



## Appeal Decision

Hearing (Virtual) held on 19 May 2026

Site visits made on 14 and 22 May 2026

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2026

### Appeal Ref: APP/K2420/W/25/3372919

#### Land to the North of Station Road, Market Bosworth CV13 0PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Richborough, Clive Vero, Geoffrey Malcolm Vero, Kathleen Ann Sheppard and Leslie Alan James against the decision of Hinckley and Bosworth Borough Council.
- The application reference is 24/01079/OUT.
- The development proposed is the erection of up to 126 dwellings, with associated access, landscaping, open space, and drainage infrastructure (all matters reserved other than access).

#### Decision

1. The appeal is dismissed.

#### Preliminary Matters

2. The application was made in outline with only the matter of access to be considered at this stage. I have determined the appeal accordingly and have treated details relating to matters other than access to be for illustrative purposes.
3. Representations made at the appeal stage raised concerns as to the validity of the application, on the basis that ownership certificates were not properly served. I sought clarification from the main parties prior to the hearing. The evidence before me indicates that certificates were properly served at application stage. The inclusion of the interested party raising the matter on certificates signed at appeal stage is indicated to have been an administrative error. However, I concur with the main parties that the inclusion of an additional notification does not invalidate the application, as those who were required to be notified were. Moreover, the interested party has been fully aware of the application throughout, and cannot be said to have suffered any prejudice in this respect. Thus, I have no grounds to conclude that the appeal is invalid, or that any interested party has otherwise suffered prejudice in procedural terms.

#### Main Issue

4. The effect of the proposal on the landscape character of the area.

#### Reasons

##### *Site Context and Proposal*

5. The appeal site is a 7.9 hectare parcel of land to the northern side of Station Road on the western side of Market Bosworth. The site lies outside of the settlement boundary and in the countryside for planning purposes. It is comprised of a

number of open, pastoral fields. Boundary hedgerows surround the site, with a further hedgerow running through the site between two fields.

6. The western edge of the site is bordered by the Battlefield Railway Line, beyond which is residential development centred on Pipistrelle Drive and beyond that is Ashby de la Zouch Canal and Bosworth Marina. To the north is open land comprising the former King's Golf and Country Club, access to which is via a driveway through the appeal site from Station Road. This land is also crossed by a public footpath. To the eastern side, the land rises to a hilltop woodland surrounding a number of dwellings that marks the settlement edge. The built-up area extends along the southern side of Station Road with a mix of residential and industrial development.
7. The appeal site has been subject to a number of applications for residential development since 2013, with numbers of dwellings ranging from 63 to 105 on parcels of land of differing sizes within the current red line area. Ultimately, no permission has been granted to date, with one application in 2020 later dismissed on appeal in February 2022.<sup>1</sup>
8. There is also a long history of applications relating to the golf club land to the north dating back to 1998, with permissions variously granted for a new golf course, clubhouse and holiday accommodation. The Council's position is that none of the past permissions have been implemented, though I understand that a 2024 permission, for a 50-room golf and leisure accommodation facility, remains extant.
9. As the proposal is made in outline, the exact layout of the development is not established at this stage. However, the appellants have submitted a Parameter Plan intended to guide the subsequent reserved matters. This plan shows residential development concentrated to the north-western part of the site, within the area either side of the driveway to Wharf Farm, and within the rear half of the field to the west of the existing access road to the former golf club. The land to the front of the site, closest to Station Road, is indicated to form open space, including amenity green space, structural landscaping, children's play areas and footpaths. The easternmost part of the site is proposed as biodiversity habitat enhancement, including wildflower meadows and ponds. The existing golf club access point would form the main entrance to the development. Wharf Farm would retain a private entrance from Station Road and access through the housing development.

### *Policy Context*

10. The relevant development plan documents comprise the Hinckley and Bosworth Core Strategy (December 2009) (the CS); the Site Allocations and Development Management Policies DPD (July 2016) (the SADMP) and the Market Bosworth Neighbourhood Plan (July 2025) (the MBNP).
11. It is raised in evidence that the MBNP is subject to legal challenge. I am told that the matter still pends in the courts. As of the time of my decision, no judgment has been issued that would have a material bearing on the outcome of the appeal. The appellants also made clear at the hearing that they were not seeking to delay a decision on the appeal until the legal challenge has been concluded. As such, I have proceeded on the basis that the MBNP is an adopted part of the development plan and a significant material consideration.

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<sup>1</sup> Appeal Ref APP/K2420/W/21/3279808

### *Landscape Character*

12. The site lies within the Leicestershire Vales National Character Area, a large, relatively undeveloped, uniform landscape composed of low-lying clay vales interrupted by a range of varied river valleys. Characteristics observable around the appeal site include a mixture of pasture and arable agricultural land; woodland character derived largely from spinneys and copses on the ridges; and diverse levels of tranquillity, contrasting between busy urban areas and deeply rural parts.
13. At a local level, the site is within the Bosworth Parkland Landscape Character Area (LCA). The site and its surroundings exhibit a number of key characteristics of the LCA, including rolling farmland with gentle slopes which rise to a high point around the town of Market Bosworth, scattered trees, woodland and smaller fields of pasture, and development limited to scattered farm buildings and historic settlements. The recreational role of the area is also highlighted, including the network of historic footpaths and the Battleline Railway. The urban development to the south and west means the site is less representative of other characteristics, such as a peaceful rural landscape with scattered farmsteads, and it is not associated with the historic parkland of Bosworth Hall and Bosworth Country Park, with Ashby Canal or Bosworth Battlefield. Nonetheless, I concur with the assessment of the Inspector in 2022 that the site has an informal, scenic quality that makes an important contribution to the town's pastoral countryside setting.
14. This contribution is reflected in the identification within the MBNP of two important views/vistas along Station Road. Important View 1 emerges after the railway bridge and takes in the view along Station Road to the hilltop in the distance. Although the focus of this view is along the road itself, and the presence of trees to both sides narrows this focus, the appeal site nonetheless forms part of the significant countryside landscape framing this view on one side, which can be seen extending into the distance beyond the former golf course. This perception of expansive, natural space enables appreciation of the countryside setting of Market Bosworth as one enters the town.
15. Separately, Vista I encompasses the northward view over the appeal site along the length of Station Road between the railway bridge and Godsons Hill. This vista takes in the whole of the undeveloped space and provides a sense of the broader countryside beyond, with the appeal site forming the immediate foreground. Vista I is an expansion of the previous Vista 11 of the preceding version of the MBNP, which was in the same northerly direction, but was taken from a single vantage point near Godsons Hill. In essence, Vista I seeks to capture the continuous experience of the adjoining countryside along the length of Station Road.
16. The key element of both of these views/vistas is that they enable appreciation of the hilltop location of the town and its rural setting. The northern side of Station Road is clearly distinct from the southern side in this respect, with the road marking the settlement edge. Development exists beyond the railway line on the northern side, but it reads as a separate cluster of development to the periphery of Vista I and is well-screened by vegetation. Moreover, the gap between this development and the hillside is significant and is not seen as a small break in the built form, but a considerable landscape gap.
17. Policy CE3 of the MBNP states that development will be resisted if it has a significant adverse impact on an important view, vista or the character of the

Parish, unless it can demonstrate how that development is appropriate and considered sustainable development, and can integrate with the character of the landscape setting whilst conserving, and where appropriate, enhancing the character of the landscape.

18. The proposed layout and landscaping plans before me are indicative, but they provide a reasonable illustration of the likely extent of the development to consider its possible effect on the landscape. Development would be focused to the western and central fields, with development set back from Station Road to reduce the visibility of housing within the viewing cone of Important View 1. However, at up to 126 dwellings, the proposal would introduce a substantial quantum of development that would effect a wholesale change to the character of the site from rural to suburban. The stark difference is illustrated by the appellants' photomontages, in particular Viewpoint 7 from the railway bridge where the view over open fields and more distant countryside would be completely replaced by housing.
19. There would be a similar effect from Viewpoints 10, 17 and 20 further along Station Road, where the expanse of housing would dominate the foreground and heavily obscure the countryside beyond. These images also show that recessing the dwellings back from Station Road would have little effect on their prominence. Indeed, this detachment from Station Road means the development would fail to integrate physically with the main built-up area of Market Bosworth, instead aligning closer to the outlying development on Pipistrelle Drive. As a result, the development would form an incongruous standalone feature in the landscape. Moreover, despite there being no built form proposed to the eastern field, the evidence indicates that dwellings would partially obscure the lower slope of the hillside when observing from the vicinity of Viewpoint 10, which would undermine the prominence of the hilltop and its contribution to the town's setting.
20. The montages show the potential longer term effect of structural landscaping along the front boundary of the site. I accept that this would filter and in some areas effectively screen the dwellings from view but, conversely, it would further reduce the openness of the landscape visible from Station Road and erode the visual connection between the town and its rural hinterland in Important View 1. At other points along Station Road forming part of Vista I, notably the entrance to the golf course, less structural landscaping is indicated, which would reveal the scale and spread of housing into the long term. The appellants point to the residual view that would still exist towards the countryside beyond the appeal site from the former point of Vista 11 (as depicted by Viewpoint 20). However, whilst there would not be housing directly impeding this view, the dwellings would nevertheless form a dominant feature in the immediate periphery that would severely narrow the breadth of the vista experienced. From other points to the west, the development would wholly obscure the countryside visible in Vista I. As a result, the extent and quality of the vista as an experience of the countryside setting of Market Bosworth would be severely and permanently diminished.
21. The appellants have produced a Landscape and Visual Impact Assessment (LVIA) which assesses the landscape value of the site as medium, being representative of the local setting and features of the LCA, having some natural heritage, but with no recreational function. In terms of landscape sensitivity, there is common ground between the parties that the site is of medium sensitivity and the wider LCA is of low sensitivity. Landscape effects at the LCA level are indicated to be minor

averse at Year 1 and negligible at Year 15. At the site level, effects are stated by the appellants to be moderate adverse at Year 1 and minor adverse by Year 15.

22. I concur that the extent of change would be localised and would be experienced primarily from Station Road. However, the evidence before me is that the site forms part of a landscape surrounding Market Bosworth that is valued locally, and this has been embodied in the identification of the important views and vistas. Moreover, the appellants' assessment of the users of Station Road as transient somewhat underplays the degree to which the road is used by both drivers and pedestrians, particularly as it forms a direct route between residential development to the west and the town centre. I saw the route to be well used by pedestrians who take several minutes to pass along the whole length of the vista and thus experience it for some time. I accept that for drivers, the site would be more peripheral to their views, but such the size of the landscape gap that is it still an influence on these views, particularly to the eastern end as drivers travelling westbound descend the hill and Vista I opens up expansively. Therefore, I am not persuaded by the appellants' view that the visual effects for users of Station Road would be minor adverse both at Year 1 and Year 15, but would be considerably more severe.
23. I observed from other vantage points, including the route of Footpath S70/1 through the golf course. For the most part, the undulating terrain and intervening trees and hedgerows occlude views towards the appeal site. An exception is towards the western end where gaps allow views along the length of the grass landing strip towards Station Road. However, this view is towards development on Station Road and Pipistrelle Drive, rather than away from it, and I concur that the visual effects on users of the footpath would moderate over time as structural landscaping matures to this side of the site.
24. Although I have reached my own view on the proposal, I have had regard to the findings of the Inspector on a development of some 63 dwellings in 2022, who noted the 'continuous' harm along the length of Important View 1, and that only a remnant of then Important Vista 11 would be retained. Although the location of development has been amended, the doubling of the number of dwellings means that the visual impact would be similar, if not greater than the previous scheme, even allowing for the proposed setting back of development from Station Road and the hillside. I concur with the conclusions that the effect on Important View 1 would be to erode the distinctive character of this part of the settlement edge, through a loss of prominence to the hillside and visual connection to the open countryside; and that the significant loss of views towards North East Leicestershire would undermine the main component of Vista 11 (now expanded Vista I) which has been identified as important to the local community in the MNBP.
25. Drawing matters together, I find that the proposal would effect a significant and permanent change to the rural character of the site that would severely erode the extent and quality of the northbound Vista I from Station Road. It would also appear as a substantial, detached expanse of housing that would fail to respect the existing pattern of development. The scale of development sought is such that I am not satisfied that the adverse effects of the proposal could be sufficiently mitigated by amendments to the layout or proposed landscaping. I accept that the impact of the development would be localised, but it would affect a landscape which has been specifically identified as important locally due to its contribution to the rural hinterland of Market Bosworth.

26. For these reasons, I conclude that the proposal would cause very significant harm to the landscape character of the area. This would result in conflict with Policies DM4 and DM10 of the SADMP, which require that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and that development complements or enhances the character of the surrounding area with regard to matters including scale, layout and density.
27. Policy CE1 of the MBNP states that new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place, adding that where new development would be visible from an adjacent Character Area, it should be sensitive to the principal characteristics of that area. The site is identified within the 'Rural Land' character area under the Market Bosworth Design Codes (June 2023). The appellants argue that this land does not have any defining characteristics and is influenced by surrounding development. However, as I have set out, the site forms part of a landscape gap which plays an important role in the setting of the town. Suburban residential development, particularly at the scale proposed, would fail to respect this local distinctiveness.
28. The significant adverse impacts I have identified to Important View 1, Vista I and the wider character of the Parish would also conflict with Policies CE3 and CE5 of the MBNP. I address the balancing exercises of these policies below.

### **Other Matters**

29. The completed Section 106 Agreement before me would secure delivery of the affordable housing units. Concern has been raised that the terms of the agreement would allow for a reduced affordable housing contribution to be made, citing the outcome of a nearby development. However, I am satisfied that the provisions include mechanisms which give the local planning authority control over any alternative form of affordable housing delivery.
30. The legal agreement would otherwise secure contributions towards off-site junction improvements; early years, primary, secondary and post-16 education; healthcare provision; libraries; waste management; delivery and maintenance of off-site outdoor sports facilities; along with provision and management of on-site open space; travel packs, bus passes and a monitoring fee. I am satisfied that the contributions sought meet the tests for planning obligations under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and as expressed in the National Planning Policy Framework (the Framework). As these contributions are necessary to offset the impact of the development on local infrastructure, they are neutral matters weighing neither for nor against in the planning balance.
31. The Council has not opposed the development in respect of other matters, including nearby heritage assets; access, parking and highway safety; neighbours' living conditions, flood risk or ecology. Some matters, such as the layout, density and appearance of the dwellings, would fall to be considered at the reserved matters stage. Other matters would be subject to conditions were permission forthcoming. I have noted the technical evidence provided in these matters, as well as comments from interested parties and consultees. Ultimately, the evidence

does not lead me to identify additional material harms or benefits in these matters that would be consequential in the planning balance.

32. Concerns were raised regarding a possible conflict between this proposal and an earlier permission relating to the former golf course, concerning access and highways works under a S278 agreement. As advised at the hearing, these matters are beyond the scope of my role in this appeal, but rather are for the parties themselves to address. If there were to be any technical conflict between different, approved highways works, again that is for the parties to discuss and address. Ultimately, these are not matters decisive to my conclusions on the appeal before me. The broader concerns raised with respect to the Council's approach to decision-making on other applications is a matter for local government accountability.

### **Planning Balance and Conclusion**

33. It is common ground that the Council is unable to demonstrate a five year supply of deliverable housing sites, with the latest position being 3.89 years supply as of July 2025. In this scenario, Paragraph 11(d) of the Framework is engaged and the policies most important for determining the application are deemed to be out-of-date. It is also agreed that the MBNP does not contain policies and allocations to meet its identified housing requirement and so Paragraph 14 of the Framework is not engaged.
34. In this case, the most important policies are Policies 7 and 11 of the CS; Policies DM4 and DM10 of the SADMP and Policies CE1, CE3 and CE5 of the MBNP.
35. Policies 7 and 11 set out the approach to development in Key Rural Centres as part of the wider spatial strategy. The proposal would not gain support from these policies given its location outside of the settlement boundary and not on an allocated site. There would also be conflict with Policy DM4 insofar as it would not be a form of development supported in the countryside under criteria a) to e). I have had regard to the evidence before me, including several appeal decisions which have considered the weight to be afforded to Policy DM4 in particular, with different findings made on this and the weight to be afforded landscape harm. Ultimately, these appeals involved different site circumstances and material considerations, and so are not directly comparable to the appeal before me, which I have determined on its own merits.
36. I acknowledge that Policy DM4 is not consistent with the more balanced approach of the Framework, which does not explicitly restrict market housing in the countryside or protect the countryside for its own sake. However, the protection of the natural environment is part of the objectives of sustainable development in the Framework, as is the creation of well-designed places. Therefore, whilst the restrictions of Policy DM4 in respect of the location of market housing are out-of-date in light of the Council's housing supply position, I find that the policy should still be afforded moderate weight given its overall aim to protect landscape character. Notwithstanding the outline nature of the proposal, Policy DM10 of the SADMP is relevant to the broad assessment of character impact and aligns with the Framework's expectations for high quality development. Therefore, it should be afforded significant weight.
37. The appellants are critical of the MBNP policies, arguing in particular that the important views and vistas under Policy CE3 effectively restrict most development

around the town. However, the policy contains a proviso where development can be supported even where significant adverse impact on a view or vista has been identified. Similarly, Policy CE5 allows for housing outside of the settlement boundary where certain criteria are met. These policies, alongside Policy CE1, are recently adopted as part of the development plan and so merit significant weight.

38. Thus, there would be conflict with the spatial strategy of the development plan, as expressed through Policies 7, 11, DM4 and CE5. However, in view of the housing shortfall and the accessible location of the site, I afford limited weight to these conflicts.
39. Separately, I have found that the proposal would cause harm to the landscape character and appearance of the area, in conflict with Policies DM4 and DM10 of the SADMP and Policies CE1, CE3 and CE5 of the MBNP. Although the harm would be localised in scale, it would cause substantial and permanent loss to two defined views/vistas within the MBNP that would wholly undermine their quality and purpose. This would conflict with the aims of the Framework to protect and enhance the natural environment and to deliver high quality development that is sympathetic to local character, including the surrounding built environment and landscape setting. Consequently, I attribute very significant weight to this harm.
40. Set against this harm, the delivery of up to 126 dwellings of mixed size and tenure in an accessible location would be a material boost to the housing supply, in line with a key aim of the Framework, and would help to address what is a considerable and longstanding shortfall in supply. This is a matter of significant favourable weight in the planning balance. The proposal would also deliver a policy compliant 40% affordable housing, again at a time where delivery is short of expectations. This is a further important benefit of the scheme.
41. The development would generate benefits for the local construction industry during the build, including employment, albeit this would be short-lived. Thereafter, the additional residents would deliver economic benefits through support of local businesses and services. Collectively, I afford these benefits moderate weight in decision-making terms. There would also be benefits arising from the delivery of biodiversity net gain on site, though this is now required by statute, new landscaping and public open space. I afford limited weight to these benefits.
42. Overall, I find that the identified harm to landscape character is a decisive consideration that, even in the context of the Council's housing supply shortfall, represents an adverse effect that would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework, taken as a whole. The proposal would not therefore represent a sustainable form of development and, as a material consideration, the Framework does not indicate that permission should be granted.
43. In light of this finding, the balancing exercises of Policies CE3 and CE5 of the MBNP do not indicate overall support for the proposal. In the final balance, the proposal would conflict with the development plan, taken as a whole, and material considerations in this case, taken cumulatively, are not sufficient to outweigh this conflict. Therefore, the appeal should be dismissed.

*K. Savage*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANTS:**

|                                                      |                                                                               |
|------------------------------------------------------|-------------------------------------------------------------------------------|
| Stephanie Hall                                       | Counsel, Kings Chambers                                                       |
| Angela Brooks BA(Hons) DipTP MRTPI                   | Partner, Fisher German                                                        |
| Wendy Lancaster BA(Hons)<br>PGDipLA PGDipUD FLI FRSA | Director of Expert Witness<br>Services, Tyler Grange Group Ltd<br>(Landscape) |
| Mark Dauncey                                         | Planning Director, Richborough                                                |
| Gerard McKinney MSc TP&M CMILT                       | Director, Hub Transport Planning                                              |
| Janine Dykes BA(Hons) MSc                            | Director, RPS (Heritage)                                                      |
| Paul Smith BEng (Hons) FCIHT FIHE                    | Group Technical Director, PJS                                                 |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|             |                     |
|-------------|---------------------|
| Tim Hartley | Planning Consultant |
|-------------|---------------------|

### **INTERESTED PARTIES:**

|                |                                                      |
|----------------|------------------------------------------------------|
| George Denny   | Local Resident                                       |
| John Wasteney  | Chair, Market Bosworth Parish Council                |
| Nigel Brewster | Chair, Market Bosworth Community and<br>Action Group |
| Nigel Bjorck   | Local Resident                                       |

## **DOCUMENTS SUBMITTED AFTER THE HEARING**

Executed copy of Section 106 Agreement

Copy of revised draft conditions agreed by the main parties

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