

**Planning committee 12 August 2025**  
**Report of the Head of Planning**

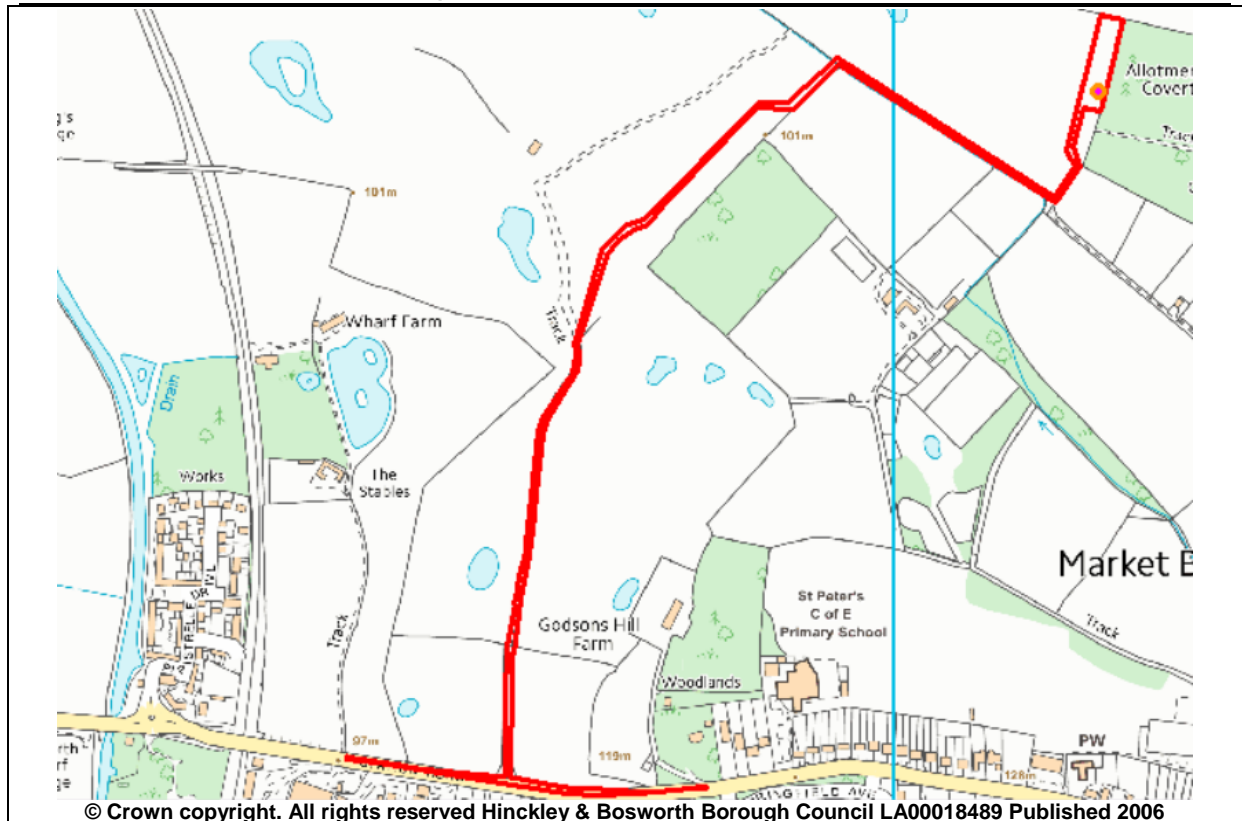


Hinckley & Bosworth  
Borough Council

**Planning Ref:** 24/00769/FUL  
**Applicant:** Statue Homes Ltd  
**Ward:** Cadeby Carlton M Bosworth & Shackerstone

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

**Proposal:** Change of use of land and siting of 9 single storey holiday lodges with vehicle parking and associated works (Revised Scheme 23/00508/FUL)



**1. Recommendations**

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

- Planning conditions outlined at the end of this report
- The Head of Planning being given powers to determine the final detail of planning conditions.

**2. Planning Application Description**

- 2.1. This application seeks full planning permission for the erection of 9 holiday cabins with associated parking and access. This application is a resubmission of refused application 23/00508/FUL which was dismissed at appeal due to insufficient evidence being provided to demonstrate that the proposal would not cause unacceptable harm to protected species.
- 2.2. The lodges would be sited beyond the eastern boundary of the golf course at the rear of the site (950m northeast of the main access), with the backdrop of mature woodland which separates this part of the site from neighbouring Oakwood Grange

and Barton Road to the east. The lodges are proposed to be sited in a line with parking to the rear of each lodge. Two lodge designs are proposed both are single storey with mono pitched roofs, timber clad with sedum wildflower roofs and would sit on travel skids for ease of mobility. The lodges would measure between 7.5m – 9.5m in length, up to 3.45m in height and 6m - 6.5m in depth. Access to the lodges would be provided via the existing access from Station Road, utilising the existing track alongside the creation of new hardstanding/track following the route of public footpath S68 running west to east.

- 2.3. The application has been amended to include areas of habitat creation for the applicant to achieve mandatory Biodiversity Net Gain targets on site. This would be delivered by providing a mixture of grassland, wildflower, mixed scrub, tree and hedge planting both around the proposed lodges and elsewhere on the site.
- 2.4. This application met the threshold for a Committee Decision after receiving 5 objections from individual addresses/parties.

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

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

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

There is an extensive planning history at the site. For brevity only recent relevant applications are included in this list.

17/00528/FUL	Erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking area for 242 vehicles and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping	Refused	15.09.2017
18/00732/FUL	Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the	Refused, appeal dismissed	23.10.2018

	proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission)		
19/00230/FUL	Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive	Refused, appeal allowed	
19/01437/FUL	Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping	Permission	15.06.2020
21/00195/FUL	Erection of 9 holiday lodges with associated parking and landscaping	Refused	16.12.2022
21/01473/FUL	Erection of 9 single storey holiday lodges with vehicle parking and associated works	Refused	23.12.2022
23/00508/FUL	Erection of 9 single storey holiday lodges with vehicle parking and associated works	Refused and appeal dismissed	17.07.2023 and 08.07.2024
24/00019/FUL	Proposed erection of a 50x room golf and leisure accommodation facility with associated works (part revised scheme to 19/01437/OUT)	Permission	12.04.2024
24/00026/FUL	Erection of 2 subterranean golf holiday lodges with associated works	Permission	07.06.24
24/00027/FUL	Erection of 4 golf holiday lodges and associated works	Refused	09.05.2024
24/00513/FUL	Erection of 4 golf holiday lodges and associated works – resubmission of 24/00027/FUL	Permission	26.09.2024

## 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. 2 letters of objection have been received from 2 addresses, raising the following concerns:-

- a. No indication that the golf course and club would be reinstated
- b. Adverse impact on the intrinsic part of open countryside in conflict with SADMP Policy DM4
- c. Increase in traffic on what is already a dangerous road
- d. Overdevelopment of the site in conjunction with other applications for lodges

## **6. Consultation**

### **6.1. No objections, some subject to conditions received from:-**

Sport England  
 Leicestershire County Council (Highways)  
 Leicestershire County Council (Drainage)  
 Leicestershire County Council Ecology  
 Environmental Health (Drainage)  
 Environmental Health (Pollution)

### **6.2. Market Bosworth Parish Council have objected on the following grounds:-**

1. *A number of planning applications have been submitted for the Kyngs Golf and Country Club with four going to Appeal. As such this application should not be considered in isolation and the Parish Council's comments relating to application 23/00508/FUL and 21/01473/FUL (which relate to the same location as this application 24/00769/FUL) as submitted by email on 26 June 2023 remain valid (Appendix 1 below).*
2. *The reasons for refusal of the original scheme also remain valid in that the proposed scheme would lie outside the settlement boundary, in a sensitive location, and there is no evidence of a viable need or justification for this type of development. It is thus in contravention of the Made Market Bosworth Neighbourhood Plan, the revised Market Bosworth Neighbourhood Plan currently out to Regulation 16 consultation, and Local Plan policies.*
3. *The Parish Council supports the comments submitted on 30 September 2024 by Carlton Parish Council.*
4. *It is noted that a new drawing relating to landscaping has been included in this application which shows proposals for hedge planting. The proposed hedging would not sufficiently mitigate against the negative impact of the lodges, or the driveway / track to the lodges in this sensitive location, being unlikely to flourish in the shade of the wood, and not being designed to reduce the visual impact of the driveway / track.*
5. *The Parish Council is concerned that the application references 'holiday lodges' rather than 'golf holiday lodges' as in previous applications. This suggests a move away from the original premise that the lodges are to support a viable golf course and confirms that the applicant may instead be looking to establish the principle of dispersed holiday lodge development across the whole site.*
6. *If the local planning authority is minded to approve the application, strong conditions should be applied to ensure that the lodges cannot be built until the golf course has been restored and is in a playable condition, the golf clubhouse*

*is completed, and it can be demonstrated that the golf facility is being used as such, plus the pre-requisite highways works must be fully completed.*

6.3. Market Bosworth Society – Objection (summarised)

- Neglect of the site over many years
- No demand for golf lodges
- No additional leisure/entertainment provision on site
- Impact on views 2 + 3 in MBNP
- Conflict with Policy DM4 of SADMP

6.4. Carlton Parish Council – Objection

- *Carlton Parish Council (the PC) is concerned that this application, in conjunction with application 24/00026/FUL may establish the principle of dispersed holiday lodge development over this site.*
- *The PC notes that this proposal will result in a net loss of biodiversity. The PC also considers that the proposed hedgerow planting is very unlikely to flourish because of overshadowing from the adjacent woodland. The impact of this development might be mitigated by compensation planting on nearby land.*
- *The PC notes that the site location shown in Appendix 2 of the Preliminary Ecological Appraisal by Arbtech is incorrect. Other location plans and drawings in these reports are correct.*
- *The PC notes that the application site does not appear to be near to mains water, electricity or gas supplies, and that the application site is not served by public transport.*
- *If the Local Planning Authority should be minded to approve this application, the PC requests conditions that (i) the proposed lodges shall not be occupied until the golf course has been restored and is fully operational; (ii) occupation of the lodges is restricted to short term holiday lets; and (iii) the access track includes vehicular passing places at appropriate points.*

## 7. Policy

7.1. Market Bosworth Neighbourhood Plan 2020-2039

- DC1: Design Codes
- CE1: Character and Environment
- CE3: Important Views and Vistas
- CE5: Landscape of the Wider Parish
- CE6: Provision for wildlife in new development

7.2. Core Strategy (2009)

- Policy 11: 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 DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

#### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

#### 7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide

### 8. **Appraisal**

#### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon Market Bosworth Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and public rights of way
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Other matters

##### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF, 2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF provides a presumption in favour of sustainable development and states that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 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 materials consideration indicate otherwise.
- 8.4. The application site is situated outside any defined settlement boundaries and is therefore within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable. It is considered that two of the 5 criteria are relevant to this application.
- 8.5. Policy DM4 of the SADMP identifies that development in the countryside will be considered sustainable where proposed development is for outdoor sport or

recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; subject to it meeting further detailed criteria. Secondly Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business could be acceptable subject to meeting other criteria.

- 8.6. Policy 11 of the Core Strategy seeks to support the development of the tourism industry within Key Rural Centres such as Market Bosworth. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:
- The development can help to support existing local community services and facilities: and
  - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping: and
  - The development adds to Hinckley & Bosworth's local distinctiveness:
  - Complements the tourism themes of the borough: and
  - The development adds to the economic wellbeing of the area.
- 8.7. The application site is identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility. Policy DM24 of the SADMP seeks to resist the loss of or change of use of cultural and tourism facilities, and redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:
- a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
  - b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
  - c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
  - d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.
- 8.8. Permission was granted under planning application reference 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping. This permission has been confirmed to have commenced by the Council's enforcement team in June 2023 and is therefore an extant permission. Permission has also been granted under planning ref 24/00019/FUL for the extant courtyard building of 6x self catering units to be altered to a 50x room accommodation facility in close proximity to the Golf Clubhouse and ref 24/00026/FUL for 2x subterranean golf holiday units. There is also a further permission for 4 holiday lodges and associated works (24/00513/FUL).
- 8.9. The position of the local planning authority is that the proposed lodges would need to be linked to the re-opening and ongoing operation of the existing golf course for the LPA to consider that the proposal complies with the Development Plan in principle. The recognition of the site as a Tourism and Leisure facility in the Market Bosworth Development Neighbourhood Plan (MBDNP) is on the basis that the site operates as a golf and country club, not for holiday lodges within a small, remote and isolated section of the site. To ensure that the proposed accommodation is linked to the golf course it is considered that a condition could be imposed in this instance which stipulates that the accommodation could only be brought into use once the 18-hole

Golf course is reinstated and in use and the Clubhouse is fully operational (extant permission 19/01437/FUL). This view has been supported by previous Planning Inspectors to ensure that the economic and cultural benefits of the proposal are realised.

- 8.10. Given that the Enforcement Team at HBBC have confirmed that development has commenced on site and permission 19/01437/FUL is now extant, the principle of accommodation for 'golfing holiday' purposes is considered to be compatible with the extant permission 19/01437/FUL (Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping) and recently approved permission 24/00019/FUL.
- 8.11. Recent appeal decisions state that the principle of holiday accommodation within this location is acceptable, given that the Kyngs Golf and Country Club is identified as a tourism and leisure facility within the Market Bosworth Neighbourhood Plan. In summary, the principle of holiday cabins would not conflict with Policies 23 and 24 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan, as well as a condition linking the proposed development to the reinstatement of the golf course.

Design and impact upon the character of the area

- 8.12. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 187 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside.
- 8.13. Paragraph 88 of the NPPF states that planning policies and decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside.
- 8.14. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty, and open character.
- 8.15. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16. The Market Bosworth Neighbourhood Development Plan (MBNDP) was approved at referendum on 10<sup>th</sup> July 2025 and therefore full weight is afforded to relevant policies within the Document. The Market Bosworth NDP, identifies the site as falling within Character Area A, which is defined as:-  
*"Open landscape features, large wide-open aspect, outdoor leisure pursuits and heritage-style leisure resources"*
- 8.17. Policy CE1(a) seeks to ensure that all new development within the Neighbourhood Plan area of Market Bosworth should in keeping with its Character Area with regards to scale, layout and materials. Policy CE3 of the Market Bosworth NDP (Important Views in Vistas) seeks to restrict development which would harm important views and vistas as defined in the NDP. The proposal falls directly within defined Character Area A. Policy CE5 of the Market Bosworth NPD identifies that development outside the settlement boundary will be permitted for sport or recreation where it does not cause harm on the landscape or biodiversity of the countryside.



- 8.18. Policy 23 of Core Strategy seeks to ensure that development relating to tourism is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping.
- 8.19. The site is situated within Character Area C, Bosworth Parkland as identified within the Landscape Character Assessment (LUC, 2017). Key characteristics of this area are of rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Mark Bosworth. The golf course comprises of approximately 48 hectares of former agricultural land situated within the countryside. Due to the nature of a golf course the agricultural landscape has been altered however over time this has matured into the landscape and retains the open and verdant nature of the countryside.
- 8.20. The site forms part of an existing recreation facility which benefits from a modified landscape and some existing and approved built development. The proposed lodges would be located in a linear arrangement between the northern planted boundary of the Golf club site and an existing greenkeepers store, and west of an established coppice. The site is therefore visually contained on three sides, and any effects on the openness of the Golf Club site would be limited.
- 8.21. The lodges would be a single storey design with mono pitched sedum wildflower roofs. There are two different lodge types, a one-bedroom unit and a 2-bedroom unit. The main difference between these is that the two-bedroom units occupy a larger footprint. Externally, the lodges would incorporate timber cladding. Access to the lodges would be provided via an existing track and this is to be extended to provide access to individual lodges and associated parking spaces.
- 8.22. The public rights of way S68 and S69 run along the southern and eastern boundaries of the site respectively. The lodges and parking area would be visible from these footpaths given that there is no substantial screening from these footpaths towards the site. The views from these footpaths are currently of the undulating golf course to the south, open countryside to the north, sporadic woodland copses in all directions, and existing small-scale buildings adjacent to the site and to the south west. Wider views from surrounding public vantage points are largely restricted due to the topography of the site and the location of the site 950m northeast of the access and 240m west of Barton Road. It is therefore considered that the views of the proposed site would be localised to users of footpath S68 and S69 with possible glimpses from neighbouring Oakwood Grange to the east and passing vehicles on Barton Road travelling south from the north.
- 8.23. Referring specifically to Policy CE3 of the MBNDP, the relevant views and vistas in the vicinity of this site as Vistas G, H and I. Vista I is experienced from Station Road to the south of the site facing north, approximately 900m from where the lodges would be situated. Whilst the vista encompasses the site access, the distance separation, undulating landscape and intervening copses/planting mean that this vista would not be significantly adversely impacted. Similarly, Vista G is roughly aligned with footpath S70 approximately 800m southwest of the site, facing north. Whilst glimpses of the site may be possible, they are not considered to be significantly adverse. Vista F runs parallel with footpath S68, but is experienced where footpaths S68 and S69 dissect, roughly 250m south of the site. Views of the site would be experienced at certain points along the footpath within this vista, however these views would be localised and intermittent through the undulating landscape. The views would also be in the context and in the context of the neighbouring greenkeepers store and are not considered to be significantly adverse.

- 8.24. In limited views from PRoW S68 and other parts of the Golf club site, the lodges would be viewed in the context of the large greenkeepers store and the expanse of the tall trees associated with the coppice. In addition, because of their simple architecture, limited scale, and natural materials, the lodges would have a degree of compatibility with the rural/wooded surrounding. Boundary treatments in the form of a timber fence and a low hedge would filter views of the development from the Golf club site, including PRoW S68.
- 8.25. The use of skids would limit the degree of permanency associated with the lodges and the proposed layout would screen part of the new access road and parking spaces from the Golf club site, including PRoW S68. Therefore, despite incorporating a peripheral position towards the northern extent of the Golf club site, the proposed lodges would not be particularly dominant or incongruous from the Golf club site, including PRoW S68.
- 8.26. PRoW S69 runs through the adjacent coppice, parallel with and close to the eastern boundary of the application site. Along here because of its woodland setting, the route of this PRoW is particularly secluded and tranquil. Despite this, filtered views through the boundary landscaping are available towards the Golf club site, including the large Greenkeepers store. The proposed lodges would be setback from PRoW S69 behind the access road and parking areas. The end elevations of the lodges facing PRoW S69 would be lower in height relative to those facing the Golf club site. Because of this arrangement their green roofs would be more apparent and likely to soften the appearance of the lodges. Whilst parked cars would be visible, because of their transient nature and separation, in filtered views from PRoW S69, these would not be unacceptably intrusive.
- 8.27. Overall, although the proposal would bring some change in localised views, this would be of a design and at a scale which is appropriate to minimise impact and assimilate with the character of the surrounding area. Therefore, this would not have a significantly harmful effect on the character and appearance of the area including its landscape character. As such, the proposal accords with design aims of SADMP Policy DM4 and Policy 23 of the CS and similar aims of Policy DM10 of the SADMP. 24. The proposal also accords with NDP Policies CE1, CE3 and CE5.

#### Impact upon the Market Bosworth Conservation Area and other heritage assets

- 8.28. The site is considered to be located within the wider setting of some heritage assets including the Market Bosworth Conservation Area, the Ashby Canal Conservation Area, and a number of listed buildings, so consideration must be given to the impact the proposal may have on these heritage assets.
- 8.29. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced. Development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.30. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

Impact upon neighbouring residential amenity

- 8.35. Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.36. The nearest residential dwelling would be Oakwood Grange which is situated to the more than 160m east of the application site. The proposed lodges would be positioned sufficient distances from this dwelling as to not result in any loss of amenity in terms of overshadowing or overlooking.
- 8.37. The proposed development would not result in any adverse impacts of neighbouring residential amenity and would therefore comply with Policy DM10 (a) of the SADMP.

#### Impact upon highway safety

- 8.38. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.39. The applicant proposes that the site would be accessed and served via the existing access, which is positioned to the north side of Station Road, which is C Classified Road subject to a 30mph speed limit.
- 8.40. Given the scale of the proposed development, the LHA considers the existing access arrangement is acceptable to cater for the level of traffic generated by nine holiday lodges. The LHA are satisfied that there are no spatial trends / patterns in the data, and are therefore satisfied that there are no existing highway safety issues in the vicinity which could be exacerbated by the proposals.
- 8.41. The proposed plans show the provision of two offroad parking spaces to serve each of the proposed one and two-bedroom holiday lodges. The LHA are satisfied this accords with the requirements as set out within the 'Highway Requirements for Development Part 4 (HRfD4) document. Each parking space is shown to measure 6.5m (Length) by 2.5m (Width) which is in accordance with Paragraph 3.165 (Parking Space Dimension) and Figure DG13 (On-Site Turning and Aisle Width) of Part 3 of the Leicestershire Highway Design Guide (LHDG).
- 8.42. Regarding PROWs, the LHA advised that the BNG Assessment Habitat Plan proposes mixed scrub planting around point F which appears likely to block or impede the permissive path. That would then mean the banks impeding the Footpath S70 legal alignment could become an enforcement issue. Given this, any habitat creation between points F and G must be consistent with the presence of a footpath created by the landholder for public use. It is a standard requirement of the LHA that no trees or shrubs should be planted within 1 metre of the edge of the public right of way. And that any trees or shrubs planted alongside a public right of way should be of non-invasive species.
- 8.43. Officers have reviewed the submitted BNG Site Plan and are satisfied that the proposed mixed scrub planting would not impede or block the permissive path and would not fall within 1 metre of the edge of the PROW.
- 8.44. On this basis and subject to conditions, the scheme is in accordance Policies DM17 and DM18 of the adopted Site Allocations and Development Plan Policies DPD and the guidance contained within the NPPF.

#### Impact upon Drainage and Flood Risk

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

#### Impact upon Ecology

- 8.47. 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.

- 8.48. Policy CE6 of the MBDNP states that development proposals that incorporate into their design, features and provisions which encourage wildlife to thrive will be strongly supported.
- 8.49. As part of previous application 23/00508/FUL, LCC Ecology requested a desk study to determine the proposed development's full impacts on local sites and protected species and recommended eDNA surveys to be carried out on ponds within 250m of the site to determine the presence or absence of great crested newts. The applicant elected to join the GCN District Level Licensing scheme, therefore no further GCN surveys are required.
- 8.50. The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to commencement of the development. However, the PPG is clear that BNG is not just a post-permission matter, that it is a material consideration and that when determining a planning application LPA's need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- 8.51. Following discussions with LCC Ecology, the applicant reverted to the original BNG metric submitted in September 2024, and has decided to provide on-site BNG within the wider site owned by the applicant. This has demonstrated that the development is capable of achieving the mandatory 10% net gain on site, subject to a 30 year Habitat Monitoring and Management Plan (HMMP) condition being imposed as well as being subject to the national standard mandatory BNG 'pre-commencement condition'.
- 8.52. In summary, the LPA is satisfied that the ecological concerns have been adequately addressed subject to conditions. By virtue of the above, subject to conditions, the development would accord with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) and Policy CE6 of the MBDNP.

## **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.

## **10. Conclusion**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. It was agreed as part of the previous appeal (23/00508/FUL) that the principle of holiday cabins would not conflict with Policies 23 and 24 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan as a whole. In particular, these policies include consideration of matters relating to the effect of a development on the character and appearance of the area in the overall assessment as to whether development in the countryside should be considered sustainable. It was also concluded as part of the previous appeal that the proposal would not have a significantly harmful effect on the character and appearance of the area including its landscape character.
- 10.3. The site has lawful planning use as a golf course, it is designated as a Leisure and Tourism Facility in the MBNP, and is the closest of these facilities to the built-up area of Market Bosworth. The proposal, subject to conditions, would support the Kyngs Golf and Country club as a leisure and tourism facility. This would provide short- and long-term economic benefits, including support for the local rural economy. The proposal will bring with it facilities to support a strong and healthy community whilst encouraging visitors to undertake trips into the surrounding countryside via the nearby network of footpaths, encouraging active and healthy lifestyles, thereby, fulfilling a social role in favour of the proposal.
- 10.4. Matters relating to ecology and highway safety have been satisfactorily addressed subject to conditions, and there are no issues relating to heritage impact, drainage or neighbouring residential amenity.
- 10.5. There are considered to be no other material planning considerations to warrant refusal of this application subject to suitably worded conditions. The proposal accords with the relevant policies of the Development Plan and it is therefore recommended to Members of the Planning Committee for approval.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to the conditions below:

### **11.2. Conditions**

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 91 (1) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan received 23/04/2025;
- Site Layout Plan, drawing no. HMD/PD/0505/01, rev 1;
- Detailed Landscape proposals, drawing no. 1067071 Rev A
- Proposed Floor Plan & Elevations Lodge Type A, drawing no. HMD/PD/0505/03, rev 1;
- Proposed Floor Plan & Elevations Lodge Type B, drawing no. HMD/PD/0505/02, rev 1; and
- Axonometric View, rev 1.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. No development shall take place until a scheme for the treatment of the Public Rights of Way S68, S69 and S70 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing and drainage, width structures, signposting and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To ensure the Public Right of Way is safe and available during the period of construction and throughout the lifetime of the development, in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and to enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2024).

5. No development shall commence on site until such time as a construction traffic management plan, that includes as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming hazardous for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area according with Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development shall commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Preparation of a works schedule, including annual works schedule;
- f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- g) Details of the persons responsible for the implementation and monitoring;
- h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, and DM6 of the adopted Site Allocations and Development Management Plan (2016).

7. No development shall commence on site until such time as the existing and proposed ground levels of the site have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby approved shall not be first used until works to reinstate the 18-hole golf course including, drainage, fairways, greens, tees and bunkers have been completed and the golf course has been brought into use.

Reason: To ensure the retention and operation of the Golf Course as a leisure facility to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Housemartin Designs drawing number HMD/PD/0505/01. Thereafter the onsite parking (and turning) provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street



parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

10. No floodlighting or external lighting shall be installed until details have been 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 safeguard the appearance of the area and/or the amenities of neighbouring dwellings according with Policy DM4, DM7 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

11. No construction work shall take place at the site outside the hours of 0730 to 1800 Mondays to Fridays, 0730 to 1300 Saturdays and no construction work shall take place at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residents according with Policies DM10 and DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The holiday accommodation units hereby approved shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No individual person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation 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 on demand by an authorised officer of the Council.

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 a dwelling for holiday purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document.

### **Informatives**

- The development is subject to the mandatory "biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.
- Prior to construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works.

- Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
- The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
- Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).