



Appeal Decisions

Hearing Held on 13 August 2019

Site visits made on 12 and 13 August 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal A Ref: APP/K2420/W/18/3218401

Kyngs Golf and Country Club, Station Road, Market Bosworth CV13 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Statue Homes Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 18/00732/FUL, dated 24 July 2018, was refused by notice dated 23 October 2018.
 - The development proposed was originally described as 'Resubmission of refused planning application (LPA ref: 17/00528/FUL) for the 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 areas and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping.'
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Appeal B Ref: APP/K2420/W/18/3229633

Kyngs Golf and Country Club, Station Road, Market Bosworth CV13 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Statue Homes Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00230/FUL, dated 14 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed was originally described as 'change of use of Vacant Outbuilding to No. 1 holiday lodge.'
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for 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, at Kyngs Golf and Country Club, Station Road, Market Bosworth CV13 0NP in accordance with the terms of the application Ref 19/00230/FUL, dated 14 February 2019, and subject to the conditions listed in the attached Schedule.

Applications for costs

3. At the Hearing two applications for costs were made by Statue Homes Limited against Hinckley and Bosworth Borough Council, one in respect of each appeal. These applications are the subject of separate Decisions.

Preliminary and Procedural Matters

4. At the Hearing, I confirmed with the parties that the descriptions of development on the Council's decision notices better reflected the proposals before me which were amended during the course of the applications. As such, I have used these descriptions as necessary in the formal decisions above.
5. At the Hearing, the appellant submitted a completed planning obligation comprising a signed unilateral undertaking which I shall return to later.
6. The relevant development plan documents for the area are the Core Strategy Development Plan Document (2009) (the CS), the Site Allocations and Development Management Policies Development Plan Document (2016) (the SADMP) and the Market Bosworth Neighbourhood Plan (2014-2026) (September 2015) (the MBNP).
7. Reference has been made to the North Warwickshire and Hinckley & Bosworth Destination Management Plan 2017-2022 which provides information on the state of tourism in the two boroughs and sets out a framework for future development and growth of tourism. Though not a formal supplementary planning document, it is a recent source of information relevant to the appeal and I have taken it into consideration.

Main Issues

8. The main issues in both appeals are:
 - Whether the location and form of development proposed would be appropriate having regard to relevant local and national planning policy and guidance relating to tourism and recreational development;
 - The effect of the proposed development on the character and appearance of the area.

Reasons

The site and surroundings

9. The site is a former golf course located to the west of Market Bosworth, accessed through an entrance on Station Road. The facility comprised an 18-hole layout with an additional 9-hole Par 3/practice course. The course closed in early 2016 and has remained closed since. The site extends to some 48 hectares of undulating and largely open land which adjoins open countryside to the north, east and west that contains sporadic residential development. The site contains a number of water features and bunding shaping the course layout with boundaries formed by hedgerows. There is a prefabricated cabin formerly used as the clubhouse, surrounded by an area of hardstanding used for parking at the end of the driveway. There is also a brick built building located towards the centre of the site to which Appeal B relates.
10. The course area has been maintained through regular grass cutting since the golf business closed, though features such as tees, fairways and greens are no longer defined. It is common ground between the parties that use as a golf course could be reinstated without a further grant of planning permission.
11. There is a recent residential development a short distance to the west beyond intervening open land, whilst to the east are two detached dwellings and an

area of woodland, beyond which is St Peter's CE Primary Academy. Residential development also exists to the opposite side of Station Road, along with an area of industrial uses. Bosworth Marina is a further facility a short distance to the west which is visible from parts of the appeal site.

Appeal A

Location and form of development

12. The site lies adjacent to, but outside, the settlement boundary of Market Bosworth and in the countryside for planning purposes. The appeal proposes the construction of a golf clubhouse and associated landscaping as part of the re-opening of a golf business. In addition, 15 holiday lodges are proposed, 6 contained within a courtyard building near the clubhouse and site entrance, and a development of 9 detached lodges set on stilted platforms to the eastern side of the site.
13. Under Policy DM4 of the SADMP development in the countryside will be considered sustainable where, amongst other things, it 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 or it significantly contributes to economic growth, job creation and/or diversification of rural businesses, and where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
14. 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, though its size means the extremities of the course are considerably further away than the most adjacent parts. At the Hearing the Council accepted that the proposed golf clubhouse would fall under sport and recreational uses supported in principle under Policy DM4. In locational terms, the clubhouse would be located by the main entrance and within the nearest part of the site to Market Bosworth itself. I saw that there are footpaths on Station Road leading into the town and a bus stop close to the end of the driveway, which would facilitate travel by means other than the private car. That said, golf clubs by their nature are often to be found outside of built up areas in or near the countryside and visitors inevitably travel there by car given the need to carry bulky equipment. As such, I am satisfied that in terms of location, the proposal in respect of the golf clubhouse satisfies criterion a) of policy DM4.
15. In terms of the holiday lodges, Policy 23 of the CS encourages lodges in suitable locations where they can support existing services and facilities and are of a scale which is appropriate to minimise impact and assimilate well. Although some of them would be located in a more interior part of the site, and would be reached more often than not by car, they could be accessed by bus from Station Road, or on foot via Public Footpath S70, which would pass between the lodges on its path across the course and directly into the town centre. When considered relative to the nearby development at Pipistrelle Drive, the proposed lodges would be no more isolated or remote from services in Market Bosworth. Moreover, it is an inherent aspect of holiday lodges that they are located away from built up areas, as their attraction lies in factors such as a quiet environment, proximity to nature and countryside views. Given this, I am satisfied that the location of proposal holiday lodges would not

conflict with Policies 23 and DM4, subject to their effect on the character and appearance of the area.

Loss of existing facilities

16. It is common ground between the parties, given its closure in 2016, that the previous golf operation was not viable. Whilst the owner has maintained the course through regular mowing, I saw on site that the course would need to be re-defined and suitably prepared in order for it to be playable. As such, I am satisfied that there is no viable business existing on the site.
17. The Council sought for the appellant to demonstrate that the loss of the 9-hole course would not affect the long term viability of the business. I acknowledge the evidence that other, shorter forms of golf are being encouraged to drive interest in the sport¹, and a 9-hole course would appear to align with such aspirations. However, the course no longer exists. Thus, I disagree that the proposal would lead to 'less choice' for members. No choice at all exists at present. Members would join and others would visit in full knowledge of the available facilities, which would include the options to play nine holes on either the front or back nine, or the whole eighteen.
18. Moreover, from all I have seen, heard and read, the proposed alterations to the 1st and 18th holes would not result in a course of demonstrably substandard length or quality, eighteen holes being the standard provision for a golf club. Therefore, I am not persuaded that the viability of the business, given it would include a full 18-hole course and clubhouse facilities, would be at risk due to the failure to re-provide the 9-hole course.

Conclusion on first main issue (Appeal A)

19. The golfing and holiday aspects of the proposal would be acceptable in terms of their location relative to local services and facilities. The proposal would result in a presently defunct recreational facility being brought back into use which would add to the facilities for local people and would benefit the area economically, together with new holiday accommodation. In terms of the location and form of development, I find that the proposals would accord with Policy 23 of the CS and Policies DM1, DM4 and DM24 of the SADMP. Compliance with these policies overall, however, is subject to the criteria relating to the effect of the proposals on the character and appearance of the area, to which I now turn.

Character and appearance

20. The appellant's evidence includes a Landscape & Visual Baseline Report and a Summary of Likely Landscape & Visual Effects (SLLVA). The site falls within the Bosworth Parkland Landscape Character Area, of which the key characteristics include 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.
21. The Council points to the description of Character Area A in the MBNP, in which the site falls, as having 'open landscape features, a large wide open aspect,

¹ Golf Business Viability Report – John Ashworth Associates (February 2018)

outdoor leisure pursuits and heritage'. The view from Station Road over the site from a point close to the main entrance is identified as an Important View or Vista (IVV) (No 11) in the MBNP for its 'extensive views of north west Leicestershire'. A further IVV in the MBNP is No 12 from Public Footpath S70 some 130m from the entrance to the appeal site.

22. I observed the site from a number of locations. From higher ground, such as the area around IVV 12, extensive views are possible over at least 180 degrees, taking in the golf course and the wider countryside beyond. From lower ground at IVV 11, however, views of the wider golf course are largely screened by the solid hedgerow which runs across the front boundary of the site, though the higher ridge to the eastern side is apparent. The ridge is more evident in views from the elevated railway bridge to the west of the site and forms an immediate feature when walking towards it along the public footpath which crosses the site.

Clubhouse and courtyard buildings

23. The proposed clubhouse would be a substantial recreational building containing the various functional requirements of a modern golf course, including changing rooms, bar and dining areas, pro shop and offices, as well as the proposed golf simulator and function room. The building would be primarily a long, single storey structure with modest dormer windows in the hipped roof, joined to a two storey element at one end. The form of the building would evoke a large farmhouse, with a combination of sandstone, brick and wood panelling, together with clay tiles to the roof. This would give the building a traditional and rural appearance which would respect its surroundings.
24. Similarly, the proposed courtyard building containing six holiday lodges would continue this palette of materials, and despite its greater footprint, it would appear secondary in scale to the clubhouse as it would be single storey throughout and its shape would conceal much of its bulk behind the façades in view. Moreover, its positioning to the side of the entrance drive, behind the hedgerow, would reduce its presence on approach into the site, leaving the clubhouse as the principal feature.
25. The buildings would be visible from Station Road, and from other notable vantage points which are identified by the parties, including the railway bridge on Station Road and the view from Public Footpath S70 as it enters the site from the east. Undoubtedly, the scale of the buildings would render them prominent in the landscape, though from Station Road, their prominence would be reduced to some degree by the existing hedgerow and their distance in from the road. Given the proposed re-use of the site as a golf course, the presence of buildings would not be unexpected, and given the screening which exists, they would not adversely affect the view from Station Road across the site. The openness of the area and connection with the countryside would still be apparent from the field in front of the site and the open land to the west.
26. Though the buildings would be set within a stretch of largely open land along Station Road, its surroundings offer clear indications of the site's proximity to Market Bosworth. In particular, there is continuous development, both industrial and residential to the opposite side of Station Road. Moreover, the approach from the west is already subject to urbanising influence from the scale and prominence of Bosworth Marina and the residential development at Pipistrelle Drive, such that the site, despite its openness, is contained between

these developments and the hill of Market Bosworth itself, resulting in a localised impact on the landscape. This combination of these factors, in my view, means that the proposed buildings would not harm the landscape character of the area, nor detract unacceptably from the identified IVV 11 of the MBNP.

Detached holiday lodges

27. The lodges would be in one of four types, varying in size but sharing a contemporary cabin style, using cedar cladding and stonework, a mix of flat and pitched roofs, and extensive glazing to the facades. Each of the lodges would be set on a raised platform supported by stilts set into the ground. The largest of the lodges would be over 20m in width and 12m in depth including the external deck. In reaching this scale and in combination with their height and striking cutaway roof designs, the lodges would form prominent features within the site.
28. The lodges would stand prominently on the rising ground towards the east of the site. Their visibility would be increased by the use of the stilted platforms, raising them several metres above ground level. In particular, they would be prominent to users of Public Footpath S70. On approach along the footpath from the Market Bosworth side, a rural character and broad panorama over the countryside exists (IVV 12 in the MBNP). At the point of the IVV, the lodges would be very obvious to users of the footpath and would intrude upon the open, natural character of the site, as they would have an immediate and imposing presence at the point where the landscape opens up expansively to panoramic views. Together with the access road and parking areas, the lodges would form distinctly urbanising features at odds with the prevailing open landscape and would undermine the increasingly rural character as one leaves the built up area along Public Footpath S70 from the Market Bosworth side.
29. I recognise the appellant's points that the golf course is a modified landscape. Nevertheless, it is still an open site with natural features and it forms a continuous part of the green and natural environment which surrounds Market Bosworth. Indeed, I saw on site that the fact that it is a modified golf course landscape is only evident in views from the high ground to the east and from within the site itself. From lower or more distant vantage points, the features of the site are not obvious given the screening provided by intervening hedgerows and trees. Given this, I accept that the harm to the wider landscape in this case would be limited. Nevertheless, in localised views, the lodges would be prominent and intrusive and would have a detrimental impact on the existing open and undeveloped character of the site.
30. I accept that the impact of the lodges could be softened as proposed planting matures; however, this would take time to establish, and would have to reach significant height and solidity to provide an effective visual screen. Given the appellant's admission that the location of the lodges was chosen in part for the views they would offer, such screening is likely to only be significant to the Market Bosworth side, and not the golf course side, where the lodges would remain prominent on the ridge in the longer term.
31. From the elevated railway bridge on Station Road, the lodges would appear conspicuous on the raised ground, forming a more intensive and urbanised form of development in contrast with the isolated, detached dwellings on the hillside. The appellant's SLLVA assesses both the value and sensitivity of the

views from this point as high, with 'major-moderate adverse effects' in the short term and 'moderate adverse' in the long term. I accept that the landscape is not valued at a national or regional level, but it is given local importance within the MBNP. Therefore, whilst the lodges would form part of a supported recreational use on the wider site, their conspicuous position at high level would harm the character and appearance of the landscape.

Conclusions on second main issue

32. For these reasons, overall, the proposal would conflict with Policies DM1, DM4 and DM10 of the SADMP, with Policies CE1, CE3 or CE5 of the MBNP which together require development to complement or enhance the character of the surrounding area and seek to protect the intrinsic value, beauty, open character and landscape character of the countryside. There would also be conflict with the Framework's recognition of the intrinsic value of the countryside.

Appeal B

Location and form of development

33. The proposal would see the conversion of an existing building on the course to a single holiday home. The Council's first reason for refusal refers to harm to the vitality and viability and functioning of the existing golf course, and conflict with Policy DM8 of the SADMP, which resists the loss of buildings in recreational or sporting use unless certain criteria are met.
34. The building is described variously by the parties as a convenience or amenity building which I understand provided storage for the golf course and toilets and shelter for golfers during their rounds. I have already found that there is no functioning golf course on the site, and therefore the viability of an existing use would not be threatened by the loss of the building. Although the building has the potential to add to the facilities golfers would enjoy whilst playing a re-opened course, I heard no evidence that such facilities are essential for a golf course to function. Instead, I heard anecdotally that other nearby golf courses did not have such facilities.
35. In view of the limited evidence of its importance to the operation of the golf course, and the fact that there is no operational golf course in any event, the loss of the existing amenity facility would not undermine the provision of sporting and recreational facilities in the Borough, and there would be no conflict with the aims of Policy DM8 of the SADMP or Paragraph 97 of the Framework.
36. The Council also raised concern that the placement of the lodge in the centre of the golf course would adversely affect its operation, through conflict between golfers and residents from noise or errant golf balls. On site, the relative locations of tees and greens were pointed out to me, along with the direction of play. Based on my observations, I am satisfied that any risk in this respect is limited, and could be accommodated in the detailed layout of the course. Given the nature of the lodge's location, it seems quite probable that it would appeal mainly to golf enthusiasts, should the course re-open. At the very least, prospective occupants would be aware of the fact that the lodge was on a golf course, and any noise generated by either golfers or occupants would not, in

my view, be so great as to cause harm to the functioning of the course or occupants' living conditions.

37. The Council's second reason for refusal refers to the isolated location of the lodge and that it would only be accessed by an unlit track. At the Hearing, the Council accepted that the lodge would not be isolated in terms of Paragraph 79 of the Framework. In physical terms, the lodge would be at a distance which may discourage walking to Market Bosworth, but holiday lodges are often sought after due to their detachment from the built up area, and occupants are likely to be more willing to walk longer distances for recreational purposes, with the route of Public Footpath S70 providing an adjacent option for this. The appellant stated that the lodge would be accessed only by vehicles provided by the golf course. Even so, any traffic generated by a single lodge would be insignificant, and considerably less than that generated by the golf course use. As such, the location of the lodge would not lead to demonstrable harm in environmental terms due to reliance on the private car by occupants.
38. For these reasons, I find that the proposal would represent a suitable location for a holiday lodge, and there would be no conflict with Policies DM1, DM4 or DM8 of the SADMP, with Policy 23 of the CS or Paragraph 97 of the Framework.

Character and appearance

39. The Council's concerns relate to the potential impact of a track being formed or upgraded between the main area of development at the front of the site and the proposed holiday lodge. There are extensive submissions by both parties in respect of whether a track exists on the site, or exists lawfully in planning terms. However, it is not within the scope of this appeal for me to determine the lawful status of a track.
40. On site, I saw the track in question to be at various points formed of gravel, grass and earth, with light tyre markings and rough edges giving an informal appearance and indicating infrequent use. It followed a fairly direct line through the site along lower ground between the various mounds forming the golf course topography. I was advised that it had been used in the past for access by vehicles to empty a septic tank serving the toilets of the amenity building, and I saw the location of the septic tank on site.
41. At the Hearing, the appellant indicated that operational development was not necessarily required to upgrade the track and only works of maintenance may take place. The Council indicated that if no development was proposed, it would not have concern in respect of the effect on character and appearance.
42. Notwithstanding questions of lawfulness and condition, the track's low lying path through the course means it is not a prominent feature in the landscape, and is not obvious in views from outside the site, even those on higher ground. Walkers crossing the site already see and cross the track and it is evident that it serves the outbuilding. Though still an open and largely undeveloped site, its status as a golf course, in my view, brings with it an expectation of some sensitively designed features, such as paths for golfers and access tracks for greenkeeping equipment. Such features would go hand in hand with the renewal of the golf course, but would not have significant visual impact given the screening provided by the undulating topography and planting.

43. Moreover, as discussed at the Hearing, the appellant proposes to limit the access of occupants to the proposed holiday lodge to vehicles provided by the golf course, which would limit the extent to which it would be used by private vehicles, and prevent the track taking on a more urban or residential character. A condition requiring submission, approval and implementation of an operational management plan could be used to ensure vehicular access to the holiday lodge is suitably managed whether or not this is in association with an operational golf course.
44. Therefore, I find that the presence of a track, whether intermittent as I saw on site, or made more formal through additional gravel or other materials, would not adversely affect the character or appearance of the area, and so would not conflict with Policies DM1, DM4 or DM10 of the SADMP, or with Policies CE1, CE3 or CE5 of the MBNP.

Other Matters

Need and viability (Appeal A)

45. As I have found the proposed clubhouse or courtyard building would enjoy policy support in principle and would not harm the character and appearance of the area, it is not necessary to further consider whether their scale is justified by an identified need.
46. In terms of the nine detached lodges, it was explained that these would be sold to raise capital to fund construction of the clubhouse and golf course renovation. A costs appraisal was submitted by the appellant containing broad brush estimates of costs and revenues for the development. The appraisal lacks information such as land costs and does not include evidence of how the projected sales prices of the lodges or the costs of construction have been arrived at. As such, it is of limited value in assessing the overall viability and scale of the development proposed, though the Council has not offered any detailed evidence to contradict the appellant's position.
47. Nevertheless, I recognise that the holiday lodges would assist the delivery of the golf clubhouse and course renovation to ultimately deliver economic benefits through recreational and tourism activity, which would weigh in favour of the proposal.
48. The parties disagreed as to the potential number of jobs which would be created. The appellant's estimate of up to 59 full time equivalent jobs struck me as ambitious, notwithstanding that it was formulated based on RICS Employment Density Guidelines, as the golf business case advanced by the appellant put payroll at £153,000 per annum, which would be completely at odds with such staffing estimates. Ultimately, the information before me is not conclusive. Though I cannot be certain as to the number of jobs created, I am satisfied that the proposals would generate noticeable new economic activity and create new employment opportunities for the local area.

Planning Obligation (Appeal A)

49. The unilateral undertaking (UU) contains a number of provisions. Firstly, an undertaking that the proposed lodges will not be occupied as permanent residential dwellings. Secondly, that occupants of the lodges will receive a 30% reduction in green fees to play the golf course. Thirdly, that the owners of the

holiday lodges will be responsible for the management of the landscaping of the holiday units.

50. It was agreed at the Hearing that the restriction on occupation could be dealt with by condition. The green fee provision was not sought by the Council. Whilst such a discount may attract additional custom, I have little evidence to demonstrate that it is necessary to make the development acceptable in planning terms.
51. The third provision relating to maintenance appears to me to relate to the division of labour between the golf course and the owners of the lodges. However, it matters not in planning terms who undertakes maintenance of the holiday lodge grounds. Moreover, the undertaking contains no definition of 'maintenance and management' or 'landscaping' or the area within the site to which this responsibility would relate. In my view, this could be dealt with by condition.
52. The other provisions of the UU relate to the timing of the development. There was disagreement between the parties at the Hearing on this point. The Council wished to see the clubhouse completed and the golf course open before any holiday lodges are occupied, rather than allowing 12 lodges to be occupied as set out in the UU. Notwithstanding the parties' disagreement, this is another matter capable of being dealt with by condition rather than through an obligation.
53. As such, I find that the undertakings put forward are not necessary to make the development acceptable in planning terms and so would not meet the tests set out in Regulation 122 of the Communities Infrastructure Levy Regulations 2010. Therefore, I have not taken the submitted UU into account in reaching my decision.

Other Issues

54. In addition to the above and the main issues, interested parties have also raised concerns over a number of other matters, including highway and pedestrian safety. I note that the Local Highway Authority considered the proposals, including the potential use of the clubhouse for larger events, and no objection was raised to either of the proposals. On the evidence before me, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the Framework.
55. The Council did not make findings of harm in respect of any of the other issues raised by interested parties and, on the evidence before me, I do not reach different conclusions to the Council on these issues.
56. In support of Appeal A, the appellant refers to a number of appeal decisions relating to holiday home development. However, these relate to proposals in different authorities and have evident differences in scale, form, site context and prevailing circumstances. Therefore, I do not have sufficient evidence to draw direct comparisons with the scheme before me, and I have duly considered the appeal on its own merits.

Planning Balance

Appeal A

57. There would be social and economic benefits weighing in favour of the proposal from the re-opening of a golf course which would add to the recreational facilities of the area and through new employment opportunities and spending by visitors at the course, holiday lodges and in the wider area. I accept that the proposed holiday lodges would assist the delivery of the wider golf course facilities, add to the tourism options in the area and support the Council's objectives to boost tourism and recreation in the District, though the intention to sell the detached lodges would reduce their potential long term availability to the market. Overall, I attach substantial weight to these benefits.
58. There would be reliance on the private car to access the facilities, though other travel options exist which would help to limit the adverse environmental impact of car use. The proposed tree planting and other landscaping would offer some limited environmental benefits to counter this.
59. The proposed clubhouse and courtyard building would be acceptable additions to the landscape and would not harm the character and appearance of the area. However, I have found that the proposed detached lodges, due to their elevated position, form and layout, would cause unacceptable harm to landscape character of the area and would conflict with the development plan. This is a matter to which I attach very significant weight.
60. Overall, I find that the benefits of the proposed development when taken cumulatively would not outweigh the harm to the character and appearance of the area and resulting conflict with the development plan. Therefore, the proposal would not result in sustainable development when considered against the development plan and the Framework as a whole. There are no other material considerations which indicate a decision should be taken at variance with the development plan in this case and, consequently, planning permission should not be granted.

Appeal B

61. I have found no conflict with the development plan in respect of either the location and form of the development or its impact on the character and appearance of the area. There are no other material considerations which point to withholding permission and, therefore, the appeal should be allowed, subject to relevant conditions.

Conditions

62. In respect of Appeal B, I have considered the Council's recommended conditions in light of the tests of conditions within the Framework and guidance of the Planning Practice Guidance. The conditions were discussed at the Hearing and amended wording was submitted by the parties in writing following the Hearing.
63. I have imposed a condition specifying the approved plans to provide certainty. Conditions are also necessary to ensure the site access, parking and turning areas are laid out prior to the development being brought into use in the interests of highway safety. An Operational Management Plan is necessary to ensure the safe operation of the lodge and golf course and to protect

occupants' living conditions. Finally, a condition is required to prevent the holiday lodge being used as a permanent dwelling as this would conflict with the development plan and Framework in terms of the location of housing.

Conclusion

64. For the foregoing reasons, and having taken all relevant matters into consideration, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

K. Savage

INSPECTOR

Schedule of Conditions (Appeal B)

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Proposed Site Plan - Drg No. A-PL-101 Rev C, Proposed Elevations - Drg No. A-PL-200 Rev A, Proposed Ground Floor Plan Option 2 - Drg No. A-PL-102, Proposed Roof Plan - Drg No. A-PL-101 Rev A, Proposed Ground Floor Plan - Drg No. A-PL-100, Junction improvements Dwg No. HAS/17-030/02 Rev A, Visibility Splays - Drg No. HAS/17-030/01 Rev A, Footpath Improvements - Drg No. HAS/17-030/03 Rev A, Access Arrangements & Highway Improvements - Drg No. A-EL-003, Access Arrangements & Highway Improvements - Drg No. P827/101A received by the Local Planning Authority on the 25 February 2019.
- 3) Notwithstanding the provisions of Class C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any change of use by any subsequent Order, the unit shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be occupied as permanent, unrestricted accommodation or a principal or primary place of residence.
- 4) The development hereby approved shall not be occupied until the access arrangements shown on Dwg No. P827/101A received on the 25 February 2019 has been carried out and completed in full.
- 5) No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.
- 6) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
- 7) Prior to first occupation of the holiday unit an Operational Management Plan shall be submitted to and agreed in writing with the local planning authority. The approved plan shall thereafter be implemented at all times.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Brian Mullin	Partner, Marrons Planning
Simon Stanion	Solicitor, Shakespeare Martineau
Jonathan Golby	Chartered Landscape Architect, Golby & Luck
George Denny	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jenny Brader	Team Leader, Hinckley & Bosworth Borough Council
Nicola Smith	Planning Manager, Hinckley & Bosworth Borough Council
Dr David Hickey	Landscape Architect

DOCUMENTS SUBMITTED AT THE HEARING:

1. Signed Unilateral Undertaking dated 13 August 2019
2. Written Costs Applications (x2) by appellant
3. Draft wording of condition relating to management plan for holiday lodge (Appeal B)

DOCUMENTS SUBMITTED AFTER THE HEARING:

1. Lists of draft conditions
 - a) Dated 14 August by appellant (for both Appeal A and Appeal B)
 - b) Dated 14 August by appellant (replacing that of 14 August for Appeal B only – 'V2')
2. Email dated 23 August by local planning authority providing amendments to conditions in response to those submitted by the appellant (1. a) and b))