

## Officer Planning Report

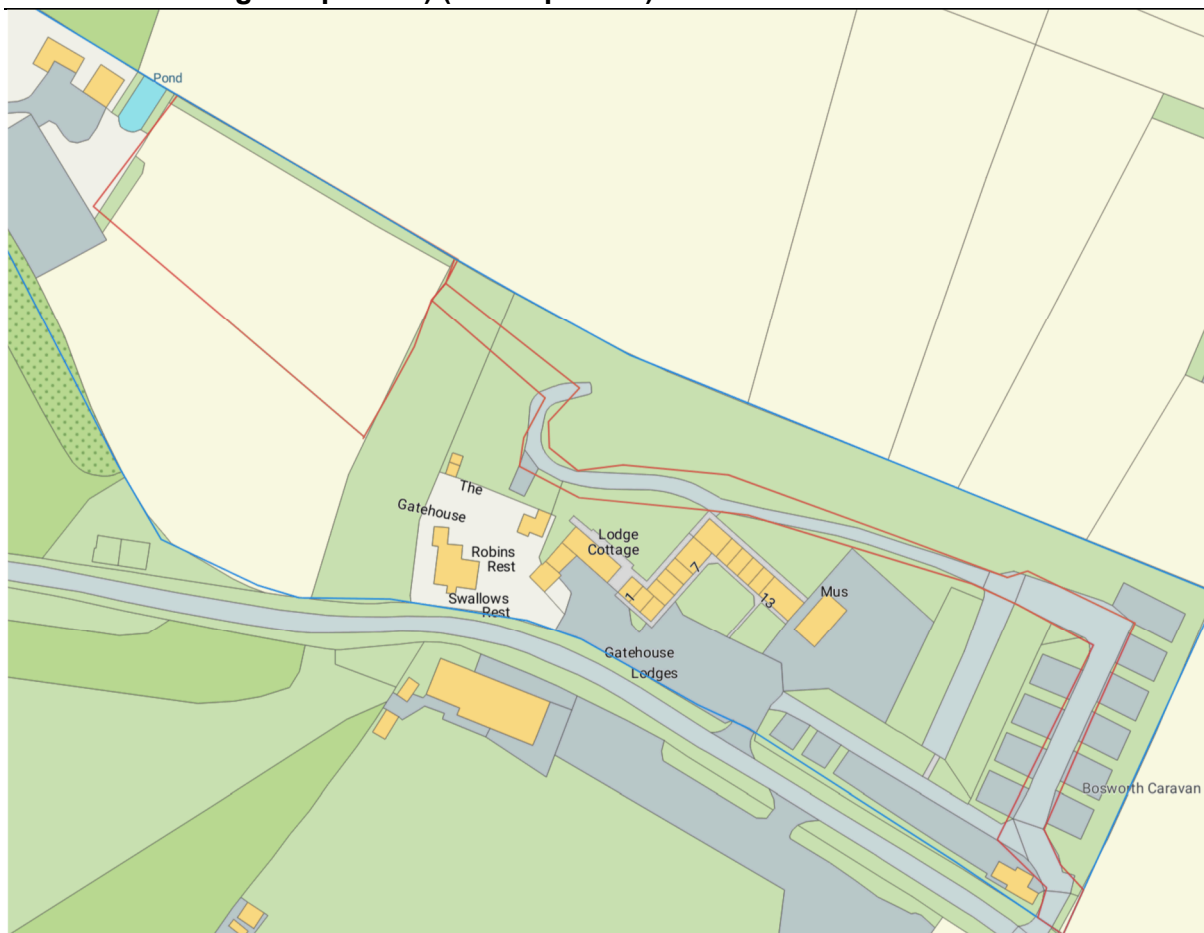
**Planning Ref:** 23/00927/FUL  
**Applicant:** Mr John Knott  
**Ward:** Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

**Site:** Land North Cadeby Lane Cadeby

**Proposal:** Change of use of land from agricultural to sui generis (siting of caravans, motorhomes and tents on serviced hard standing and grass pitches) (Retrospective)



### 1. Recommendations

#### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

### 2. Planning Application Description

- 2.1. The application seeks retrospective planning permission to retain the current materially changed use of the land for all year-round siting of caravans and tents on recently developed serviced hard standing & grassed pitches with electrical supply and sewage disposal. This application follows the approved 19/01308/FUL which was for Development of the land for the erection of three timber lodges for holiday let purposes on land north of Cadeby Lane (Resubmission of 18/00805/FUL). These lodges were to be located in the north-west corner of the site in an 'n' shape rather than the current proposal which is for 8 pitches along the northern boundary. Also the approved access for 19/01308/FUL was a new access which would have

formed a windy driveway through a green field from Cadeby Lane rather than the current proposal which uses the existing access for Bosworth Caravan Park.

- 2.2. There will be no toilet block with running water, the existing block will be utilized. Foul water will be disposed of via the existing system. There will be no shower/amenity block as part of the application area. There will be tree planting along the southern boundary as shown on the accompanying plan. The number of pitches will be 8 pitches as shown on the attached plan but pitches 1, 2 & 3 nearest the Conservation Area will be 'tent only' pitches. The proposed expansion will increase the revenue of the site, improve customer satisfaction, and contribute to the long-term growth of the site as well as increasing the economic growth in the locality.
- 2.3. An amended site layout plan was submitted on 14 November which includes the addition of both pedestrian and cycle paths to the site, together with a plan produced for the landscaping proposal to the southern boundary. This boundary would consist of post & rail timber fencing along with quick thorn hedge and deciduous trees.
- 2.4. With respect to the toilet facilities, the Motor Home and Caravan Club recommend having two ladies and two gents W.Cs for every 30 pitches.
- 2.5. The existing block currently has 6 ladies and 6 gent's toilets which would equate to a maximum capacity of 90 pitches. With the additional 8 proposed pitches, it would give a total site number of 50 pitches which is well within the recommended guidelines.
- 2.6. Market analysis shows Caravan and camping holidays have increased in popularity during recent years due to their affordability and flexibility. There has been a rise in the demand for caravan pitches. Travelers are increasingly seeking sites with modern amenities in a well-maintained environment which is close to attractions in the area.
- 2.7. The proposed site would cater for families seeking an affordable, family friendly vacation, senior citizens enjoying retirement travel, local and International tourists looking to explore historical sites in the local area of Market Bosworth.

### 3. **Description of the Site and Surrounding Area**

- 3.1 The application site is located within the countryside outside of any settlement boundary adjacent to the Market Bosworth Conservation Area and is therefore within the setting of this designated heritage asset. The character of the eastern section of the conservation area, this being adjacent to the application site, is one of parkland associated with Bosworth Hall. Such historic character is considered to make a positive contribution to the significance of the conservation area.
- 3.2 To the west of the site, on land also within the ownership of the applicant are stables, a barn and menage. To the south east is a dwelling house which is associated with the adjacent holiday lodges and Caravan Park.

### 4. **Relevant Planning History**

|              |                                                                                                  |          |            |
|--------------|--------------------------------------------------------------------------------------------------|----------|------------|
| 19/01308/FUL | Development of the land for the erection of three timber lodges for holiday let purposes on land | Approved | 10.02.2020 |
|--------------|--------------------------------------------------------------------------------------------------|----------|------------|

north of Cadeby  
Lane,  
(Resubmission of  
18/00805/FUL)

|              |                                                                                        |           |            |
|--------------|----------------------------------------------------------------------------------------|-----------|------------|
| 19/00005/PP  | Development of the land for the erection of three log cabins for holiday let purposes  | Dismissed | 16.05.2019 |
| 18/00805/FUL | Development of the land for the erection of three log cabins for holiday let purposes. | Refused   | 23.11.2018 |

## **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. 1 Letter of representation has been received with the following matters raised:
- 1) The current unauthorised extension spoils the view across open countryside from Market Bosworth Park.
  - 2) The proposed site map extends current use further to half the field in question and should be refused.

## **6. Consultation**

- 6.1. The following consultees have been consulted:

LCC Ecology: No objections  
Historical & Natural Environment Team: No objections  
LCC Highway: No objections  
HBBC Environmental Services (Drainage): No objections  
HBBC Environmental Services (Pollution): No objections  
HBBC Waste: No objections

No comments have been received from:

Market Bosworth PC  
Severn Trent Water

- 6.2. The following consultee objects to the scheme:

Cadeby Parish Council object to the scheme for the following reasons:

Increased light pollution, the impact on the Bull In The Oak vista and Park (also a listed vista in Market Bosworth's NDP), the camping will be seen from the road by all traffic, no suitable toilet facilities in the location, and all the Council's previous objections logged to date still stand. The Council is also mindful that while there are existing and ongoing enforcement issues there should be no further applications considered which could lead to further planning issues.

- 6.3 Enforcement Officer: The planning enforcement protocol has been followed hence the applicant was invited to submit a retrospective planning application following a visit to the site. The applicant subsequently submitted a full planning application which is currently pending consideration and more than likely to receive approval subject possibly, to some conditions. However, should his application be refused he still has the opportunity to appeal it. The Enforcement Officer does not believe it appropriate under the circumstances to apply further enforcement whilst an application is being considered.
- 6.4 HBBC Conservation Officer: This is a proposal for the change of use of agricultural land to the north of Cadeby Lane and adjacent to the existing collection of buildings known as Gatehouse Lodges to sui generis use for the siting of caravans, motorhomes and tents on serviced hard standing pitches.

The application site is located close to the eastern boundary of the Market Bosworth Conservation Area and is considered to be within the setting of this designated heritage asset. The character of the eastern section of the conservation area is one of parkland associated with Bosworth Hall. Such historic character is considered to make a positive contribution to the significance of the conservation area. The character of the field within which the application site forms the northern section reflects its agricultural uses (both as pasture and grazing) rather than having a parkland character, however, the current character of the field as a whole, prior to the implementation of the unconsented development, is typical of the varied agricultural landscape that borders the Hall parkland so it sits comfortably within the parkland setting. Subsequently the site is considered make a negligible but positive contribution to the significance of the Market Bosworth Conservation Area.

Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199 to 202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

Planning permission has recently been granted for the erection of three timber lodges for holiday let purposes (ref 19/01308/FUL) on part of the application site but with an alternative access arrangements from Cadeby Lane over the field to the south of the site. The consented scheme was for a U-shaped plan development of timber lodges situated in the north-western corner of the field, as is part of the current proposal with motorhomes and caravans located in this position. The visual impact of the structures associated with the consented scheme were very much focused to this part of the application site, whilst the current proposal extends along the full width of the northern boundary of the field. It was considered that the character of the approved lodges would reflect the predominantly rural nature of the site and its setting, whilst in my opinion the caravans and motorhomes consisting the current proposal are considered incongruous features for the rural setting of the site and have an urbanising effect upon the area. In my opinion these visual effects appear limited to the vehicles only, with the hard surfacing installed to serve them being most noticeable on plan rather than being perceptible on the ground from the wider area including public vantage points along Cadeby Lane.

An existing mature band of trees along the western edge of the site would provide a screening effect to the proposed development when travelling eastwards along Cadeby Lane when the vegetation is in full leaf. Additional deciduous trees and a quick thorn hedge have

been planted along the southern boundary of the site, which once established would further increase the screening effect from various positions within the conservation area when observed along Cadeby Lane. The quick thorn hedge, in particular, is a native species that once established would provide a typical Midlands style field boundary so this natural feature will sit comfortably within the landscape. There will however be views of the motorhomes and caravans from Cadeby Lane through the vegetation at the times of the year when it is not in full leaf, and views over the southern boundary hedgerow will be available at all times due to the height of the proposed motorhomes and caravans.

In summary the proposal would cause some limited harm to the significance of the Market Bosworth Conservation Area resulting from the introduction of an incongruous and urbanising form of development within its immediate setting, with the adverse effects not avoided or fully mitigated by the existing and proposed vegetation. In my opinion the level of harm would be minor and less than substantial in terms of the National Planning Policy Framework. As currently proposed the harm caused to the Market Bosworth Conservation Area must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP DPD and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment, paragraph 20), such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

In my opinion the proposal can demonstrate no heritage benefits. Any non-heritage benefits should be identified by the decision taker and then weighed against the harm caused by the proposal as per paragraph 202 of the NPPF and Policy DM11 of the SADMP. In completing this balancing exercise great weight must be given to the conservation of the Market Bosworth Conservation Area as required by paragraph 199 of the NPPF. The ultimate conclusion of the balancing exercise, however, lies within the decision taker and should the balancing exercise come out in favour of the proposal it would comply with Policies DM11 and DM12 of the SADMP DPD and section 16 of the NPPF.

## **7. Policy**

### **7.1. Market Bosworth Neighbourhood Plan 2014-2026**

- The site falls outside of the Neighbourhood Plan Area but is adjacent to Area G (Country Park). The policies of the MBNP are therefore not applicable.

### **7.2. Core Strategy (2009)**

- Policy 7: Key Rural Centres Stand Alone
- Policy 23: Tourism Development

### **7.3. 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 DM8: Safeguarding Open Space, Sport and Recreational Facilities
  - Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM13: Preserving the Borough's Archaeology
  - Policy DM18: Vehicle Parking Standards
  - Policy DM24: Cultural and Tourism Facilities
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
  - Planning Practice Guidance (PPG)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
  - Design and impact upon the character of the area including Heritage Assets
  - Impact upon neighbouring residential amenity
  - Impact upon highway safety
  - Drainage
  - Impact on Ecology
  - Impact on Archaeology
- Assessment against strategic planning policies
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD 2016 (SADMP).
- 8.3. 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 material consideration indicate otherwise.
- 8.4. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and 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.
- 8.5. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.6. 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 (the nearest settlement) is considered to be.
- 8.7. 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
- 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.

8.8. The NPPF at Section 6 supports economic growth. At paragraph 88 (c), it states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. At paragraph 89, it states that planning policies and decisions should recognise that such sites may be found adjacent to or beyond existing settlements and in locations which may not be well served by public transport. In such circumstances, it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example improving the scope for access on foot, by cycling or by public transport).

8.9. 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. Development for recreation purposes is considered sustainable where it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries subject to a further range of restrictive criteria. Although the application site is situated outside any defined settlement boundaries, it is located within an established tourism area within walking distance from Market Bosworth and the Country Park with Bosworth Battlefield and Twycross Zoo is only a short driving distance away. The site is well connected to Market Bosworth and within a range of existing tourist accommodation and therefore accords with Policy DM4 of the SADMP and both Core Strategy Policies 11 and 23.

8.10. Although the site is not well served by public transport, in accordance with paragraphs 88 (c) and 89 of the NPPF, there are opportunities for cycling within the area and due to the short distance of tourist features it is considered reasonable to assume that cycling maybe used as a form of transport to these locations. Although it is accepted that users of the proposal would likely use their vehicles at some point when investigating the area, due to the positioning of the site within the borough close to key tourism facilities it is considered that the site is located within a suitable location to support the tourist facilities within the borough in line with CS Policies 11 and 23. Therefore the provision of tourist/holiday accommodation is supported in principle.

Design and impact upon the character of the area including Heritage Assets

8.11. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. It is adjacent to but not within a designated Conservation Area, however it is close to the boundary of the Market Bosworth

Country Park (which lies to the south of the site separated by Cadeby Lane) which has historical significance.

- 8.12. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment with. Paragraph 205 states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. 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. 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. Policies DM11 and DM12 seek to protect and enhance the historic environment and heritage assets. If the impact of any proposal causes harm to a heritage asset it must be weighed against the public benefits of the proposal.
- 8.13. The 8 Pitches proposed would all be along the northern boundary of the site. Pitch 1, 2 & 3, which are nearest the Conservation Area would be tent pitch only so the larger camper homes would be kept away from this sensitive boundary. Further details of the site are to be conditioned to ensure that boundary treatments and surface treatments do not add clutter or change the rural character of the site. The site is screened by a belt of mature woodland along the western boundary and a mature hedgerow on the remaining north, south and eastern boundaries. Additional planting within the site forms part of the proposal & within 5 years the majority of the site would be screened from public views by the additional planting. The seasonal short term views into the site would not be incongruous to the countryside location due to the revisions in landscaping and design with tent only pitches near the western end of the site. The revised scheme would provide a much improved visual relationship with the adjacent stable buildings and not be as visually prominent thus reducing overall impact on the setting of the Conservation area.
- 8.14. The positioning of the pitches along the northern boundary approximately 100m away and over 3 field boundaries (once the proposed southern boundary has established itself) gives them a less imposing appearance from public vantage points along Cadeby Lane. The access road into the site would be from the existing site entrance to the caravan park and consists of a hard porous surface. A refuse store adjacent to the main access would allow for holiday makers to deposit their rubbish when leaving the site whilst allowing for a refuse vehicle to access the bins.
- 8.15. In relation to the impact of the development on the conservation area, the development of Market Bosworth has been influenced by its location as a ridge top settlement, its agricultural economy and the strong manorial tradition based on Bosworth Hall within its parkland setting. In 1885 the ownership of the hall passed from the Dixie family to Charles Tollemarche Scott who improved the estate, replanting woodland and rebuilding lodges and farms (Market Bosworth Conservation Area Appraisal (2014) (MBCAA).
- 8.16. The historical relationships between the village of Market Bosworth, the hall and the park and the agricultural landscape are clearly apparent and define the setting of the conservation area and hugely contribute to its unique sense of place. The countryside around the settlement and its relationship to the entrance roads is a

major factor in the appreciation of the character of the village and its conservation area.

- 8.17. When approaching the conservation area along Cadeby Lane from Cadeby the road is flanked by open pasture and managed parkland. As confirmed by historical mapping, the conservation area boundary which runs along the western boundary of the site marks the extent of the managed parkland associated with the hall, despite the Gate House Cottage which was erected during the late 19th century being located slightly further east and adjacent to the site. The character of the site reflects its past use as pasture and current use for grazing rather than having a parkland character, however, the current character of the site is typical of the varied agricultural landscape that borders the hall parkland so the site sits comfortably within the parkland setting. Subsequently the site in its existing form and use is considered to make a neutral contribution to the significance of the Market Bosworth Conservation Area.
- 8.18. The pitches would be served by the existing access with sufficient a parking and turning area for each pitch along the western boundary. The mature band of trees along the western edge of the site provides a screening effect when the vegetation is in full leaf. Additional planting within the site, including along the access road and will further increase the screening effect. There will however, be occasional views of the camper vans from a few points on Cadeby Lane and from the wider area at the times of the year when the vegetation is not in full leaf. Notwithstanding this, due to the careful siting of the pitches with a restriction placed on pitches 1, 2 & 3, the urbanising effect would be reduced.
- 8.19. Whilst the harm is reduced the proposal would cause some limited harm to the significance of the Market Bosworth Conservation Area resulting from the introduction of an incongruous and urbanising form of development within its immediate setting, with the adverse effects not avoided or fully mitigated by the existing and proposed vegetation. In my opinion the level of harm would be at the lower end of minor and less than substantial in terms of the National Planning Policy Framework. As currently proposed the harm caused to the Market Bosworth Conservation Area must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP DPD and paragraphs 199, 200 and 202 of the National Planning Policy Framework. This balancing exercise is undertaken in the conclusion.

#### Impact upon neighbouring residential amenity

- 8.20. Policy DM10 of the SADMP requires that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.21. The nearest residential dwelling is The Lodge, situated to the east of the application site. Although The Lodge itself is a residential dwelling, it forms part of The Gatehouse Lodges and Bosworth Caravan Park.
- 8.22. The Lodge has windows facing west at both ground floor level and from dormer windows. The dwelling is approximately 70 metres away from pitch 8 and approximately 110 metres from the access gates. The proposed service road then veers to the west with the car parking area approximately 125 metres away from the neighbouring dwelling. Lighting at the site entrance and parking areas would comprise low level bollard lighting activated via PIR movement sensors.

- 8.23. Potential nuisance to this neighbour has been appraised. The location of the service road and its proposed finishes would alleviate potential noise nuisance from vehicles accessing the site. Lighting to the site is considered appropriate as it is restricted to low level bollard lighting to the entrance, parking area and footpath linking the parking area to the accommodation. As 'The Lodge' forms part of the holiday complex then any additional noise from guests - even when all 8 pitches would be occupied - would not be significant when considering other similar neighbouring uses.
- 8.24. Overall, it is not considered that the proposed development would result in any adverse impacts of neighbouring residential amenity in regard to excessive noise, light pollution, overlooking or loss of privacy and would therefore comply with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.25. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.26. Cadeby Lane is a classified 'C' road with a speed limit of 60mph and a weight restriction of 7.5 tons and is used by vehicular traffic. No site access amendments were undertaken or proposed & for the most recent 5 year period there has been no recorded PIC's within approximately 500m of either side of the access. On site parking is sufficient for a caravan park of this size and internal movements of vehicles, pedestrians & cyclists has been addressed in amended plans submitted on 14/11/2023.
- 8.27. Leicestershire County Council as Highways Authority consider that the scheme does not result in a material change to any highway impact and, subject to conditions, the proposal is acceptable in highways terms and the proposal is acceptable under Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.28. Policy DM7 of the SADMP requires adverse impacts from flooding 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 applicant has indicated that foul and surface water will be directed to the private mains sewer which runs from Bosworth Road along the northern boundary of the site in to Gatehouse Lodges.
- 8.29. The site is located within Flood Zone 1 with a low risk of fluvial flooding and generally at low risk of surface water flooding. A Flood Risk Assessment (FRA) is not required as the site is less than 1ha. However despite this, a planning condition requiring the submission of surface water drainage details, incorporating sustainable drainage principles can be imposed upon the decision to ensure compliance with Policy DM7 of the adopted SADMP.

#### Impact upon Ecology

- 8.30. 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.

- 8.31. The application has not been accompanied by an Ecology Report. Leicestershire and Rutland Environmental Records Centre (LRERC) have confirmed that the site supports no habitats or vegetation of significant biodiversity interest with the species poor semi improved grassland supporting only common and widespread species. There is no evidence of protected species found on site. It is intended that most of the existing hedgerows and trees would be retained and added to with indigenous trees and shrub species which have a far higher value for local wildlife and would enhance and improve habitats by enhancing the biodiversity of the site.
- 8.32. The County Ecologist when comparing past aerial images against the current development of the Site, considered it unlikely that any habitats of ecological importance have been lost as a result, especially as the existing hedgerow remains. It would also appear from the latest aerial view that additional boundary planting has been included, which connects with existing boundary vegetation within the wider site.
- 8.33. The proposal would not have an adverse impact on the existing biodiversity and improved landscaping would be beneficial to both the immediate site and local wildlife in general thus in accordance with Policy DM6 of the SADMP.

#### Impact on archaeology

- 8.34. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.
- 8.35. Leicestershire County Council (Archaeology) do not believe that the proposal would result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets and advise that the application warrants no further archaeological action in accordance with Section 16 of the NPPF.

### **9. Equality Implications**

- 9.1. 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.
- 9.2. 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.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which

makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. The NPPF and Core Strategy support the development of tourist accommodation proposals in suitable locations in rural areas. Although the site is not well served by public transport, in accordance with paragraphs 88 (c) and 89 of the NPPF, there are opportunities for cycling within the area and due to the short distance of tourist features it is considered reasonable to assume that cycling may be used as a form of transport to these locations. Although it is accepted that users of the proposal would likely use their vehicles at some point when investigating the area, due to the positioning of the site within the borough close to key tourism facilities it is considered that the site is located within a suitable location to support the tourist facilities within the borough in line with CS Policies 11 and 23. Therefore the provision of tourist/holiday accommodation is supported in principle and also in accordance with DM4.
- 10.2. Less than substantial harm to the Conservation Area has been identified, this is at the lower end of minor harm, whilst some mitigation is proposed the development would result in some urbanising and visual impacts of the development. This harm must be weighed against the public benefits of the proposal which in this case are largely social and economic as a result of additional tourism facilities and associated expenditure and job. Whilst these benefits are not significant they are judged to outweigh the harm to the Conservation Area in this instance.
- 10.3. As a result of the siting, scale, built form, existing access road and revised layout, boundary treatments, additional landscaping including tree planting, it is considered that the proposal would not have any adverse impact on the character or visual amenity of the site, neighbouring residential amenity, highway safety, archaeological or ecological assets. Consequently, officers consider that the proposal complies with Local & National Planning Policy. The proposals satisfy the Councils statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, and are in accordance with Policy 11 and 23 of the Core Strategy and Policies DM4, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP together with the overarching principles of the NPPF.

## **11. Recommendation**

### **11.1. Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan – received by the LPA on 21/09/2023

Site plan - received by the LPA on 16/10/2023

Layout Plan with landscaping received by the LPA on 14/11/2023

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. Within 6 months of this permission a scheme to dispose of both surface water drainage and foul water must be submitted to, and approved in writing by, the local planning authority.

**Reason:** To ensure the development does not adversely impact the water environment in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

4. Within 3 months of this permission comprehensive details of hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:

- a) Planting plans
- b) Written specifications
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- d) Details of any outdoor sitting area for each pitch
- e) Details of any fencing/gates to be erected
- f) Details of boundary treatments and surface finishes for any sitting out areas;
- g) Treatment of hard surfaced areas (including the car parking area, footpaths, access and service road)
- h) Implementation programme
- i) Maintenance schedule

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM4, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

5. The approved soft and hard landscaping scheme shall be carried out in accordance with the submitted and approved implementation schedule within the approved landscaping scheme, required by condition 4 of this permission. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM4, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

6. Prior to the installation of an external lighting, details of external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Within 3 months of the date of this permission the full access drive leading to the pitches shall be surfaced in a hard bound porous material which shall be maintained at all times.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones, etc) in the interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

8. The pitches, hereby approved, shall be for holiday purposes only, with pitch 1, 2 and 3 being strictly for tents only. The pitches shall not be used as the sole or main residence of the occupiers, no person shall occupy any pitch for a period exceeding four weeks within a 12 month period. Furthermore, no person shall occupy any pitch within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the camp site shall maintain an up-to-date register of the names and 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.

**Reason:** The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as tourism use for short term letting purposes in the interests of contributing to tourism and the economy of the area. Furthermore to protect the visual amenity of the area, including the Conservation Area. And to ensure compliance with Policy DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via email at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

