



Appeal Decision

Site visit made on 5 July 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/K2420/W/23/3315336

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 Limited against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/00195/FUL, dated 29 June 2022, was refused by notice dated 16 December 2022.
 - The development proposed is development of 9 holiday cabins with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Statue Homes Ltd against Hinckley and Bosworth Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council's Statement of Case acknowledges that the relevant policies of the Development Plan were adopted prior to the publication of the latest National Planning Policy Framework (the Framework) and suggests that paragraph 11 (d) of the Framework is engaged. However, paragraph 219 of the Framework confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework.
4. The appellant has not contested the appeal on the grounds that the Development Plan should be considered out-of-date. There is a strong level of consistency between the Council's policies and the Framework in terms of seeking sustainable development which includes consideration of the character and appearance of the countryside and the landscape. Therefore, I have attached full weight to the adopted policies of the Development Plan in determining this appeal.
5. I understand that Market Bosworth Parish Council has commenced work for modifications to the Market and Bosworth Neighbourhood Plan (2015) (NP). Given that I am unaware whether any such modifications have been consulted upon and if so whether there are unresolved objections I attach limited weight to the modifications to the NP as a material consideration.

Main Issues

6. The main issues are:

- i) Whether the appeal site would be an appropriate location for the proposed development having regard to the development plan and national policy; and
- ii) The effect of the proposal on the character and appearance of the area, including landscape character.

Reasons

Location

7. The appeal site is on land within a former golf course and utilises the existing access point on Station Road. This sits opposite housing within the settlement boundary on Station Road. The proposed access drive would extend north through the extensive grounds of the former golf course before arriving next to an area of woodland where the proposed holiday cabins would be sited. In these respects, the defined site area is near, but not adjacent, to the settlement boundary for Market Bosworth. It is located in the countryside for the purposes of decision making.
8. Policy DM1 of the Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP) and the Framework set out a presumption in favour of sustainable development.
9. Policy DM4 (Safeguarding the Countryside and Settlement Separation) of the SADMP sets out instances where development in countryside will be considered sustainable. These instances include but are not limited to a) where 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, or c) where it significantly contributes to economic growth, job creation and/or diversification of rural businesses. In all instances, development is also required to meet the further set of criteria at i) – v) of this policy.
10. Policy 23 (Tourism Development) of the Hinckley and Bosworth Core Strategy (2009) (the CS) encourages tourism development including holiday 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.
11. As the development would be for recreation purposes and relates to holiday cabins, it is supported in principle under the above policies subject to it meeting the other specific requirements under these policies.
12. My attention has been drawn to previous appeal decisions¹ at the former golf club which included proposals for holiday homes. As was identified by the previous Inspector, 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.

¹ Appeal Refs APP/K2420/W/18/3218401 (Appeal A) and APP/K2420/W/18/3229633 (Appeal B)

13. Given their proposed use and position away from Station Road, the holiday cabins would likely be reached more often than not by car. However, they could also be accessed by bus services to and from Market Bosworth or via the public footpath network which sits in close proximity to the proposed cabins and connects to the town. In these respects, the proposal would accord with the requirements in Policy DM24 (Cultural and Tourism Facilities) of the SADMP as the site could be accessed by a range of sustainable transport modes. Nevertheless, the development plan must be read as a whole and accessibility is not the only factor in considering whether or not a proposal would be sustainable.
14. Taking the above factors into account, I am of the same view as the Inspector that dealt with the previous appeals. More particularly, I find that the principle of holiday cabins would not conflict with Policies 23 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.

Character and appearance including landscape character

15. The Framework supports rural tourism and leisure developments which respect the character of the countryside. Paragraph 174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
16. Policy 23 of the CS supports holiday lodges where they meet all of 5 specified criteria, one of which requires that they are 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.
17. Furthermore, and as set out under the first main issue, the categories of development listed at a) to e) of Policy DM4 of the SADMP are only considered to be sustainable in the countryside where they also address the requirements at parts i) – v) of that policy. Part i) is of pertinence to this main issue as it requires that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
18. The appeal site is situated within the Bosworth Parkland Landscape Character Area as identified in the Hinckley and Bosworth Landscape Character Assessment (2017) (LCA). The key characteristics include rolling farmland with gentle slopes which rise to a high point around the town of Market Bosworth, scattered trees, woodlands 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.
19. The LCA identifies that the key sensitivities and values of this area include the rural character and relative sense of tranquillity. It also includes amongst the landscape strategies that the rural character of the landscape will be maintained, ensuring that development responds sensitively to the landscape

- context. Furthermore, recreational assets including the rights of way network will be maintained and enhanced.
20. On my site visit, I undertook an extensive walk along Station Road and Footpaths (FPs) S68, S69 and S70. I was able to appreciate that the land proposed for the holiday cabins occupies a peripheral position towards the northern extents of the former golf course and well away from existing built form associated with the former course and the more consolidated elements of the built environment at Market Bosworth.
 21. The land is identified in the NP as Character Area A which recognises that leisure and tourism is an important element of the town for both landscape and economy reasons. The NP specifically references the open landscape, large wide open aspect and outdoor leisure pursuits as forming part of the defined character of Character Area A. I saw for myself that the absence of built form and the green and natural appearance of the site and its more immediate surrounds complements the intrinsic character and beauty of the countryside which surrounds the town.
 22. I understand that the holiday cabin types are the same as those that formed part of the proposals for the previous 'Appeal A' which proposed '15 golf holiday homes'. As before the holiday cabins would be of a contemporary geometric design, predominantly timber clad and extensively glazed. Each of the buildings would have a large footprint and their elevations would include upper floor elements.
 23. The appellant's Planning, Landscape and Design Statement (May 2020) (PLDS) sets out that the holiday cabins would be 'set at ground level to minimise their vertical scale and visibility' and that 'Lodge 9' would be 'dug into the landform'. These descriptions feed into the 'landscape and visual assessment' (LVA) within the PLDS. However, the lodge type drawings before me indicate that the cabins would be set on raised platforms, supported by stilts set into the ground. The landscape sections also indicate that the lodges would be raised above the ground level. There are no alternative plans before me on which I could base a decision.
 24. The striking architecture and substantial form of the holiday cabins would be overtly residential in appearance and would greatly contrast with the sparsely developed rural character of their immediate surroundings. In addition, due to the lack of clarity in terms of the finished floor levels, there is the potential that the height of the cabins would be accentuated above the heights envisaged in the LVA. These factors indicate that the design and scale of the proposals would not be appropriate in terms of minimising their impact, clearly conflicting with Policy 23 of the CS.
 25. The LVA includes 'viewpoints 1 and 3' which include consideration of the Important View and Vista (IVV) No 11 in the NP which notes its 'extensive views of north west Leicestershire'. From my own observations, I accept that from these viewpoints the intervening distance, vegetation and perpendicular alignment of the row of cabins relative to Station Road would filter views and reduce the perception of mass and scale.
 26. Even so, as is accepted in the appellant's assessment of visual effects, the development would be perceptible in glimpses from these viewpoints. Due to its position within a peripheral part of the former golf course, even when

glimpsed, the residential appearance of the development would not positively reflect the prevailing open and natural character at that point in the wider rural landscape.

27. It is unclear from the evidence before me whether the previous planning permission² for golf club development including '6 golf holiday lodges' which was contained within an area in closer proximity to Station Road remains extant. Therefore, any screening afforded by that development is uncertain. In any case, taking into account the mitigating factors described the proposal would not amount to a significantly adverse impact on IVV No 11 in terms of the considerations under Policy CE3 (IVVs) of the NP. In the worst case scenario, when these viewpoints are considered alone there would be some harm to the landscape in the context of the other policies of the development plan even if this would not on its own be significantly adverse.
28. In closer up views on FP S70, in the vicinity of 'views 7 and 8' in the appellant's LVA, 'Plot 1' would be highly discernible. The appellant's LVA identifies that there would be 'moderate adverse' harm to the landscape in this view in the short term. However, given the uncertainties in terms of finished heights of the lodges relative to existing ground levels, I am also concerned that impacts in the LVA may be underestimated as a greater extent of the southernmost lodge and parts of some of the taller lodges behind may also be visible in the background.
29. The photograph of 'view 11' in the PLDS demonstrates that a considerable section of the woodland, which would form the backdrop to Plots 1 – 8, is visible from within the vicinity of the Battlefield Railway Line bridge crossing on FP S70. Given my observation on the floor levels, there is the potential that a greater proportion of the elevations would be visible than is accounted for in the LVA in this view. However, even if only the upper sections of the cabins would be visible from this viewpoint, they would be appreciable as a row of substantial contemporary buildings. I therefore disagree with the appellant's LVA that there would be negligible adverse harm in this view.
30. In the above views, the holiday cabins with their respective roof profiles and the upper glazed elements would appear intensive and urbanised within what are presently vistas of overriding natural character. I acknowledge that the new planting indicated would assist in filtering views of the development. However, this would take time to mature and similar to the observation of the previous Inspector, I find that it would have to reach a significant height and solidity to provide an effective visual screen and fully assimilate the holiday cabins into the landscape in these views.
31. It is evident from the appellant's PLDS Addendum that the row of lodges would also likely be highly visible from FP S68, most particularly from 'viewpoint 3' within the Addendum. The addendum suggests that the hills and ridges of the golf course reduce wider views of the landscape here. However, from my own experience and as illustrated by 'viewpoint 9' there is a sense of isolation to the immediate landscape due to a general absence of development either side of this footpath. Again, even if an appreciation of the development here would be limited to the upper sections of the buildings, this would still detract from the experience of walking through a landscape of overriding rural character to this section of the footpath.

² LPA Ref 19/01437/FUL

32. Furthermore, on my site visit, I approached the site from the intersection of Footpath S68 with Barton Road. Once beyond the dwelling at No 45 Barton Road, the pastoral character of the landscape is largely uninterrupted by built form. Given the position of the holiday cabin on 'Plot 9' north of the woodland, there is the potential that the building would be perceptible to users of the footpath walking towards the site from the intersection with Barton Road. The PLDS Addendum does not consider this section of FP S68 and I am concerned the holiday cabin on Plot 9 would appear incongruous and would detract from the sparsely developed rural vista in this view. From what I have seen, FP S68 is a well-used footpath and these visual effects would be very noticeable to those familiar with the area.
33. The appellant suggests that the previous Inspector found the design of the lodges to be acceptable. However, the Inspector did not endorse the design. Rather they observed amongst other things that the lodges would be an intensive and urbanised form of development in contrast with the isolated, detached dwellings on the hillside. I accept that this view took into account the specific position of the holiday lodges within the landscape in that case. However, I find that these observations would also be applicable in this case.
34. For all the above the reasons, I find that the appellant's LVA and PLDS Addendum underestimate the likely effects of the development on the landscape, particularly when the above effects are considered cumulatively. This adds to my concerns that the holiday cabins are not of a design and scale which is appropriate to minimise their impact.
35. I conclude, the development would have a significantly harmful effect on the character and appearance of the area including its landscape character. In those regards, the proposal would conflict with the sustainable development, design, character and landscape requirements of Policies DM1 (Presumption in Favour of Sustainable Development), DM4 (Safeguarding the Countryside and Settlement Separation) and DM10 (Development and Design) of the SADMP, Policy 23 (Tourism Development) of the CS and Policies CE1 (Character and Environment) and CE5 (Landscape of the wider parish) of the NP. For the same reasons, the proposal also conflicts with the requirements in the Framework to recognise the intrinsic character and beauty of the countryside and for developments to be sympathetic to landscape setting.

Other Matters

36. The description of the proposal does not include any reference to the golf course. The appellant has confirmed that a condition requiring the works to reinstate the golf course prior to occupation of the holiday cabins would not be acceptable to them and there is no legal agreement before me to demonstrate that there would be a clear tie with the golf course. Therefore, the proposal is not comparable to the clear link under the previous planning permission on the site³ which included '6 golf holiday homes' but also encompassed proposals for golf club facilities within a more contained layout closer to Station Road.
37. I accept that the relevant policies do not stipulate that a proposal for holiday cabins would only be acceptable if it were tied to another use. Furthermore, given the footprint of the development and that there is currently no functioning golf course, the proposal would not result in the loss of an existing

³ LPA Ref 19/01437/FUL

facility having regard to the requirements of Policy DM24 (Cultural and Tourism Facilities) of the SADMP.

38. Even so, any potential links to the reinstatement of the former golf course are relevant in terms of the level of any potential economic benefits as a material consideration. The appellant suggests that they would sell off the holiday cabins with the intention to then reinstate the golf course. However, I understand that the financial strategy and costings presented are the same as those which were before the previous Inspector. In that case, the Inspector noted that they contained broad brush estimates of costs and revenues for the development and lacked information such as land costs and evidence as to how the projected sales prices of the lodges or costs of construction had been arrived at.
39. Furthermore, the costings date to 2018 and there is no clear evidence to suggest they can be relied upon as an up-to-date and robust representation of current costs. Therefore, the previous Inspector's finding that the costings provided are of limited value in assessing the overall viability and scale of the development proposed are just as relevant, if not more so for the case before me.
40. Moreover, without any specific tie, there is no guarantee that the holiday cabins would not be a standalone development or that money from the sales would secure the re-instatement of the golf course or delivery of the golf course development previously granted planning permission.
41. For the above reasons, it is difficult to reconcile any economic benefits with the potential reinstatement of the golf course.
42. Having regard to the North Warwickshire and Hinckley and Bosworth Destination Management Plan 2017 – 2022, I acknowledge that the area may be a compelling place to visit and that the provision of 9 holiday cabins has the potential to support the local tourist economy. However, I am not aware that there is a critical need for such accommodation. Jobs associated with the holiday cabins and the spend of those using the cabins in local services and facilities are unlikely to be of a substantial magnitude. Therefore, I attach limited weight to the potential economic benefits that might derive from the development.
43. The appellant has drawn my attention to a planning permission for 103 holiday lodges at Bosworth Lakeside Lodges⁴ on a site further removed from the settlement than Kyns Golf Club. However, from what I have seen the lodges in that case were clearly linked to the leisure use on the site and the character and appearance considerations would not have been identical to this appeal. Therefore, that particular development does not justify the site-specific harm I have identified in respect of the appeal proposal and the conflict with the relevant policies of the development plan and the Framework.
44. The evidence before me indicates that the proposal would be capable of achieving a biodiversity net gain. However, any such benefits would not be of a significant magnitude and do not overcome the harm identified under the second main issue.

⁴ LPA Ref 20/00026/FUL

Conclusion

45. The proposal would have a significantly harmful effect on the character and appearance of the countryside including its landscape character. Therefore, the proposal would not be sustainable development. The proposal conflicts with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR