

REPORT TO: **PLANNING COMMITTEE**
Date of Meeting: **8 December 2025**
Report of: **City Development Strategic Lead**
Title: **Appeals Report**

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report (27/11/2025).

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions

- 3.01 [24/1195/VOC](#) **Land North East of 371 Topsham Road Access to West of England School, Priory.** *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 (Variation of condition 2 of 21/1676/FUL to change the surface material of the car park from grasscrete or similar to recycled plastic cell gravel).*

Planning Inspectorate Decision Issued: 24th November, 2025.

**Appeal Allowed with Conditions
Costs Refused.**

The application was refused at Planning Committee (PC) on 16 December 2024 contrary to the officer recommendation for approval. There were three reasons for refusal; noise impacts, sustainability and harm to the character and local distinctiveness of Ludwell Valley Park.

Refusal Reason: Noise Impacts

The PC considered the change in material would generate unacceptable noise impacts to local residents contrary to the Core Strategy policy CP11 and Local Plan saved policy EN5, as well as paragraphs 187(e) and 198(a) of the NPPF (2024)

The appellant submitted a Noise Impact Assessment with the appeal. This demonstrated that predicted levels of noise are well below measured background noise levels, with the Council's Environmental Health team agreeing with these conclusions. This aspect was therefore withdrawn by the Council from the appeal and the Inspector confirmed they had no reason to take a different view.

Refusal Reason: Sustainability

The PC considered that insufficient information was provided to demonstrate how the proposed material complies with Core Strategy policy CP15 and the requirement for sustainable design and construction methods.

The appellant submitted specifications of the holding matrix with the appeal. This was assessed by the Council and it was confirmed that sustainable design and construction methods had been demonstrated. This refusal reason was therefore withdrawn by the Council and the Inspector confirmed they had no reason to take a different view.

Refusal Reason: Harm to Character and Local Distinctiveness of Ludwell Valley Park

The PC considered that the surface material change would have a negative impact on the character and local distinctiveness of Ludwell Valley Park due to a lack of natural appearance and failure to integrate with the rural landscape of the field, which was a key consideration of the original approval. The proposal was therefore contrary to Core Strategy policy CP16, Local Plan saved policies L1, LS1 and DG1 and paragraphs 131, 135 and 140 of the NPPF (2024). The Inspector noted that the site has an agricultural appearance and retains its natural topography. The existing car parking grass has not established and the growing medium has washed away in places exposing the ring matrix. The Inspector considered this to have a poor appearance with the potential to cause visual harm.

The Inspector considered that the car park is contained by the driving range building at one end and significant planting that will provide screening of the development from the northwest. It is at a lower level than the rest of the field and is difficult to view from the surrounding area. Whilst parked cars are visible, this would be unchanged by the car park surface material. The proposed grey material was considered visually similar to the existing sand finish. Whilst this is not an approved finish the Inspector considered it a useful comparison as it is not prominent to view. It was therefore concluded that gravel would not increase the prominence of the car park, even when compared to the approved grasscrete finish, and that visual containment will increase as the recent planting establishes.

The Inspector found the proposal accords with Local Plan saved policies L1, LS1 and DG1, Core Strategy policy CP16, emerging Exeter Plan policy NE1 and paragraphs 131, 135 and 140 of the NPPF.

Other Matters

Neighbour comments suggested a grasscrete system would be better for a variety of reasons. In terms of water permeability the Inspector noted that over 50% of grasscrete is impervious concrete whereas the proposed gravel offers better drainage.

The Inspector also considered that it would be unlikely for a grass surface to establish itself across the car park due to vehicle movements and that any ecological benefits of small grass pockets would be modest in the context of the significant planting carried out in association with the development.

Decision

For the reasons stated above the Inspector allowed the appeal subject to conditions.

The conditions reinstated the previous conditions with a 3 month period to submit the details and a further 3 months to implement them. A new condition was added requiring submission of samples/product specifications of the surface material.

Costs

An application for costs was submitted against the Council, with the applicant advising that the refusal on noise grounds contained vague, generalised or inaccurate assertion about the proposal impact and that unnecessary costs were incurred in preparing and submitting a Noise Impact Assessment. It was also stated that officers had advised members on this matter in the committee report, concluding it was acceptable on noise grounds.

The Inspector noted that the Planning Committee is free to go against the advice of its officers, provided a contrary view is not taken unreasonably. The committee minutes noted that the decision was supported by adequate analysis of the issues. Public comments were submitted on this matter and the Inspector visited the site and observed the location of nearby dwellings. It was considered that there was a risk of noise nuisance for these properties that was reasonable to consider.

The Inspector also considered that the proposal was refused for other reasons and if the application had been deferred to address this issue it is likely the scheme would still have been refused.

It was concluded that unreasonable behaviour resulting in unnecessary or waste expense did not occur and no costs were awarded.

The Council did not submit any claim for costs and none were awarded.

4. New Appeals

- 4.1 [24/1537/OUT](#) **Anstey's Orchard, Rutherford Street, Priory.** *Outline application for use of land for residential development for 5 dwellings including access (all matters relating to scale, layout, external appearance and landscaping reserved for future consideration).*

Planning Inspectorate Appeal Start Date: 19th November, 2025.

Ian Collinson, Strategic Director for Place, City Development

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter