Settlement Separation) and DM10 (Development and Design) of the SADMP, Policy 23 (Tourism Development) of the CS and Policies CE1 (Character and Environment), CE3 (Important views and Vistas), and CE5 (Landscape of the wider parish) of the NP. For the same reasons, the proposal also conflicts with the requirements in the Framework to recognise the intrinsic character and beauty of the countryside and for developments to be sympathetic to landscape setting.
- 7.2 Furthermore, the proposed scheme fails to provide sufficient information to demonstrate that it would not cause ecological harm to protected species. The proposal therefore fails to comply with Policy DM6 of the SADMP and Paragraph 185 of the NPPF.
- 7.3 It is accepted that the relevant policies do not stipulate that a proposal for holiday lodges would only be acceptable if it were tied to another use. Furthermore, given the footprint of the development and that there is currently no functioning golf

course, the proposal would not result in the loss of an existing facility having regard to the requirements of Policy DM24 (Cultural and Tourism Facilities) of the SADMP.

- 7.4 It is acknowledged that some economic and social benefits can be secured via the development, such as the construction of the lodges and the creation of a tourism facility. However, these are considered to be limited in their extent and it has not been demonstrated that any economic benefits would result in the reinstatement of the golf club and golf course. Therefore, only limited weight can be afforded in the planning balance.
- 7.5 For the above reasons, only limited weight is given to the economic benefits of the proposed lodges. Similarly to the Inspectors view in appeal APP/K2420/W/23/3315336, any such benefits would not be of a significant magnitude and do not overcome the harm identified.
- 7.6 The impact on the character of the area is clear and significant, as the lodges and associated development would be situated in a countryside location which is characterised by its rural and undeveloped nature, thus resulting in unacceptable urbanising impacts.
- 7.7 The LPA therefore considers that the harm caused does significantly and demonstrably outweigh the benefits of the development. If the Inspector is minded to apply Paragraph 11(d) of the NPPF in this case by virtue of the development plan being out of date, the LPA considers that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits.
- 7.8 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted Development Plan in this case. With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed.

8. **CONDITIONS & REASONS**

- 8.1 In the event that the appeal is allowed, a list of proposed conditions and reasons are included in the signed Statement of Common Ground.