



Costs Decision

Site visit made on 29 October 2025

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Costs application in relation to Appeal Ref: APP/Y1110/W/25/3365204

Land North East Of 371 Topsham Road, Access To InFocus, Exeter, Devon

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Exeter Golf and Country Club for a partial award of costs against Exeter City Council.
 - The appeal was against the 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 application sought planning permission for development comprising change of use to golf driving range including construction of an 8 bay and 2 training bay facility incorporating equipment store and car park without complying with a condition attached to planning permission Ref 21/1676/FUL, dated 6 July 2023.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application was made on the basis that unnecessary and wasted expense was incurred from a noise consultant's time preparing and submitting evidence relating to noise matters. The Council's officers had advised its members on this point in the committee report, concluding that the proposal was considered acceptable regarding noise impacts.
4. The applicant submits that the refusal on noise grounds constituted a vague, generalised or inaccurate assertion about a proposal's impact, which is unsupported by objective analysis and could therefore, with reference to the PPG, warrant a costs award.
5. A planning committee is free to go against the advice of its officers, providing a contrary view is not taken unreasonably. Elected members often bring a greater understanding of an area and local knowledge to the decision making process. The committee minutes show that the decision was supported by an adequate analysis of the issues.
6. At my visit I saw that rear gardens of nearby dwellings extend up to the edge of the site. Several representations were submitted on this matter from nearby residents, who were concerned about the potential for additional noise that might arise from

the use of gravel instead of the approved car park surface. Before the development was carried out the field was undeveloped and these residents have therefore experienced a considerable degree of change as a result. In some cases, where background noise levels are very low, the use of a gravel surface for a car park in a position like this could be a nuisance to nearby residents.

7. Furthermore, the proposal was refused for other reasons. Therefore, even if the decision had been delayed to seek to address this matter, it is likely that it would have still been refused. The costs associated with seeking input from a noise consultant would still have been incurred.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Tucker

INSPECTOR