



Appeal Decision

Site visit made on 10 June 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/F2415/W/24/3357486

Medbourne Edge, Hallaton Road, Medbourne, Leicestershire LE16 8DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Tom Hartley, Tom Hartley Park Homes, against the decision of Harborough District Council.
 - The application Ref is 24/01330/VAC.
 - The application sought planning permission for Change of Use of land for the siting of 20 leisure lodges and the retention of the site manager's accommodation without complying with a condition attached to planning permission Ref 17/01694/FUL, dated 6 October 2017.
 - The condition in dispute is No 6 which states that: The leisure lodges hereby permitted shall be used for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners- occupiers of individual lodges on the site, and their main home address, and shall make this information available to the local planning authority at all reasonable times to officers of the Local Planning Authority.
 - The reason given for the condition is: To prevent unrestricted residential development in the open countryside, to support visits to the District and to ensure the form of the development would not have a significant harmful effect on the character of the surrounding countryside. The development of dwellings for permanent occupation outside of established communities would not otherwise be permitted.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Medbourne Edge is a development of 20 leisure lodges. The appellant seeks to remove condition 6, to allow the units to be occupied as a sole or main residence rather than for holiday purposes only.
3. The main issue is whether the condition is necessary and reasonable having regard to: planning policy relating to development in the countryside and tourism accommodation, the character and appearance of the area, the local wildlife corridor, living conditions of future occupiers, and contributions towards infrastructure provision and affordable housing.

Reasons

Planning policy

4. The appellant highlights that the existing lodges fall within Use Class C3 and constitute dwellinghouses. Furthermore, the condition does not limit the maximum duration of visits or number of repeat visits, or the sale of the units to individuals.

5. Policy GD4 of the Harborough Local Plan 2011 to 2031 (2019) (LP) permits new residential development in the countryside where it meets the criteria listed. The proposal does not meet any of the listed criteria. Similarly, Policy H2 of the Medbourne Neighbourhood Plan 2017-2031 (2018, 2023) (NP) sets out a list of appropriate developments in the countryside. The development would conflict with this policy as it does not entail the type of development listed.
6. The site is located in the open countryside, in a remote location, and is surrounded by primarily agricultural fields. The nearby roads are rural with no lighting or footpaths. There are no services or facilities within walking distance of the site or accessible by public transport. Thus, occupiers are dependent on a private vehicle, but I recognise that this is the case with or without condition 6.
7. Permanent residents are likely to make more trips for work, shopping, education, appointments, social activities than non-permanent residents. They are also likely to receive more deliveries and visitors (from family and friends). However, having regard to the evidence submitted¹, it is unlikely that the proposal would result in a significant increase in trip generation. Having said that, the removal of the condition would allow 20 main/sole residences in an unsustainable location, which is not an insignificant increase in a remote location such as this. Furthermore, the reason for the condition includes that the development of dwellings for permanent occupation outside of established communities would not otherwise be permitted.
8. The appellant considers that the surrounding area is not particularly associated with tourism. In contrast, the Council states that the District has many attractions for visitors. Likewise, the supporting text of Policy RT4 highlights that there has been a growth in leisure trips linked to visiting friends and relatives. The original permission would have been supported by tourism planning policies and the reason for the condition includes to support visits to the District. The removal of the condition would be at odds with Policy RT4 of the LP which supports the retention of tourist accommodation.
9. For these reasons, the proposal would conflict with the spatial hierarchy and undermine the Council's plan-led approach which seeks to locate housing in sustainable settlements. The removal of the condition would therefore result in an unsustainable sole/main residence housing development in the open countryside and would result in the loss of tourism accommodation.

Contributions

10. The Council set out that as the development would result in more than 10 dwellings, a s106 would be required. Conversely, the appellant states that there would not be an increase in the number of dwellinghouses on the site.
11. The units are two bedroomed lodges which can accommodate up to six people. Therefore, cumulatively the 20 lodges could result in a notable increase in sole/main residences in a remote location.
12. It is likely that a household using the lodge as their sole/ main residence would be more reliant on local infrastructure than a household using the lodge for holiday purposes only. For example, they would be registered at their local doctors and local school. If the application had originally been for sole/ main residences, then

¹ Including appeal APP/Q1153/W/20/3245715

contributions towards infrastructure provision and affordable housing would have been required.

13. I recognise that the units, relative to other properties in nearby villages, would remain relatively affordable, and would offer opportunities for first time buyers or older residents looking to downsize. However, that is not the same as providing affordable housing which is defined in planning policy.
14. For these reasons and based on the evidence presented, given the size of the lodge site, the proposal fails to secure contributions towards infrastructure provision and affordable housing.

Character and appearance

15. The appellant highlights that the removal of the condition does not involve any operational development, and it does not involve a material change in the use of land. The condition does not prevent the units being sold to individuals as holiday homes so the existing lodges (with condition 6) could be 'personalised'.
16. The original permission did not include a temporary condition; therefore, the lodges are a permanent feature in the landscape. The site is well contained due to the established boundary hedgerows. In addition, there are limited gaps between the lodges to add domestic paraphernalia.
17. Existing planning condition 8 removes permitted development rights under the provisions of Classes A, B and C. An additional planning condition could also remove permitted development rights relating to Class E.
18. Consequently, whilst future occupiers may want to personalise the lodges and add domestic paraphernalia, that could be the case with the condition. Taking into account the characteristics of the site, the removal of the condition would not cause unacceptable landscape and visual harm.

Local wildlife corridor

19. The site is identified as a wildlife corridor in the NP. As set out above, the condition does not prevent the units being sold to individuals as holiday homes. Furthermore, existing planning condition 5 states that the hedgerow along the two side boundaries of the site shall be retained in perpetuity. For these reasons, I am not persuaded that removing the condition would have a notably greater impact on the wildlife corridor.

Living conditions

20. There are no planning conditions which restrict the duration of stays so the lodges could be occupied for a longer-term basis than traditional holiday lets. The units are generally equally spaced and laid out in a linear arrangement. The main windows and outlook of the lodges is to the front. Thus, taking into account the siting and orientation of the lodges, there is a sufficient gap between the lodges to ensure that there would be adequate privacy levels for future occupiers.

Conclusion on main issue

21. For the reasons given above, removing the condition would not cause unacceptable harm to the character and appearance of the area, local wildlife corridor, and living conditions of future occupiers. Therefore, it would not conflict

with Policies GD5, GD8, and GI5 of the LP or Policies H5 and ENV4 of the NP. These seek, amongst other things, to ensure development respects and enhances local character, does not have a significant adverse effect on the living conditions of new residents and does not harm wildlife corridors. Furthermore, whilst policies H1 and IN2 of the LP support the spatial strategy and sustainable transport, the proposal would not specifically conflict with the requirements of these policies.

22. However, I have found that removing condition 6 would not accord with planning policy relating to countryside and tourism accommodation. Thus, taking into account the number of lodges and remote location of the site, condition 6 is reasonable and necessary. Furthermore, the development should provide affordable housing and the necessary infrastructure to mitigate its impact on local services.
23. The removal of the condition would therefore conflict with Policies GD1, GD4, H2, IN1, and RT4 of the LP and Policy H2 of the NP. These collectively seek, amongst other things, to promote sustainable development, restrict development in the countryside and support the retention of tourist accommodation as well as securing contributions towards infrastructure and affordable housing. In addition, it would conflict with the National Planning Policy Framework which promote sustainable development in rural areas and the Council's Planning Obligations SPD (2022) which sets out the Council's approach to planning obligations. I attach significant weight to this conflict.

Other Matters

24. The appellant sets out that, despite extensive marketing, there has been very little demand for the units, and they have been unable to sell the units. No robust information has been provided to demonstrate that the holiday accommodation is unviable. The marketing also appears to focus on selling the lodges for holiday accommodation rather than letting them for holiday purposes. The other matters raised by the appellant do not outweigh the conflict I have found above.

Conclusion

25. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR