

Application: 24/01157/HYB – Kyngs Golf & Country Club WL-252

Prepared by: George Denny | Date: 6 November 2025

Hello Alex,

Thank you for your email of 4 November 2025 and for forwarding the latest LLFA consultee response. I appreciate the time you continue to spend coordinating comments across the various consultees.

Earlier Correspondence and Supporting Documents

Further to my earlier correspondence of 8 October 2025 (“Clarification on Procedural Impact of Incorrect Greenfield Classification – 24/01157/HYB”), 13 October 2025 (WL-248 – Consolidated Clarification Letter), 15 October 2025 (WL-249 – Reply to Alex Jelley), 16 October 2025 (Highway Baseline and Consultee Position), and my Record Correction Note of 29 October 2025, the factual and consultee positions for application 24/01157/HYB were already resolved in full before the LLFA’s latest response dated 4 November 2025. These documents remain the operative clarification record and form the baseline for this reply.

Drainage / LLFA

The Lead Local Flood Authority’s consultation response of 4 November 2025 (ref 2024/1157/04/F/R6) confirmed that the approved drainage strategy under 19/01437/FUL may be used for these proposals. That network—implemented and fully discharged under 23/00273/DISCON and derived from the contoured landform approved in 02/00685/COU—forms the lawful engineered drainage baseline for the estate. The Farrow Walsh FRA v5 (May 2025) verifies that both the spa/hotel and lodge areas lie within Flood Zone 1, utilising the same outfall to Carlton Brook, with no increase in run-off or attenuation-capacity exceedance. On this basis, the drainage system is complete, operational, and compliant with LLFA and NPPF requirements.

For accuracy, the site should not be described as greenfield: it is an allocated Leisure & Tourism site within the Market Bosworth Neighbourhood Plan, with an existing engineered drainage system already approved, implemented, and verified by FRA v5 (May 2025). The present surface-water regime is continuous with the 2003 COU drainage corridor and its approved outfall to Carlton Brook. The current proposals do not alter that arrangement and have been independently validated by FRA v5. The LLFA’s checklist therefore serves only as an administrative confirmation, not a new technical submission.

Pre-Application Engagement and Highway Baseline

Prior to submission, a formal pre-application meeting with Chris Brown (Head of Planning, HBBC) on 8 October (per HBBC pre-app record) confirmed the highly modified landscape and the implemented, extant Leisure & Tourism allocation of the KGCC estate within the MBNP. At that meeting, Chris Brown recognised the extant 2003 Section 278 and requested

a highways consultant's technical note to evidence the vehicle-generation threshold at which the implemented S278 works would be triggered ("perfected").

The previous first-submitted technical note (WL-534 – Ardent Transport Technical Note, Feb 2023, used to satisfy both HBBC and LCC Highways consultee for approval of the hotel 24/00019/FUL) was already known to HBBC and all consultees. A subsequent note (WL-546 – Ardent Transport Technical Note, Oct 2024) was requested by Chris Brown; it explicitly cross-referenced WL-534 and reaffirmed the same S278 capacity baseline.

Case-Officer Acknowledgement and Continuity

Across six previous determinations and reports prepared or reviewed by Alex Jelley between 2019 and 2024—

including 02/00685/COU, 19/01437/FUL, 23/00273/DISCON, 24/00019/FUL, 24/00027/FUL, and 24/00513/FUL—or seven if including 24/00769/FUL—the site was and still is consistently described as an extant, implemented and allocated Leisure & Tourism use within the Market Bosworth Neighbourhood Plan, fully compliant with Policies DM4, DM6 and DM8. Those reports acknowledge the site's lawful baseline, implemented drainage and acceptable access via the live 2003 S278 Agreement.

The approval of your own officer report recommending approval for the hotel (24/00019/FUL)—together with Condition 17 requiring the implemented drainage system under 23/00273/DISCON, and no fewer than five other permissions reflecting the same baseline—places the matter beyond reasonable doubt. It confirms that the LPA, its Head of Planning, case officers and consultees have each already accepted, on multiple occasions, the lawful and fully implemented Leisure & Tourism and Section 278 baseline now being relied upon for 24/01157/HYB.

Highways

The Local Highway Authority's last technical response of 23 June 2025 recorded no highway-safety objection and requested only standard conditions. Ardent's Comprehensive Parking and Movement Plan (July 2025) confirms that combined trip generation for all KGCC components remains well below the thresholds previously accepted when LCC supported 65 and 126 dwellings from the same access. The extant 2003 Section 278 Agreement remains implemented and governs this highway corridor in perpetuity.

On 6 June 2025, you first asked Martin Ladd to provide a merged Section 278 red-line site-layout plan so that the access corridor could be seen against the hybrid boundary. You queried whether this would affect re-consultation; Martin confirmed that the Section 278 was already extant and part of the submitted drawings in any event, and that the update was purely cartographic and de minimis.

Later, on 15 September 2025, you requested that I issue a red-line inclusion of the car park for Highways reference only, and on 18 September 2025 I uploaded that plan—and, additionally for transparency, the approved 2019 drainage layout plan—so that Highways

could view both the traffic and surface-water arrangements together and see what was already implemented on the ground. That submission simply illustrated the existing approved baseline. The plans I uploaded included the discharged and implemented drainage layout.

There had been no such pre-determination requirement when the 50-room hotel was approved, and the same lawful baseline applies here. These adjustments were strictly presentational, made solely at your request to assist the Highways consultee. They introduced no new boundaries, drainage or ecological information and are therefore de minimis, incapable of lawfully justifying any renewed consultation or delay.

Ecology / BNG

The Ecology Team were re-consulted on 7 October 2025 only because I supplied the Administrative Note – BNG Clarification (WL-246) to keep the file complete. That document introduced no new baseline; the Arbtech v4 metric (27 August 2025) already demonstrates a > 10 % net gain. The 21-day period following that upload is therefore a discretionary courtesy, not a Regulation 25 re-consultation. This approach mirrors HBBC's own handling of the 2019 permission and subsequent hotel approval (24/00019/FUL), where identical ecology and BNG clarifications were accepted by condition without any further consultation.

Leisure & Tourism Use Classification (for the Record)

It is important to record that the Kyngs Golf & Country Club estate is an implemented and allocated Leisure & Tourism use, not a residential allocation. The current hybrid application represents an operational continuation and enhancement of that established use in accordance with Policy DM4 of the HBBC Local Plan and the Market Bosworth Neighbourhood Plan. Leisure and tourism development is assessed on visitor-economy and rural-employment grounds, not against residential-housing criteria. The scrutiny now being applied by consultees appears to conflate an established leisure use with a new residential development, which is procedurally and policy-wise incorrect given the site's extant status, formal allocation and live 2003 Section 278 access agreement.

Unfettered Access Rights and Procedural Inconsistency (for the Record)

It must be placed on record that two separate planning proposals by third-party developers—one for 65 dwellings and another for 126 dwellings—have each sought to appropriate the benefits of the extant and unfettered Section 278 access rights belonging to Kyngs Golf & Country Club as successor in title. Both of those external schemes have been recommended for approval, yet KGCC, as the lawful beneficiary, has been restricted from exercising its own legitimate rights to use that same access to advance its lawful and policy-supported business expansion.

When a local authority facilitates or endorses third-party proposals that depend upon an access already implemented in favour of the rightful landowner, while simultaneously obstructing that landowner's use of their own agreement, the imbalance must have an

identifiable reason. That inconsistency is now being formally documented for accountability and audit purposes.

The need to prepare the Comparative Review (WL-253) also attached arises directly from HBBC and LCC's decision to entertain and in principle recommend the unallocated Richborough residential scheme for approval over the same Section 278 access lawfully reserved to Kyngs Golf & Country Club as beneficiary as successor in title. That third-party scheme, lacking any legal right to use the access, was progressed and supported despite interfering with the extant and legitimate enjoyment of my business use, and was finally documented by HBBC as conflicting with it. In contrast, my own allocated Leisure & Tourism proposal—based on the same geometry, traffic data and lawful rights—has been subject to repeated deferral and re-consultation. This inequality of treatment undermines the proper exercise of my lawful rights and necessitated the comparative analysis presented in WL-253.

Cross-Reference and Completeness

For transparency, this response should be read together with my previous clarifications listed above and the attached Comparative Review cross-reference with two previously recommended-for-approval non-allocated residential schemes which attempted to infringe and restrict KGCC lawful access as successor in title of its legitimate Leisure & Tourism business expectation (WL-253, 6 November 2025), which evidences the procedural and consultee-threshold inconsistencies across comparable HBBC / LCC applications. These form the complete and operative clarification record for application 24/01157/HYB.

Kind regards,
George Denny
Kyngs Golf & Country Club