



Appeal Decision

Hearing Held on 10 February 2021

Site visit made on 5 March 2021

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/P1133/W/20/3255971

Exminster Golf Centre, Exminster Hill, Exminster EX6 8GA

- 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 Mr & Mrs Lacey against the decision of Teignbridge District Council.
 - The application Ref 19/02058/FUL, dated 18 October 2019, was refused by notice dated 22 January 2020.
 - The development proposed is for the erection of an extension to Exminster Golf Centre to include function rooms, driving range bays, office and integrated managers accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an extension to Exminster Golf Centre to include function rooms, driving range bays, office and integrated managers accommodation at Exminster Golf Centre, Exminster Hill, Exminster, Exeter, EX6 8GA in accordance with the terms of the application, Ref 19/02058/FUL, dated 18 October 2019, subject to the following conditions:
 1. The development hereby permitted shall commence within a period of 3 years from the date of this appeal decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing No. D087-18-103; Drawing No. D087-18-104, and; Drawing No. D087-18-105.
 3. No external lighting shall be installed on, or in association with, the new building, except for low-intensity, PIR motion-activated lights on a short timer (maximum 2 minutes), directed/cowled downwards, and producing low-intensity, UV-free light, with a warm colour-temperature (3,000K or less) unless otherwise agreed in writing by the planning authority.
 4. Prior to the removal of any existing woody vegetation, a Planting Plan shall be submitted and approved by the Local Planning authority. The Planting Plan shall show the species, size, number, location, protection and aftercare of planting that will be undertaken in association with the extension. Planting shall be carried out before first use of the extension and the planting shall be maintained thereafter in strict accordance with the approved plan.

5. Construction works shall only commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day between 1st September until the 31st March of each year. No construction lighting shall be left on overnight.
6. The occupation of the residential accommodation shall be limited to a person or persons solely or mainly employed at the Exminster Golf Centre and any partner or resident dependants.
7. The extended facilities hereby approved shall be used solely as facilities ancillary to and in connection with the existing use of the land as a Golf Centre to include functions managed and operated by the Golf Centre and shall not be used, let or otherwise disposed of for any other purpose.
8. Unless matching materials are proposed, no external materials shall be used until samples of all the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are:

- Whether there is an essential need for a dwelling to accommodate a rural worker and
- The effects of the proposed development on the character and appearance of the area.

Reasons

Essential need

3. Exminster Golf Centre (EGC) contains a 9-hole golf course and driving range, a shop, changing rooms and a clubhouse incorporating a function room facility, a bar and a restaurant. It occupies a rural location near and to the south of the settlement of Exminster. The appellants, and principally Mrs Lacey, manage the business and, when not on site, respond to any urgent business from their home which is around 1.5 miles away. My attention was drawn to a previous appeal¹ relating to a dwelling to serve the Golf Centre that was dismissed in 2017. The proposal at that time showed a dwelling separately positioned away from the Centre complex. The main arguments presented by the appellants related to the need for on-site supervision following a number of security breaches at the Centre.
4. In terms of planning policy and applying a strategy based on settlement boundaries, Policy S22 of the Teignbridge Local Plan 2033-2033 (adopted 2014) (TLP) defines land outside of a closed list of settlements as open countryside. As EGC is outside of any of the given settlements, it is for planning purposes within the open countryside, regardless of its land use and physical form. Policy S22 precludes housing within the open countryside unless under certain circumstances, including dwellings for necessary rural workers.

¹ APP/P1133/W/16/3158365

5. Policy WE3 of the TLP states that dwellings for workers in agriculture, forestry or other rural business will be permitted in open countryside provided that: a) there is an essential functional need arising from the business for a full time worker to be housed on the site; b) the business unit is of sufficient size to require a full time employee, is economically viable and has clear prospects of remaining so; and c) there are no dwellings on the site which could meet the need, or have been sold in the previous 3 years.
6. These policies are consistent with Paragraph 79 of the National Planning Policy Framework (the Framework) insofar as it seeks to avoid isolated homes in the countryside unless there are special circumstances, including an essential need for a rural worker. At the Hearing, the appellant challenged whether the site, given its very close proximity to the settlement and the fact that a development of some 60 odd houses will soon to be built between the village and the northernmost boundary of the appeal site, could reasonably be considered isolated. However, with regard to the most recent case law on the subject², the site is isolated by virtue of its countryside position physically separate from a settlement.
7. The Council accepted that criteria b) and c) of Policy WE3 would be met by the proposal and from what I heard and having regard to the evidence comprising the appellants' Business Statement, I have no reason to disagree. Whilst the Council's policy in relation to the size of dwellings serving bone fide rural businesses would be exceeded by the proposal, it would not be excessively so and would meet the personal needs of the family here. Moreover, it would be so inextricably linked to the existing building complex comprising the Golf Centre that on balance, the size of the dwelling would not be a decisive consideration. This leaves the matter of an essential functional need.
8. The Business Statement sets out in detail the intense requirements of maintaining the golf course. In particular, the greens are quite susceptible to certain infestations. Inspection of the greens must take place in person and any infestation must be responded to quickly. Some of the sprays used to treat the greens are best applied at dawn or dusk. However, this evidence does not demonstrate an essential need for someone to live at the site, particularly when the appellants are already so close by. Neither do I see any reason why the needs of the course could not be covered by an arrangement such as shift working, which seems to be achievable given that EGC employs three full time greenkeepers.
9. Whilst animals have entered the course and caused damage, it is unclear how the presence of a dwelling would dissuade wildlife from entering the golf course during the night. I also do not see how a manager could be expected to be on hand to remove animals if needed in the small hours, particularly given the extensive management requirements of EGR during the day.
10. There have been numerous incidents of criminal activity at EGC. Whilst CCTV is in place, it has not entirely prevented the loss of EGC property. The appellants have previously employed security contractors; however, this was not particularly successful in preventing security breaches and was cost prohibitive. I am not convinced that a security guard would provide more effective supervision and deterrence than a manager who is also the owner sleeping at the site.

² Appeal Refs PPA-210-2035 and APP/H1840/A/12/2181135

11. The appellants have referred to the increasing demands placed upon the business by the ongoing pandemic. However, how this equates to an essential functional need for a manager's dwelling has not been substantiated. Any health emergencies at EGC would be handled most effectively in the first instance by any staff trained in first aid, and then by emergency responders. Whilst a dwelling at the site may improve Mrs Lacey's work life balance in particular, there is no guarantee that this would happen in practice and living at one's place of work could equally have the opposite effect. The Business Statement also suggests that the proposed expansion of EGC would be difficult without a dwelling on site, but no reasoning for this is before me and would, in any event, be of a temporary nature as building works take place.
12. The appellants have referred to two appeals elsewhere, including one from Scotland, where security issues supported an essential need for housing³. The appeals are of a reasonable vintage now and both relate to different local and national planning policy contexts, the Scottish one significantly so. However, I accept that assessments of the essential need for rural workers housing are largely predicated on the individual circumstances of each case and both appeal cases cited help provide a flavour of the difficulties experienced by proprietors of business uses located in countryside settings.
13. Since the last appeal, the Golf Centre has increased the number of members by over a third and membership is now well over 400; the facility is also open to non-members with walk-in customers paying daily green fees. It is now operated as an 18-hole golf course with the position of tees changed for the back-nine holes. This requires intensive operational management and the facility includes licenced bar and restaurant with late-night functions becoming a regular feature. Some 20 members of staff are regularly employed, although mostly on a part-time basis. The appeal proposal would see additional function and meeting rooms being provided to meet growing demands from an area which is also experiencing significant growth. The appeal site is close to Exeter and the Council confirmed that some 3,000 additional homes are planned within 3 miles of the Golf Centre.
14. I am satisfied that the nature of the business has materially changed since 2017 and that there is a need to have on-site presence. Unlike the previous appeal, the proposed dwelling has been incorporated as a continuation of the existing built complex which, to my mind, demonstrates their ongoing commitment to further expanding the business. There is recognition in the Framework at paragraph 79a) that essential rural workers can include those taking majority control of farm businesses and I see strong similarities in the way that this rural enterprise is owned and managed. I also accept the point made that most golf clubs, particularly those situated in rural areas have steward's accommodation.
15. Drawing my findings together, EGC is an established and multifaceted business which requires committed management, which would be aided by the ability for the appellants to live on site. Based on the evidence before me, this would translate into an essential functional need for a rural worker of the type and nature that is envisaged in both local and national planning policy for rural worker housing.

³ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

16. The business has substantially evolved since 2017 and continues to expand. I am therefore satisfied that there is an essential need for a dwelling to accommodate a rural worker in this case. Consequently, there would be no conflict in this regard with Policies S22 and WE9 of the TLP and the Framework.

Character and appearance

17. The AGLV is within a section of rolling farmland within an Area of Great Landscape Value (the AGLV), which at this point is characterised by undulating ridges and elevated slopes that provide dramatic views east towards the Exe Estuary coast and rising farmland to the west. Nonetheless, the site is well screened and due to the undulating nature of the immediate area, views of the actual buildings of the Centre are limited to glimpsed views through the site entrance and more distant views from the highway to the south. When received within the wider landscape, the existing development appears as a continuous block set against the backdrop of rising land and mature hedgerow and trees. The parties agreed that the Centre is not noticeable from the estuary.
18. The Council's witness confirmed that there are no wider landscape concerns but that from shorter range views, the proposed additions to the clubhouse comprising a large box design added to the end of the range would have a deleterious effect on the immediate setting. In addition, it was explained that the first-floor balcony would be a modern, possibly incongruous feature whilst the height of the extension would be visually striking, which would be contrary to planning policies that require extensions to be subservient and to draw upon the local vernacular and traditional Devon styles.
19. The previous appeal scheme comprising a dwelling and basement storage facility would have been located to the north of the existing complex on the brow of a hill. Whilst the Inspector accepted that it would not be noticeable from the wider landscape, he considered that it would appear unduly prominent from within the site. The present appeal scheme would elongate the existing building, which from any distance, would have a negligible additional impact to the immediate setting and be indistinct from wider views to the east. I am not convinced that a design based on a more traditional Devon vernacular would be necessary in this instance given the existing modern style of the existing Golf Centre. It would also be subservient thereto.
20. Accordingly, I do not consider that there would be any unacceptable wider visual impacts arising from the proposed development. From closer views and notwithstanding its modern design, the proposed additions would sit comfortably as an extension to an existing equally modern building comprising the Golf Centre complex. It would therefore comply with Policies S2, S22 and EN2A of the TLP, which amongst other things, seek to ensure that new development protects the distinctive character of the local landscape and its status as an AGLV through the promotion of high quality design.

Other Matters

Protected Species and Unilateral Undertaking

21. The project site lies within the zones of influence of the European Protected Sites for which there is a significant range of habitat types and species and associated conservation objectives. Clearly, this project is not directly connected with or necessary to site management for nature conservation.

22. As identified through the Plan for the area and through the project-specific assessment, the proposal is likely to have a significant effect on internationally important interest features of the site alone and in combination with other plans and projects. The potential for the development to have likely significant effects on the integrity of the European Protected Sites, both alone, and in combination with other plans or projects, would principally arise from an increase in population. This is due to associated recreational disturbance.
23. I have undertaken an appropriate assessment (AA) and this was forwarded to Natural England as the statutory nature conservation body (SNCB). Natural England returned comments on the 9 March 2021. As the competent authority, I have taken the comments of the SNCB into account in reaching my decision.
24. A signed Unilateral Undertaking (UU) dated 24 November 2019 accompanied the appeal submission. The submitted UU aims to secure financial contributions towards meeting the need for offsite mitigation to offset recreational impacts arising from the project. The Council has justified the sums sought by reference to the published South East Devon European Sites Mitigation Strategy. This is supported by Natural England who confirm that the measures would be sufficient to avoid adverse impact to the integrity of the European Sites and relevant features. These measures would therefore be effective and reliable in preventing harmful effects on the European Sites for the duration of the proposed development.
25. Given my findings on the AA, I consider that the measures in the Undertaking are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

Conditions

26. Conditions suggested by the Council have been assessed against the guidance contained in the Framework and Planning Practice Guidance; I have amended some for clarity. A condition specifying approved plans is attached to provide certainty. Three conditions are included to protect wildlife: these are firstly, to control the intensity of external lighting; secondly, to require planting to provide sufficient habitat; and thirdly, to limit hours of construction to daylight hours. Conditions are attached to ensure that the dwelling is occupied for its intended purpose and that the extended facilities are used in connection with the existing business so that excessive use of the narrow highway is avoided in the interests of highway safety. A condition is included requiring approval of suitable materials to protect the character and appearance of the area.

Conclusion

27. For the above reasons and having considered all other matters raised at the Hearing and in the written submissions, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR

APPEARANCES:

For the Appellants:

Peter Wonnacott

PW Planning

Mrs Luci Lacey

Appellant

For the Council:

Ms Jennifer Joule MRTPI

Planning Officer

Interested Parties:

Cllr Kevin Smith

Exminster Parish Council

Cllr Sheila Churchward

Exminster Parish Council