

Delegated Report

Planning Ref: 23/00508/FUL
Applicant: Statue Homes Ltd
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Kyngs Golf and Country Club, Station Road,
Market Bosworth

Proposal: Erection of 9 single storey holiday lodges with vehicle parking and associated works

1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of 9 holiday cabins with associated parking and access. This application is a resubmission of refused application 21/01473/FUL. The key differences are that the lodges are now proposed to be set upon “travel skids” and off-site highway works are also proposed.

2.2. The lodges would be sited beyond the eastern boundary of the golf course at the rear of the site (950m northeast of the main access), with the backdrop of mature woodland which separates this part of the site from neighbouring Oakwood Grange and Barton Road to the east. The lodge design is single storey with mono pitched roofs, in two different types, 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. 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. Parking provision would be allocated to the front of the lodges.

3. Description of the Site and Surrounding Area

3.1 The application site consists of a rectangular section of land beyond the golf course (circa 0.6 acres excluding the access track) to the north of Market Bosworth, approximately 950m northeast of the access on Station Road. The site is open and flat, and there is some vegetation cover including a woodland copse immediately to the east. The wider topography of the land is undulating due to its modification as a golf course which comprises approximately 48 hectares of land extending north beyond the settlement boundary of Market Bosworth towards Carlton. Generally, the wider site rises to the east towards the application site, towards the approach of the settlement boundary of Market Bosworth. Footpath S68 runs along the southern boundary of the site. The application site is accessed via Station Road, which is an existing access, leading to a pair of gates which secure the site. At present the site is not in use as a golf course but is mowed periodically.

4. Relevant Planning History

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	Permission	30.04.2003

associated parking

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
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
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 works and landscaping	Permission	15.06.2020
21/00195/FUL	Erection of 9 holiday lodges with associated parking and landscaping	Refused	16.12.2022

21/01473/FUL

Erection of 9 single storey
holiday lodges with vehicle
parking and associated works

Refused

23.12.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 7 letters of objection have been received from 6 addresses, raising the following concerns:-
- a. No indication that the golf course and club would be reinstated
 - b. Adverse impact on the intrinsic part of open countryside in conflict with SADMP Policy DM4
 - c. Lodges will be clearly visible from footpath S68
 - d. Access track not designed for car use
 - e. Increase in traffic on what is already a dangerous road
 - f. Overdevelopment of the site in conjunction with other applications for lodges
 - g. No information re. impact on footpath S68 and possible requirement for re-routing
 - h. No on-site services for water/electricity
 - i. Noise impact on neighbours

6. Consultation

- 6.1. No objections, some subject to conditions received from:-
- Sport England
Leicestershire County Council (Highways)
Leicestershire County Council (Drainage)
Leicestershire County Council Ecology
Environmental Health (Drainage)
Environmental Health (Pollution)
Leicestershire County Council Ecology have requested a Preliminary Ecological Appraisal.
- 6.2. Market Bosworth Parish Council have objected on the following grounds:-
- i) Application is vague and site plan is unclear
 - ii) No effort/information re. reinstatement of the golf course
 - iii) No services, mains utilities or facilities in the vicinity
 - iv) Overlooking and harm to the Leicestershire Round circular footpath
 - v) Access track is excessive and traffic movements would urbanise the site
 - vi) Permission granted for 103 lodges at Market Bosworth Water Park exceeds demand for holiday let provision in the area
- Carlton Parish Council have objected on the following grounds:
- i) The application site is in open countryside and will have an urbanising effect on an important a green access corridor leading to Market Bosworth;
 - ii) The application site does not appear to be near to water, electricity, gas or sewerage services;

- iii) The proposed lodges are to be served by a long access track which will generate significant vehicle movements through a tranquil area of countryside;
- iv) The access drive will cross a golf course with a risk of damage to vehicles from golf balls;
- v) Part of the proposed access track will be along the Leicestershire Round which is a long-standing and popular promoted circular walk around Leicestershire and is likely to give rise to conflict between walkers and site traffic;
- vi) The proposed lodges will overlook the Leicestershire Round and have an adverse impact on walkers privacy and enjoyment of the countryside.

Policy

- 6.3. Market Bosworth Neighbourhood Plan 2014-2026
 - CE1: Character and Environment
 - CE3: Important Views and Vistas
 - CE5: Landscape of the Wider Parish
- 6.4. Core Strategy (2009)
 - Policy 11: Key Rural Centres Stand Alone
 - Policy 23: Tourism Development
- 6.5. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Boroughs Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM24: Cultural and Tourism Facilities
- 6.6. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)

7. Appraisal

- 7.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon Market Bosworth Conservation Area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Impact upon Drainage and Flood Risk
 - Impact upon Ecology
 - Impact upon Archaeology
 - Planning Balance

Assessment against strategic planning policies

- 7.2. Paragraph 12 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.
- 7.3. 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 materials consideration indicate otherwise.
- 7.4. 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.
- 7.5. 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.
- 7.6. Secondly Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business could be acceptable 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.
- 7.7. 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.
- 7.8. 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.

- 7.9. The position of the LPA is that the proposed lodges would need to be linked to the re-opening and ongoing operation of the existing golf course for the LPA to consider the proposal complies with the Development Plan in principle. The recognition of the site as a Tourism and Leisure facility in the Neighbourhood Plan is on the basis that the site operates as a golf and country club, not for holiday lodges within a small, remote and isolated section of the site. There is no evidence or supporting justification which identifies that the existing golf course is no longer necessary and that the lodges would provide a viable leisure use without the ongoing function of the golf course, nor would it significantly contribute to the rural economy.
- 7.10. The approved application to the south of the site (19/01437/FUL) includes a condition relating to the reinstatement of the 18-hole golf course prior to the first use of the clubhouse. This proposal does not include any specifics regarding the intention reinstate the golf course, and there is no evidence to show that the guests staying in the lodges would have any involvement in the golfing element of the site. It is therefore not clear that the development of the proposed lodges would help to support the existing service and facilities a golf course could provide and would not be in any way linked to its designated function as a recreational facility. Therefore, it is considered that the proposal would not result in either an appropriate replacement or an enhanced culture and tourism facility, in accordance with the criteria c and d of Policy DM24 of the SADMP.
- 7.11. The applicant has made reference to a permission for holiday lodge accommodation nearby at Lakeside Lodges, Market Bosworth, southwest of this site as a means to justify a development of holiday lodges on this site. This permission and scheme are clearly linked to the existing leisure use of the Lakeside site. This is not considered to be the case with the current proposal, with no evidence provided that the leisure use would be reinstated and no justification for the location of the lodges.
- 7.12. The applicant has failed to demonstrate that there is a viable need and justification for the development nor that it would significantly contribute to economic growth, job creation and/or diversification of rural business. The proposal would also have no association with the golf course which is fundamental for the principle of development to be acceptable. The proposal is therefore contrary to Policies DM1, DM4 and DM24 of the SADMP and Policy 23 of the Core Strategy.

Design and impact upon the character of the area

- 7.13. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in the manner commensurate with the statutory status or identified quality in the development plan) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 7.14. 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 protect its intrinsic value, beauty, and open character.
- 7.15. 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.
- 7.16. The Market Bosworth Neighbourhood Development Plan (MBNDP) was made 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”
- 7.17. 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
- 7.18. 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 in Vistas) seeks to restrict development which would harm important views and vistas as defined in the NDP. The proposal falls directly within defined Character Area A. 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.
- 7.19. The application 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 the 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 site also forms an important vista due to its extensive views of north west Leicestershire.
- 7.20. 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.
- 7.21. The application site is situated within Character Area C, Bosworth Parkland as identified within the Landscape Character Assessment (LUC, 2017). Key characteristics of this area are of rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Mark Bosworth. The golf course comprises of approximately 48 hectares of former agricultural land situated within the countryside. Due to the nature of a golf course the agricultural landscape has been altered however over time this has matured into the landscape and retains the open and verdant nature of the countryside.
- 7.22. The public rights of way S68 and S69 run along the southern and eastern boundaries of the site respectively. Views of the lodges and parking area would be widely visible from these footpaths given that there is no substantial screening from these footpaths towards the site. The views from these footpaths are currently of

the undulating golf course to the south, open countryside to the north, sporadic woodland copses in all directions, and existing small-scale buildings adjacent to the site and to the south west. Wider views from surrounding public vantage points are largely restricted due to the existing topography of the site and the location of the site 950m northeast of the access and 240m west of Barton Road. It is therefore considered that the views of the proposed site would be localised to users of footpath S68 and S69 with possible glimpses from neighbouring Oakwood Grange to the east and passing vehicles on Barton Road travelling south from the north.

- 7.23. The location of the proposed lodges approximately 1km northeast of Station Road results in a development which would be isolated and remote from services in Market Bosworth, and highly reliant on the use of private motor vehicles. It is acknowledged that an inherent aspect of holiday lodges is that they are located away from built-up areas as their attraction lies in factors such as a quiet environment and proximity to nature and countryside views. However, in this case it is considered that the proposal includes little justification and reasoning behind the proposed location of the lodges and would result in the erection of urbanising features in an otherwise remote countryside location.
- 7.24. The introduction of built form on the site would create an incongruous and urbanising feature, altering the character and verdant nature of the site, particularly when viewed from footpaths S68 and S69. 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 wider site and the footpath. The introduction of built form and hard surfacing would alter the character of both the modified and natural landscape, to one with built form, and the existing trees and any proposed landscaping would not mitigate this impact to an acceptable degree.
- 7.25. In summary, the proposed development would introduce a significant amount of built form in an otherwise remote, rural, and verdant area. Although the most prominent views would be localised to users of footpaths S68 and S69, 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. The proposal is therefore contrary to the aims of Policy DM4 and DM10 of the SADMP, Policy CE5 of the MBNP, and Policy 23 of the Core Strategy.

Impact upon the Market Bosworth Conservation Area and other heritage assets

- 7.26. The site is considered to be located within the wider setting of some heritage assets including the Market Bosworth Conservation Area, the Ashby Canal Conservation Area, and a number of listed buildings, so consideration must be given to the impact the proposal may have on these heritage assets.
- 7.27. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced. Development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 7.28. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest

which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 7.29. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 7.30. The Market Bosworth Conservation Area Appraisal states that from the west Station Road enters the settlement primarily through modern development with only isolated examples of buildings which pre-date the first world war. Beyond the railway bridge, which is situated to the southwest of the application site, the approach to Market Bosworth and the conservation area centre gently rises with wide vistas of countryside to the north, where the application site is located, and continuous development to the south. The western boundary of the conservation area is located some distance to the east from the application site and is only visible as occasional glimpses of the church spire located within its centre. Therefore, the current largely undeveloped and semi-rural character of the site sits comfortably within the wider setting of the church and the conservation area and is considered to make a positive, although very minor, contribution to the significance of these heritage assets. Therefore, the proposal is considered to have a neutral impact on the setting of the Market Bosworth Conservation Area.
- 7.31. Located further to the west of the application site is the Ashby Canal Conservation Area. At its nearest point the Ashby Canal is screened from the site by modern development, although there are occasional glimpses of the site from the canal from other vantage points along its length. The semi-rural nature of the site sits comfortably within the wider setting of the canal as it winds through a predominantly rural and semi-rural landscape. Subsequently, the current character of the application site is considered to make a neutral contribution to the significance of the Ashby Canal Conservation Area. The layout, form, and appearance of the proposed development accompanied with the proposed soft landscaping scheme would mean there would be no discernible change to the occasional glimpses of the site from the canal. In this regard it is considered that the proposal would have a neutral impact on the setting of the Ashby Canal Conservation Area and consequently preserve its significance.
- 7.32. Considering the above, it is judged that the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area and the Ashby Canal Conservation Area and would be compatible with the significance of the grade II* listed St Peters Church by having no adverse impact on its wider setting. The proposal is therefore in accordance with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF, and complies with the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 7.33. Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 7.34. The nearest residential dwelling would be Oakwood Grange which is situated to the more than 160m east of the application site. The proposed lodges would be

positioned sufficient distances from this dwelling as to not result in any loss of amenity in terms of overshadowing or overlooking.

- 7.35. The proposed development would not result in any adverse impacts of neighbouring residential amenity and would therefore comply with Policy DM10 (a) of the SADMP.

Impact upon highway safety

- 7.36. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 7.37. The applicant proposes that the site would be accessed and served via the existing access, which is positioned to the north side of Station Road, which is C Classified Road subject to a 30mph speed limit.
- 7.38. Given the scale of the proposed development, the LHA considers the existing access arrangement is acceptable to cater for the level of traffic generated by nine holiday lodges. Equally should the access improvements detailed above under application reference 19/01437/FUL be implemented then the LHA is satisfied the amendments would be suitable to cater for the holiday lodges. There are no concerns from the LHA relating to Highway Safety.
- 7.39. The LHA notes that 265 metres of the proposed access track is used by Public Footpath S68 which is part of the Leicestershire Round long-distance walking trail. Also, Public Footpath S70 crosses the access track and the golf course, and the site of the proposed lodges site is adjacent to Public Footpath S69. The LHA advise that there is a need for a detailed discussion regarding the treatment of the Public Rights of Way and an appropriate condition has been advised to facilitate this. In devising a Rights of Way scheme, the Applicant will be required to safely manage the interactions between walkers and golfers and between walkers and visitors to the lodges. The Applicant will also be required to improve accessibility on footpaths by replacing stiles with gates or gaps.
- 7.40. On this basis, the scheme is likely to be in accordance Policies DM17 and DM18 of the adopted Site Allocations and Development Plan Policies DPD and the guidance contained within the NPPF.

Impact upon Drainage and Flood Risk

- 7.41. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage) and the Environment Agency.
- 7.42. The site is located in flood zone 1 (less than 1 in 1,000 annual probability of flooding). HBBC Drainage have no objections to the proposal subject to an appropriate condition regarding the drainage strategy implementation. The proposal is therefore considered to accord with Policy DM7 of the SADMP.

Impact upon Ecology

- 7.43. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.

- 7.44. The site is directly adjacent to suitable badger habitat, and within 100m of a potential Great Crested Newt Pond. As part of previous application 21/01473/FUL, LCC Ecology requested further habitat survey, badger survey, Great Crested Newt survey and mitigation plan, Biodiversity net-gain assessment using the DEFRA v.3.0 metric and biodiversity improvement plan prior to determination.
- 7.45. LCC Ecology have requested a preliminary ecological appraisal. Since the original comments were made on the proposal, new guidance on the requirement for providing BNG has been issued, which states that small sites with an area of less than 1 hectare are exempt from demonstrating BNG until February 2024. Although the amended proposal includes setting the lodges on moveable travel skids, it is not considered that this would reasonably address all the information requested by LCC Ecology on the original application. The site is the proposals would include the formation of hardstanding areas and its location next to badger habitat and GCN pond warrants the submission of the surveys originally requested.
- 7.46. A preliminary Ecological Appraisal was not provided, therefore 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 174 of the NPPF.

Other matters

- 7.47. The applicant has referenced a previous allowed and dismissed appeals relating to the wider golf club, and permission 19/01437/FUL for the erection of a multi-purpose golf clubhouse, new parking areas and access roads and 6 golf holiday homes with ancillary works and landscaping. The references to these applications are intended to provide evidence and justification as to why the current application would be acceptable. Each reference is addressed in turn below.
- 7.48. Permission 19/01437/FUL – Condition 4
"The holiday homes hereby approved, shall be for short term letting purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any cabin for a period of four weeks within a 12-month period. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and the main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the local Planning Authority following prior written notification".

This is noted by the LPA and if all other material considerations were considered acceptable, a similar condition would be imposed.

- 7.49. Appeal A Ref: APP/K2420/W/18/3218401 - Paragraph 15
"When considered relative to the nearby development at Pipistrelle Drive, the proposed lodges would be no more isolated or remote from services in Market Bosworth. Moreover, it is an inherent aspect of holiday lodges that they are located away from built-up areas, as their attraction lies in factors such as a quite environment, proximity to nature and countryside views"

This comment relates to a different part of the site, approximately 600m southwest of the current application site. It is therefore assessed in an entirely different context in terms of its isolated location, remoteness, and locational suitability.

- 7.50. Appeal B Ref: APP/K2420/W/18/3229633 - Paragraph 37:

"At the Hearing the Council accepted that the lodge would not be isolated in terms of Paragraph 79 of the Framework. In physical terms, the lodge would be at a distance which may discourage walking to Market Bosworth, but holiday lodges are often sought after due to their detachment from the built up area, and occupants are likely to be more willing to walk longer distances for recreational purposes, with the route of Public Footpath S70 providing an adjacent option for this."

See comment above.

7.51. Appeal B Ref: APP/KW2420/18/3229633 - Paragraph 42:

"... the track's low lying path through the course means it is not a prominent feature in the landscape, and is not obvious in views from outside the site"

"... it's status as a golf course, in my view, brings with it an expectation of some sensitively designed features, such as paths for golfers and access tracks for greenkeeping equipment. Such features would go hand in hand with the renewal of the golf course, but would not have a significant visual impact given the screening provided by the undulating topography and planting"

The existing path would need to be extended significantly into the site to access the proposed lodges.

There is no indication in the application submission that the golf course would be reinstated. Therefore 'sensitively designed features, such as paths for golfers and access tracks for greenkeeping equipment' would not be associated with a golf course as no evidence of such use currently exists.

7.52. Appeal B Ref: APP/K2420/W/18/3229633 - Paragraph 43:

"the appellant proposes to limit the access of occupants to the proposed holiday lodges to vehicles provided by the golf course, which would limit the extent to which it would be used by private vehicles, and prevent the track taking on a more urban or residential character. A condition requiring submission, approval and implementation of an operational management plan could be used to ensure vehicular access to the holiday lodge is suitably managed whether or not this is in association with an operational golf course".

The proposed site plan shows two car parking spaces for each lodge, 18 in total. There is no reference to an operational management plan or alternative parking area closer to the access which would limit or manage the use of the access track.

7.53. Appeal B Ref: APP/K2420/18/322633 - Paragraph 44:

"... I find that the presence of a track, whether intermittent as I saw on site, or made more formal through additional gravel or other materials, would not adversely effect the character or appearance of the area, and so would not conflict with Policies DM1, DM4 or DM10 of the SADPM, and so would not conflict with Policies CE1, CE3 or CE5 of the MBNP"

This comment is in relation to an appeal site which was located considerably closer to the main access point on Station Road. The current application would require a significant extension of the track to the remote and isolated part of the site.

Equality Implications

- 7.54. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.55. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 7.56. There are no known equality implications arising directly from this development.

8. Conclusion

- 8.1. The application fails to demonstrate that there is a viable need and justification for the development, that it would significantly contribute to economic growth, job creation and/or diversification of rural business, and does not demonstrate any association with the golf course or a future intention to repurpose the course. These details are all considered fundamental for the LPA to consider the proposal complies with the Development Plan in principle. The principle of development is therefore not acceptable, and the proposal is contrary to Policies DM1, DM4 and DM24 of the SADMP and Policy 23 of the Core Strategy.
- 8.2. It is considered that the proposed development by virtue its scale, siting, and design would have a harmful impact upon the character and intrinsic value of the countryside. The proposal is therefore contrary to Policies DM1, DM4, DM10 of the SADMP, Policy CE5 of the MBNP, and Policy 23 of the Core Strategy.
- 8.3. The applicant has failed to demonstrate 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 174 of the NPPF.
- 8.4. The application as submitted is therefore contrary to the Council's adopted Development Plan and there are no material considerations which indicate that these policies should not apply.

9. Recommendation

- 9.1. **Refuse planning permission** subject to the following reasons:

9.2. 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.