



Appeal 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

Appeal Ref: APP/Y1110/W/25/3365204

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

- 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 Exeter Golf and Country Club against the decision of Exeter City Council.
 - The application Ref is 24/1195/VOC.
 - 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.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in complete accordance with the approved plans listed below:
 - Location Plan (KGV_EX_1.0A)
 - Proposed Site Layout (21.115-001 Rev PL-A)
 - Plans and Elevations (21.115/002 Rev PL-A)
 - Landscape + Ecological Mitigation Plan including Planting Plan (2211-01 Rev B)
 - Landscape + Ecological Management Plan (2211--02 Rev B).
 - The reason given for the condition is to ensure the development is constructed in accordance with the approved plans.
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Decision

1. The appeal is allowed and planning permission is granted 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 at Land North East Of 371 Topsham Road, Access to InFocus, Exeter, Devon, in accordance with the application Ref 24/1195/VOC, without compliance with condition number 2 previously imposed on planning permission Ref 21/1676/FUL dated 6 July 2023 and subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs was made by Mr Andrew Robbins against Exeter City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The development permitted by 21/01676/FUL has been carried out and appears to be operational. The parking area has been formed and is currently surfaced with a plastic ring binding system with a soil and sand growing medium. The appellant is of the view that this is a similar solution to grasscrete and accords with the annotation on the approved plan: 'grasscrete or similar'.

4. The appeal arises from the appellant's desire to use an alternative material for the car park surface consisting of a holding matrix for gravel with an overlaid gravel surface.
5. The Exeter Plan 2024 (EP) is at the examination stage and therefore attracts a modest degree of weight.
6. A noise impact assessment¹ (NIA) was submitted with the appeal. I need to consider whether to accept it. Caselaw establishes a substantive test and a procedural test. Regarding the substantive test, the NIA provides further evidence associated with the proposal, but it does not seek to alter, amend or evolve it. I am therefore satisfied that it passes the substantive test.
7. With regard to the procedural test, given that the NIA does not seek to amend the scheme it would not deprive those who should have been consulted on the change of the opportunity of such consultation. I am therefore satisfied that it passes the procedural test.
8. The NIA seeks to address the Council's second refusal reason regarding the impact of the noise of vehicles moving over the gravel surface on the living conditions of nearby residents. In its statement the Council includes a review of the NIA and confirms that it withdraws this refusal reason based on this additional information which confirms that all predicted levels of the specific noise are well below the measured background noise levels. On this basis and having considered the situation at my site visit I see no reason to take a different view.
9. The Council's third refusal reason refers to the need to demonstrate sustainable design and construction methods. A specification of the proposed holding matrix is provided with the appeal. The Council is satisfied that this meets the requirements of Policy CP15 of the Exeter City Council Core Strategy 2012 (CS), and I see no reason to take a different view.
10. Therefore, the issues relating to refusal reasons 2 and 3 are no longer matters of dispute between the main parties and therefore should not be main issues of the appeal.

Main Issue

11. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

12. The appeal site is a rectangular field that is surrounded by development on three sides. It slopes significantly from the north corner down to the west and east, and then rises again further to the east. Its northern boundary is adjacent to the southeastern edge of Ludwell Valley Park (LVP).
13. The LVP has a varied character and topography. It includes grassed areas, areas that are grazed and small blocks of woodland. Much of the area is divided into a pattern of small irregular fields with traditional hedgerows constructed on top of earth banks, and its users enjoy extensive views over the city and towards distant areas of countryside. The site falls within the Ludwell Character Zone in the

¹ Noise Impact Assessment of proposed gravel surface for Peter Lacey by ACT Acoustics 15 April 2025

Riverside & Ludwell Valley Parks Masterplan 2016-2026 (Masterplan), which states that the landscape has a strong sense of place and an overriding spontaneous affinity with farmland, rolling fields and hedgerows, and a 'rural' look.

14. The appeal site forms part of the area identified in the Masterplan but is not part of the LVP. Intervisibility between it and the wider LVP and character area is limited to the field immediately to the north. The appeal site has the appearance of an agricultural field. Despite the presence of the development, it retains its natural topography. The presence of development on three sides provides a clear edge to the character area.
15. The area occupied by the development is modest and largely limited to the car park and driving range building. At the time of my visit I saw that the grass has not established for the car park. The growing medium has washed away in places to expose the ring matrix. This has a poor appearance with the potential to cause visual harm to the character and appearance of the wider area.
16. However, the car park is contained by the driving range building at one end and significant areas of landscaping that includes an extensive block of new planting to screen the development from the dwellings to the northwest. In the context of the field and wider area of the LVP it is modestly sized. It is at a lower level than the rest of the field to the north and the planting extends uphill away from the car park. The car park is difficult to view from the surrounding area, and it is only the driving range building that is easily seen from the adjacent field. Parked cars are visible, but their impact would be unchanged by a different surface material.
17. The proposed grey gravel finish would be visually similar to the existing sand finish. I appreciate that this is not an approved finish, but it is a useful comparison, as whilst the existing sand finish and exposed ring matrix looks poor when viewed from the immediate area of the development, it does not cause harm to the character or appearance of the wider area as it is not prominent to view. The visual prominence of the car park will not increase with the use of gravel, even when compared with the approved grasscrete finish; and it will benefit from a level of visual containment that will increase significantly as the recent planting establishes.
18. The change of material will not therefore harm the character or appearance of the area. As I have found that it would not cause harm there is no need for me to consider whether an alternative material would be better.
19. It will accord with Saved Policies L1, LS1 and DG1 of the Exeter Local Plan First Review 2005, Policy CP16 of the CS, Emerging Policy NE1 of The EP and Paragraphs 131, 135 and 140 of the National Planning Policy Framework. Together these Policies seek to ensure that development proposals promote good design and protect and enhance existing character including areas of open space, countryside, and landscape setting; and to ensure that the quality of approved development is not materially diminished between permission and completion.

Other Matters

20. Neighbour comments suggest that a grasscrete system would be better for various reasons. In terms of water permeability and the ability of the surface to deal with surface water, over 50% of the surface of grasscrete is impervious concrete,

whereas the proposed surface finish offers benefits to contribute to the prevention of flooding.

21. For the detailed reasons given in the submission it is highly questionable that a grass surface would establish across the car park area, especially as growth will be compromised by the regular manoeuvring of vehicles. Additionally, ecological benefits that would arise from the establishment of small pockets of grass are modest in the context of the significant level of new planting that has been carried out in association with the development.

Conclusion and Conditions

22. For the reasons given above I conclude that the appeal should succeed. I will issue a new planning permission with a replacement approved plans condition. No alternative site layout plan is provided to show the change in material. I shall therefore retain the reference to the site layout plan, but make it clear in the condition that the reference to grasscrete or similar is substituted with recycled plastic cell gravel.
23. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of most of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
24. The standard time limit condition is not required as the works have already commenced.
25. Condition 3 brings together conditions 4 and 6-11 of the original permission. The condition includes a timetable for compliance because the development is largely complete, and it is not possible to use a negatively worded condition to secure the submission of these details before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
26. I have restated other conditions that were not pre-commencement with a simpler timing clause to ensure the information is provided within 3 months of the date of this decision. Other conditions are restated without amendment where no implementation or timing clause is necessary.
27. The Council's statement confirms that the noise impact assessment condition that was imposed on the original permission was discharged. I have not therefore duplicated this requirement in condition 3. I have added an additional condition to ensure that any mitigation measures shall be retained for the lifetime of the development.
28. The Council suggested a condition to secure details of the colour and specification of the gravel surface in its committee report. Although I have found that the car park surface is not prominent to view and that the gravel finish will be acceptable the gravel choice could make the surface more prominent. Therefore, and particularly before the landscaping establishes, such a condition is necessary to

ensure that the colour and specification of the gravel is appropriate for the landscape setting.

A Tucker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in complete accordance with the approved plans listed below:
 - Location Plan (KGV_EX_1.0A)
 - Proposed Site Layout (21.115-001 Rev PL-A) SUBSTITUTING THE REFERENCE 'GRASSCRETE OR SIMILAR' WITH 'RECYCLED PLASTIC CELL GRAVEL'
 - Plans and Elevations (21.115/002 Rev PL-A)
 - Landscape + Ecological Mitigation Plan including Planting Plan (2211-01 Rev B)
 - Landscape + Ecological Management Plan (2211--02 Rev B).
- 2) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
- 3) Unless within 3 months of the date of this decision schemes for the following are submitted in writing to the local planning authority for approval, and unless the approved schemes are implemented within 3 months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as schemes are approved and implemented.
 - a) A written scheme of archaeological work. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
 - b) Details of the surface water drainage system to include:
 - a. Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - b. A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
 - c. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - d. Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - e. A plan indicating how exceedance flows will be safely managed at the site.

- c) Measures that will be included in the building to optimise its energy and water efficiency. The measures shall be implemented as approved and maintained thereafter.
- d) A scheme for the protection of trees and hedges on-site. The scheme shall be in accordance with BS 5837:2012 and include a tree protection plan. The scheme shall be implemented as approved.
- e) A letter by a suitably qualified ecologist confirming the results of a survey of the site and the date this was carried out where the building and car park will be constructed, and avoidance/mitigation/compensation measures for any protected species that will be affected by the construction works. The measures shall be implemented as approved.
- f) A Waste Audit Statement. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.
- g) A Desk-top Survey of the risk of asbestos and unexploded ordnance (UXO) on the site. The recommendations of the report shall be carried out in full, unless otherwise agreed in writing by the Local Planning Authority.

If the schemes in accordance with this condition are not approved within 9 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) Within 3 months of the date of this decision samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.
- 5) Within 3 months of the date of this decision detailed drawings of the security fence indicated on drawing number 21.115-001 Rev PL-A ('Proposed Site Layout') along the Rydon Lane boundary shall be submitted to and approved in writing by the Local Planning Authority. These shall include siting, elevations and foundations. The fence shall be implemented in accordance with the approved drawings.
- 6) Within 3 months of the date of this decision a timetable for implementation of the landscaping and ecology work shown on drawing numbers 2211-01 Rev B ('Landscape + Ecological Mitigation Plan including Planting Plan') and 2211--02 Rev B ('Landscape + Ecological Management Plan') and details of the management regime and biodiversity monitoring shall be submitted to and approved in writing by the Local Planning Authority. The landscaping and ecology work shall be implemented, managed and monitored as approved.

- 7) Within 3 months of the date of this decision a Border Management Plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMP shall be implemented as approved.
- 8) Within 3 months of the date of this decision cycle parking shall be provided on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.
- 9) Within 3 months of the date of this decision three disabled parking spaces shall be marked out in the car park in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The disabled spaces shall be retained for disabled parking thereafter.
- 10) Within 3 months of the date of this decision Electric Vehicle (EV) charging points shall be installed for two of the parking spaces in the car park in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The EV charging points shall be maintained thereafter.
- 11) Prior to the laying of the gravel surface of the car park, the colour and specification of the surface gravel shall be submitted to and approved in writing by the Local Planning Authority. The surface gravel shall be provided and maintained as approved.
- 12) The facility will open during daylight hours only and when daylight allows not outside the hours of 9:30am to 9.30pm on Mondays to Fridays and 10:00am to 8:00pm on Saturdays, Sundays and Bank/Public Holidays.
- 13) Mitigation measures included within the agreed noise impact assessment (Council discharge of condition ref 24/0504/DIS) shall be retained for the lifetime of the development.
- 14) No external security lighting shall be provided on the building or in the car park unless this is otherwise agreed in writing by the Local Planning Authority.
- 15) Reduced/limited flight golf balls shall be used in the facility only and no other type of golf ball shall be used.
- 16) No herbicides, pesticides or fertilisers shall be used on the site.