

PLANNING STATEMENT

The Proposed Erection of 9 Single Storey Holiday Lodges
with Vehicle Parking and Associated Works,
Kyngs Golf and Country Club,
Station Road,
Market Bosworth,
Leicestershire.

(Re-submission of P/App.No:21/01473/FUL)

Date:May 2023

Project No:HMD/0505/2023

HMD

ARCHITECTURE
PLANNING & SURVEYING

C O N T E N T S:

1.00 The Re-submission Development Proposal

2.00 Reason for Refusal (P/App.No:21/01473/FUL)

3.00 Planning Policies

4.00 Relevant Planning Decisions

5.00 Highways

6.00 Conclusion

7.00 Appendices

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1.00 The Development Proposal

1.01 The original (refused) planning submission development proposal was for the erection of 9 single storey holiday homes offering an accommodation mix of 5 x two bedroom and 4 x single bedroom timber clad holiday lodges.

1.02 The resubmission planning application is for a similar development proposal albeit with the introduction of 9 holiday lodges to be set upon “*travel skids*”¹ and includes “*off-site highways works*”².

1.03 The application site is positioned at the upper eastern limits of the golf course and covers an area of circa:820.00 sq.metres (inc.access driveway) on “*brownfield land*” that has been continuously utilised for the external storage for expired golf course maintenance machinery and storage of building materials used in association with the building and maintenance of the golf course and buildings.

1.04 The proposed holiday lodges are to be clad in timber to assist with assimilation into the sylvan landscape setting and elevated off the existing ground level - via structural timber posts and set on travel skids¹ - to allow both the placement/removal of the holiday lodge structures and to avoid any potential negative impacts upon the local and wider ecology.

2.00 Reason for Refusal (P/App.No:21/01473/FUL)

2.01 Reasons for Refusal No:1:

1) *The proposed scheme would relate to an existing facility outside the settlement boundary of Market Bosworth. The applicant has failed to demonstrate that there is a viable need and justification for the scale and type of development, whilst also failing to evidence that the development would be ancillary to the existing golf course. It is therefore contrary to Policy DM1 and DM4 of the Site Allocations and Development Management Policies DPD and Policy 23 of the Core Strategy.*

RfR(i)

There is no requirement within the Site Allocations and Development Management Policies DPD (2006) nor the Core Strategy DPD (2009) for the Applicant to demonstrate a viable need and justification for the scale and type of development proposal.

Appeal Decision APP/K2420/W/18/3218401 - The Inspector found that:-

“There would be social and economic benefits weighing in favour of the proposal from the re-opening of a golf course which would add to the recreational facilities of the area and through new employment opportunities and spending by visitors at the course, holiday lodges and in the wider area. I accept that the proposed holiday lodges would assist the delivery of the wider golf course facilities, add to the tourism options in the area and support the Council’s objectives to boost tourism and recreation in the District, though the intention to sell the detached lodges would reduce their potential long time availability to the market.

Overall, I attach substantial weight to these benefits”

RfR (ii)

Appeal Decision APP/K2420/W/18/3218401 - The Inspector stated that the restriction on occupation (para:50) and the timing of occupation (para:52) could be dealt with by of a planning condition(s).

Appeal Decision APP/K2420/W/18/3229633 - The Inspector issued Condition No.3 :-

“Notwithstanding the provisions of Class C1 of the Schedule of the Town and Country Planning (Uses Classes) Order 1987 or any change of use by subsequent Order, the unit shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be occupied as permanent unrestricted accommodation or a principal or primary place of residence”.

The development proposals are not required to be ancillary to the closed (maintained) golf course in order to be compliant with either national nor local plan policies.

The Council has the ability to impose a planning condition(s) to secure the development proposal for the holiday lodges as being ancillary in use to the existing golf course ie: as per Planning Decision No:19/01437/FUL - Condition No:4 imposed to “ensure compliance with Policy DM4 and DM24 of the SADMP(2016) and Policy 23 of the Core Strategy” .

2.02 Reason For Refusal No: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 Plan Policies DPD and Policy 23 of the Core Strategy.”

Appeal Decision APP/K2420/W/18/3218401 - The Inspector states
(Para:15)

In terms of holiday lodges Policy 23 of the CS encourages lodges in suitable locations where they can support existing services and facilities and are of a scale which is appropriate to minimise the impact and assimilate well. Although some of them would be located in a more interior part of the site, and would be reached more often than not by car, they could be accessed by bus from Station Road, or via Public Footpath S70, which would pass between the lodges on its path across the course and directly into the town centre. When considered relative to 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 the factors such as a quiet environment, proximity to nature and countryside views. Given this, I am satisfied that the location of the proposed holiday lodges would not conflict with Policies 23 and DM4, subject to their effect on the character and appearance of the area.

Policy DM4 of the SADMP identifies sustainable development within the countryside as being development for outdoor sport or recreational purposes and Policy 23 of the CS directly relates to the development of rural tourism with the Borough and states that holiday lodges will be encouraged in suitable locations where development would assist in supporting 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 and acceptable landscaping. Holiday lodge development should add to Hinckley and Bosworth's local distinctiveness and complement the tourism themes of the borough, whilst adding to the economic wellbeing of the area.

The application site benefits from an extant lawful planning use as part of a golf course (F2(c)) and is identified as a Leisure and Tourism Character Area within the Market Bosworth Neighbourhood Plan and is the closest facility to the built up area of Market Bosworth and the Council (APP/K2420/W/18/3218401-Hearing) accepted that the permitted golf clubhouse (including ancillary outbuildings) fell under sport and recreational uses as supported in principle under Policy DM4 of the SADMP.

2.03 Reason for Refusal No:3:

“The proposed scheme fails to provide sufficient information to demonstrate that it would not cause ecological harm, nor does it demonstrate that it achieves biodiversity net gain. The proposal therefore fails to comply with Policy DM6 of the SADMP and Paragraph 174 of the NPPF”

The application site is laid in road stone and used for external storage for redundant golf course ground maintenance equipment and building materials with the same area being partially overgrown with vegetation.

The original (refused) development proposal submission scheme illustrated the timber clad holiday lodges elevated off from ground level on structural timber legs set on small base pads thus avoiding potential negative ecology impacts on the application site and on the wider area.

The resubmission scheme illustrates the same holiday lodges with *“Sedum roofs”* elevated off from ground level and set on *“travel skids”*¹ facilitating a *‘nature-neutral’* development proposal with *no* negative ecology impacts to either the application site nor the wider area.

The requirement for Bio-diversity Net Gain is stated as a key part of this Government’s commitment to halt species decline by 2030 and was introduced into legislation through the Environment Act.

The published information paper (21/02/2013) from the Department of Environment, Food and Rural Affairs provides certainty to developers ahead of the new approach coming into effect later this year with:

New housing, commercial and infrastructure developments set to be *“nature-positive”* from November 2023 onwards, with small sites having until April 2024 to comply with regulations and

3.00 Relevant Planning Policies

3.01 Market Bosworth Neighbourhood Plan (2014-2026)

- CE1
- CE3
- CE5

3.02 Core Strategy (2009)

- Policy 11
- Policy 23

3.03 Site Allocations Development and Management Plan (2016)

- DM1
- DM4
- DM6
- DM17
- DM10
- DM11
- DM12
- DM13
- DM17
- DM18
- DM24

3.04 National Planning Policy Framework (2021)

- Section 8
- Section 9
- Section 11
- Section 12
- Section 14
- Section 15
- Section 16

4.00 Relevant Planning Decisions

4.01

- Planning Decision No: 92/01068/COU³ (Golf Course/Clubhouse)
- Planning Decision No: 02/00685/COU⁴ (Golf Course /Clubhouse)
- Appeal Decision: APP/K2420/W/18/3218401 (Golf Clubhouse/15 Lodges)
- Planning Decision No:19/01437/FUL (Golf Clubhouse /6 Lodges)
- Appeal Decision: APP/K2420W/18/3229633 (1 Holiday Lodge)
- Planning Decision No: 19/00230/FUL (1 Holiday Lodge)
- Planning Decision No:20/00026/FUL⁵ (103 Holiday Lodges)

5.00 Highways

5.01 The resubmission development proposal includes for the “*off-site highway works*” for implementation of “*a ghost island right-turning*”² on Station Road facilitating safe vehicle access into the application site.

5.02 Of note - Planning Decision No:92/01068/COU:³ for a golf course, driving range, clubhouse and maintenance building: - ‘Refused’:

Reason for Refusal:

“The proposed development would generate a significant number of vehicle turning movements into the site from Station Road which would require the provision of a suitable right turning lane and improved pedestrian facilities. The necessary highway improvements have not been secured by a legal agreement and without them the proposal would be detrimental to the interests of highway safety”.

5.03 Planning Decision No:02/00685/COU⁴ for a golf course and ancillary and facilities including siting of a clubhouse associated parking:- ‘Permitted’:

Condition No:18:

“The proposed access and off-site highways works which includes a ghost right-turning lane shall be laid out and constructed in accordance with the submitted plan No:B1993/R1/001A² prior to any other development taking place”

The reason for the Condition 18:

“In order to ensure that all traffic - including construction traffic - can be safely accessed off Station Road”

5.04 The Office for National Statistics (ONS)⁶ presented data that indicates the volume of road traffic recorded from 1990 to 2018 increased by 29% whilst the National Road Traffic Projections (NRTP DoT)⁷ 2022 predicts a median 22% increase in road traffic between 2025 and 2060.

5.05 The provision of the required *“off-site highways works”*² to include a *“ghost island turning-right lane”*² as required in both the Planning Decision No’s: 92/01068/COU³ and 02/00685/COU⁴ would in this instance preserve and future proof the use of the existing Tourism & Leisure golf course facility and the permitted multi-functional clubhouse and holiday lodges and potential future holiday lodges.

6.00 Conclusion

6.01 The development proposal for nine single storey timber clad holiday lodges set on *“travel skids”*¹ falls within the criterion as defined within Caravan Sites Act 1968 as:

Section 13 (1)

“as a structure designed or adopted for human habitation which -

(a) is comprised of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps ore other devices and

(b) when assembled, physically capable of being towed by road from one place to another (whether by being towed, or being transported on a motor vehicle)”

Section 13 (2)

“a structure designed or adapted for human habitation” with “dimensions when assembled” not to “exceed any of the following limits, namely” -

(a) length (exclusive of any drawbar): 20.00metres/65.616ft

(b) width: 6.800metres/22.309ft

(c) overall height of living accommodation: 3.050metres/10.006ft

(measured internally from the floor to the lowest of the ceiling at the highest level)

The development proposals allow for the form of holiday lodges to be erected with no more than two separate structures and with each of the fully assembled structures capable of being movable and transportable via the use of the travel skids¹ and towing eyes.

The proposed holiday lodges will not exceed the stated physical dimensions as defined under the Caravan Sites Act 1968:

- 1 bed holiday lodge = 6.00m(width) x 7.500m(length) x 2.90m(height)
- 2 bed holiday lodge = 6.50m(width) x 9.500m(length) x 3.00m(height)

6.02 The application site is stone based and considered to be previously developed land assessed in the context of the site being continuously utilised for the storage of expired golf course maintenance machinery and building materials used in both the construction and maintenance of the course and associated buildings.

6.03 Both the original and the re-submission development proposals for 9 single storey timber clad holiday lodges at the Kyngs Golf and Country Club, Market Bosworth have a resultant total volumetric count quantum of 1466.24 cubic metres whilst the permitted 103 single storey timber clad holiday lodges at the Bosworth Water Park, Market Bosworth (Planning Decision No:20/00026/FUL)⁵ generates a resultant total volumetric count of 27 980.99 cubic metres.

Site:	Number of Lodges:	Volume Data: M ³
Market Bosworth Water Park:	103	27 980.99
Kyngs Golf & Country Club:	9	1466.24

It is significant that the re-submission of the Kyngs Golf & Country Club development proposal represents a *de minimis* value of 5.24% of the volumetric count as permitted under Planning Decision No:20/00026/FUL⁵ for the Bosworth Water Park for 103 holiday lodges.

6.04 The proposed inclusion in the re-submission application for the completion and perfection of Condition No:18 as imposed upon Planning Decision No:02/00685/COU⁴ and secured in pursuance of Section 278 of the Highways Act 1980 and Section 106 of the Town and Country Planning Act 1990⁸ for the “*off-site highways works*”...

... (Drwg.No: B1993/RL/001/A)² is introduced as a necessary pre-requisite to highways improvements in order to safe-guard and future-proof vehicle movements associated with extant planning use for the golf course and the permitted future use of the multi-functional club house and holiday lodges and including all associated construction traffic and , - mindful of the 29% increase in road traffic volume and the quantum of vehicles on the UK road since 1990⁶ - to avoid any and all significant impacts upon highways safety on Station Road.

6.05 The application site is encompassed within an area designated for Leisure and Tourism (MBNP) and - notwithstanding the Inspector's statement - "***the proposed holiday lodges would add to the tourism options in the area and support the Council's objectives to boost tourism and recreation in the district***" (Appeal Decision: APP/K/2424/W/ 18/3218401) - no LP policy requirement exists for the Applicant to demonstrate a viable need and justification for the scale and type of the development proposal.

6.06 The Council have the ability to impose a restrictive planning condition to secure the future use of the proposed holiday lodges to be limited for holiday accommodation only and not be occupied as permanent unrestricted accommodation.

6.07 The Tourism & Leisure development proposal is fully compatible with the directives and relevant criterion of Policy 23 of the CS (2009).

6.08 It is acknowledged that the site is located outside the settlement boundary of Market Bosworth and most recently an Inspector noted "***it is an inherent aspect of holiday lodges that they are located away from built up areas, as their attraction lies in the factors such as a quite environment, proximity to nature and countryside views***".(Appeal Decision: APP/K2420/W/18/3218401)

6.09 The application site for 9 holiday lodges benefits from an urban fringe location (site centered) and is within an 850.00 metre walking distance on contiguous footways linking into the central market place in the town to reach a range shops, restaurants and public houses; in contrast however, the former Bosworth Water Park site permitted for 103 holiday lodges is positioned at an 1850.00metre distance (site centered) without contiguous footways to/from the town central market place and notably with the lodge users (either via foot/cycle or by motor vehicle) passing the Kyngs Golf and Country Club en-route into the market town. **Page11**

6.10 The re-submission development proposal utilises the design elements of ‘*zero foundations*’ (elevated structures on “*travel skids*”¹) and *Sedum roofs* to secure a “*nature-neutral*” status with no negative impacts upon the local and wider ecology.

6.11 The development proposal as refused under Planning Decision No:21/01473/FUL presented 3 RfR’s that exhibit an appearance of having been engineered to fit the occasion and *ipso facto* generate the resultant strategic negative determination.

6.12 In this instance it is considered that the development proposal re-submission scheme is compliant with all the relevant applicable policies of the Market Bosworth Neighbourhood Plan (2014-2016) ,the Site Allocations Development Management Plan DPD (2016) the Core Strategy (2009) and the National Planning Policy Framework (2021).

7.00 Appendices

- 1 Typical Travel Skid Drawing
- 2 Off-Site Highways Drawing No: B 1993/RL/001/A
- 3 Planning Application No:92/01068/COU
- 4 Planning Application No:02/00685/COU
- 5 Planning Decision No: 20/00026//FUL
- 6 ONS Road Traffic Data 1990-2018
- 7 NTRP (Department of transport) 2022
- 8 Section 106 & Section 278 (20.04.2003)

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