Planning Inspectorate

Appeal Decision

Hearing held on 23 June 2026

Site visit made on 23 June 2026

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: 6005764
Land North East of Parkfield Cottages, Pink House Corner, Lympstone EX8 5AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Goosemoor Ltd against the decision of East Devon District Council.
- The application Ref is 23/2627/MFUL.
- The development proposed is Construction of proposed Educatering facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for Construction of proposed Educatering facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping at Land North East of Parkfield Cottages, Pink House Corner, Lympstone EX8 5AH in accordance with the terms of the application, Ref 23/2627/MFUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description and address in the banner heading above from the decision notice and the appellant's appeal form, as they more accurately reflect the description and location of the appeal site.

3. Whilst it was not a reason for refusal, the appeal site lies approximately 1 kilometre from the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. Therefore, for the purposes of my decision, it will be a main issue.

4. The Council is preparing the Emerging East Devon Local Plan (2020- 2042), which has reached Regulation 19 stage following a second round of Regulation 19 consultation. I was advised at the hearing that the emerging plan is expected to be submitted for examination in October 2026. However, the Council confirms in its statement[1] that, given the current stage of preparation, only limited weight can be attributed to the emerging plan and its proposed allocations. I agree and have determined the appeal on that basis.

5. The emerging Woodbury Neighbourhood Plan (the NP) has progressed to referendum stage, with the referendum scheduled for 30 July 2026, and is anticipated to be formally made following consideration by Cabinet in September 2026. Whilst the Plan does not yet form part of the statutory development plan, its advanced stage of preparation means that moderate weight can be attached to its

[1] Paragraph 5.5 of its Statement of Case

relevant policies. I have therefore taken the NP into account as a material consideration in determining this appeal.

Main Issues

6. The main issues are:

- Whether the location of the proposed development is suitable, having regard to the spatial strategy for commercial development and the accessibility of the site by sustainable modes of transport;
- The effect of the proposed development on the character and appearance of the area, with particular regard to the Coastal Preservation Area;
- The effect of the proposed development on the significance of the Grade II listed buildings known as North Lodge, Nutwell Cottages and Nutwell Lodge Hotel, as designated heritage assets, through development within their setting; and
- the effect on the integrity of the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site.

Reasons

Location of Development

Spatial Strategy

7. The appeal site lies outside the Built-up Area Boundaries and outside any site-specific allocations identified on the Proposals Map. As such, it is located within the countryside for the purposes of the development plan. Strategy 7 of the East Devon Local Plan 2013–2031 (adopted 2016) states that development in the countryside will only be permitted where it accords with a specific Local Plan or Neighbourhood Plan policy that explicitly supports such development and where it would not harm the distinctive landscape, amenity and environmental qualities of the area.

8. The appellant has drawn my attention to a number of Local Plan policies which are said to support the proposal, including Strategies 3, 4, 28 and 29. I have had regard to those policies and to the judgment in *Corbett*[2]. Whilst the development plan must be read as a whole, and whilst aspects of the proposal would be consistent with elements of those policies, I am not persuaded that any of them explicitly support development of the type proposed in this location. Consequently, they do not provide an exception to the approach set out in Strategy 7.

9. The Council also confirmed that there were no policies in the emerging NP which would support the scale or type of development proposed.

10. Accordingly, the proposal would conflict with the spatial strategy of the development plan for commercial development, having regard to the development plan taken as a whole. It would not fall within any of the exceptions identified by Strategy 7 and is not explicitly supported by any other policies of the development plan.

[2] R (on the application of Corbett) v Cornwall Council and Stephen Tavener [2020] EWCA Civ 508

Accessibility of the site by sustainable modes of transport

11. The appeal site lies to the east of the A376, a relatively busy road subject to the national speed limit. Access is gained via Pink House Lane, a relatively winding lane which lacks footways and street lighting. Close to the junction with the A376 are two bus stops served by Services 57 and 96, which provide connections between Exmouth, Exeter and the intervening villages. These services operate from approximately 6:00am until shortly after midnight. The appeal site is also located within 2km of the Exe Estuary Cycleway, a key cycle route linking Exmouth and Exeter. In addition, rail services operating at approximately half-hourly intervals are available from Exton and Lympstone stations.

12. I acknowledge that paragraph 110 of the National Planning Policy Framework (2024) (the Framework) recognises that significant development should be focused on locations which are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes. However, elsewhere it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in both plan-making and decision-making.

13. Opportunities exist to access the site by a range of transport modes, including cycling, bus and rail services, and the distances involved are not prohibitive. However, the rural nature of the surrounding road network and the characteristics of those routes, particularly the fast-moving and busy A376, are likely to limit their attractiveness for regular use. Moreover, the proposal would operate 24 hours a day, six days a week, including the employment of 30 night-shift pickers, together with drivers and warehouse staff commencing work from 4:00am. In those circumstances, it is likely that the majority of journeys to and from the site would be undertaken by private car. The provision of electric vehicle charging points and cycle parking is supported but would not in itself overcome concerns regarding the site's accessibility by sustainable modes of transport. Whilst journey distances in the private car may be relatively short, opportunities for travel by sustainable modes would remain limited for many employees. Taking account of the nature of the surrounding road network, the proposed hours of operation and the anticipated shift patterns, I find that the development would be heavily reliant on the private car for employee journeys.

14. Whilst a footpath connection, potentially secured by condition, may improve pedestrian access to the nearest bus stop, I do not consider that it would materially alter the overall sustainability of the site. The bus service would still be of limited use to those working night-shift patterns, and users would still need to negotiate the A376 crossing. Accordingly, the provision of a footpath would not, in my view, be determinative to the assessment of the site's accessibility or overall sustainability.

15. Taking these factors into account, I find that the proposal would be heavily reliant on private car travel and would not offer a genuinely attractive choice of sustainable transport modes for the majority of journeys to and from the site.

16. Therefore, taking all of the above into account, I find that the proposal would be located in an unsuitable location, having regard both to the spatial strategy for commercial development and to the accessibility of the site by sustainable modes of transport. The proposal would conflict with Strategies 5B and 7 and Policy TC2

of the Local Plan. Collectively, these policies seek to direct development to appropriate locations, restrict unjustified development in the countryside and promote patterns of development that reduce reliance on the private car by ensuring that new development is accessible by sustainable modes of transport. The weight to be afforded to that conflict is a matter to be considered in the overall planning balance.

17. The proposal would also conflict with the objectives of the Framework insofar as they seek to promote sustainable patterns of development and opportunities to maximise the use of sustainable transport modes.

18. The first reason for refusal also refers to Strategies SP01, SP04, SP06, together with Policy TR01, of the emerging Local Plan. However, for the reasons set out above, only limited weight can be afforded to these emerging policies. Consequently, any conflict with the objectives of those draft policies is not a matter to which significant weight can be attached in the determination of this appeal.

Character and Appearance

19. The appeal site comprises an agricultural field that is currently undeveloped and has no direct vehicular access. It is enclosed by hedgerows and mature trees and would be accessed from Pink House Lane, which runs between the A376 and Woodbury. The site slopes gently towards the north-west. Beyond its boundaries, the landform falls away towards the west and north-west in the direction of the Exe Estuary, whilst rising to the east and south-east, allowing views towards the Pebblebed Heaths. The surrounding landscape is predominantly agricultural in character, comprising a pattern of small to medium-sized fields. Although there is some sporadic built development in the locality, including a small cluster of residential properties at the junction with the A376, the area remains largely rural in appearance. A parcel of woodland lies to the north-east of the site.

20. The character of the A376 differs markedly from that of Pink House Lane. For much of its length, the A376 benefits from footways and street lighting and is a relatively busy and fast-moving route. It also has a greater presence of dispersed built development. By contrast, Pink House Lane possesses a more tranquil and rural character, lacking footways and street lighting and being bounded by high Devon banks with only limited verge provision.

21. I approached the site from Woodbury, as suggested by a local resident, which enabled me to appreciate the existing views across the open fields towards the A376. I also observed views in the opposite direction when travelling north-eastwards from Pink House Corner. In addition, I viewed the site from Pink House Lane, Potters Lane to the north and north-east, and from the A376, enabling an assessment of the proposal from a range of publicly accessible viewpoints within the surrounding area. It was also suggested that passengers travelling towards Exmouth on the upper deck of buses using the A376 would experience clear views towards the appeal site.

22. The appeal site also falls within the Coastal Preservation Area (CPA). Strategy 44 of the Local Plan sets out that the CPA is defined on the basis of visual openness and views to and from the sea. The site also falls within the Clyst Lowland Farmlands Landscape Character Area (LCA). Key characteristics of this LCA include a gently sloping farmed landscape, mixed agricultural land uses, a medium- to large-scale field pattern, small woodland blocks, and an overall rural

character. Whilst parts of the LCA are influenced by development and infrastructure, it retains a strong sense of rurality and relative remoteness. It is also characterised by long-distance views across open farmland and by the contribution of surrounding landscape features, including the Exe Estuary and the Pebblebed Heaths, to its character and visual qualities.

23. Taking all of the above into account, the appeal site, in its current undeveloped state, makes a positive contribution to the rural character and appearance of the area, particularly when experienced from Pink House Lane. It also contributes to the visual openness of the CPA, including views towards the Exe Estuary. Furthermore, the site reflects and reinforces the identified characteristics of the LCA, forming part of the wider pattern of open farmland and contributing to the rural character, visual openness and long-distance views that are intrinsic to the landscape. Consequently, the site presently makes a positive contribution to the character and visual qualities of both the local landscape and the designated CPA.

24. Notwithstanding the efforts made to reflect agricultural building forms in its design, the scale, massing and operational characteristics of the proposal would introduce a distinctly industrial form of development into the landscape. As a result, it would bring about a substantial change to the character of the site and its surroundings. From Pink House Lane and Potters Lane, the development would appear prominent in localised views and would sit uncomfortably within the prevailing open and rural landscape. Furthermore, the removal of a section of hedgerow to facilitate the proposed vehicular access would increase visibility of the storage and distribution building from the public highway, reinforcing its urbanising effect on the surrounding countryside.

25. As I have found that the proposal would be predominantly accessed by private car, it would also diminish the tranquillity currently experienced along Pink House Lane. Through its 24-hour operation, associated vehicle movements, external lighting and general activity, the development would erode the area's existing sense of rural tranquillity. Nevertheless, these effects would be largely confined to the immediate vicinity of the site.

26. The Council produced a document entitled ‘Coastal Preservation Area Plans and Accompanying Photographs’[3], which assesses views from two representative viewpoints, VP1 and VP2. VP1 is located at the viewing area within Estuary View Car Park, approximately 3.9 kilometres from the appeal site, whilst VP2 is situated on the Exe Estuary Cycleway on the opposite side of the estuary, approximately 2.5 kilometres away. During my site visit, I viewed the appeal site from both locations.

27. From VP1, the proposal would be seen at long distance within a wider landscape containing some dispersed development, including Venmore Farm and the Commando Training Centre complex. However, owing to its height, scale and the east-west orientation of its gable ends, the building would appear as a conspicuous and incongruous feature within the otherwise open and undeveloped character of the CPA. It would also interrupt views across the landscape towards the estuary. Nevertheless, the extent of this harm would be moderated by the considerable distance of approximately 3.9 kilometres between the viewpoint and the site.

[3] Document 1

28. In relation to VP2, the Council confirmed at the hearing that the visual effects would be limited. Views from this location are largely dominated by the five- to six-storey accommodation building within the Commando Training Centre, which occupies a prominent position adjacent to the estuary. Whilst the upper parts of the appeal building may be visible, they would not appear unduly prominent within the wider view due to the intervening landform and vegetation. In addition, the rising land beyond the site towards the Pebblebed Heaths would assist in integrating the development into its broader landscape context.

29. I have had regard to the landscaping proposals shown on the Green Infrastructure Plan[4] and to the appellant's submission that additional planting could be secured through planning conditions. Whilst some elements of the proposed landscaping may assist in softening views of the development in the short term, much of the planting would take time to establish and mature. In any event, I am not persuaded that the proposed landscaping would fully mitigate the visual effects of the scheme, particularly in localised views from Pink House Lane and Potters Lane.

30. The Council identified a number of shortcomings within the appellant's Landscape and Visual Impact Assessment (LVIA), arguing that it understated the likely effects of the proposal. At the hearing, the appellant accepted that the LVIA's original conclusion that long-distance views of the building would be prevented was incorrect and acknowledged that the development would be visible from VP1. I also note an apparent inconsistency in the LVIA whereby moderate to substantial landscape and visual effects are identified, yet the overall conclusion is that no significant harm would arise. Consequently, I consider that the effects of the proposal would be greater than those indicated in the LVIA. Nonetheless, these deficiencies do not prevent a balanced and reasoned planning judgement from being reached. Having undertaken my own assessment, I find that the proposal would result in harm to the character and appearance of the area.

31. Therefore, for the reasons set out above, I conclude that the proposal would harm the character and appearance of the area, including the qualities and purposes of the CPA, albeit that the harm would be principally localised. As such, the development would conflict with Strategies 7, 44 and 46 and Policies D1 and D2 of the Local Plan. Collectively, these policies seek to protect the undeveloped and open character of the countryside and CPA, conserve and enhance landscape character and local distinctiveness, safeguard important views, and ensure that development responds positively to its landscape setting in terms of scale, design and appearance. The proposal would also conflict with the Framework's objectives of recognising the intrinsic character and beauty of the countryside and securing developments that are sympathetic to local character and landscape setting.

32. The Council's second reason for refusal refers to Policies DS01, OL01, HE02 and OL03 of the emerging East Devon Local Plan. However, for the reasons previously given, I attach only limited weight to those emerging policies. Accordingly, any conflict with them would not materially affect my conclusions on this matter.

Setting of Designated Heritage Assets

33. There are a number of buildings nearby that front the A376, some of which are Grade II listed, notably North Lodge, Nutwell Cottages and Nutwell Lodge Hotel.

[4] Drawing No 1789 - PL11 Rev A

34. The significance of North Lodge, Nutwell Cottages and Nutwell Lodge Hotel (now operating as a Toby Carvery) derives principally from their architectural and historic interest as 18th and 19th century buildings, including the remodelling of an earlier structure. This interest is reflected in their traditional forms, materials and detailing. Whilst their significance is experienced principally within their immediate setting, including the grounds and car park associated with Nutwell Lodge Hotel, their wider setting also makes a positive contribution. The surrounding agricultural landscape provides the rural context in which the assets are experienced and assists in understanding their historic relationship with the Nutwell Estate and the wider countryside. The appeal site forms part of that wider agricultural landscape.

35. Setting does not have a fixed boundary, and the extent of any effect on significance is not determined by distance alone. Nevertheless, whilst the appeal site contributes to the rural backdrop in which the assets are experienced, it does not form a particularly important or distinctive component of their settings. Having regard to the substantial separation distances between the appeal site and the listed buildings, the limited intervisibility with North Lodge, and the presence of existing development and infrastructure within the wider landscape, including the A376, I conclude that the appeal site makes only a limited contribution to the significance of the heritage assets through setting.

36. Paragraph 213 of the Framework states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the asset itself, or through development within its setting, and that any such harm should require clear and convincing justification. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework requires that harm to be weighed against the public benefits of the proposal.

37. The proposed development would introduce substantial built form into part of the agricultural landscape that contributes to the wider setting of the listed buildings. Consequently, as a result of the harm I have identified to the character and appearance of the area, there would be some erosion of the rural context in which the assets are experienced and understood. However, the significance of the listed buildings derives predominantly from their architectural and historic interest rather than from any specific relationship with the appeal site. Given the limited contribution that the appeal site makes to their significance through setting, I find that the resulting harm would be limited. Accordingly, the proposal would result in less than substantial harm to the significance of the designated heritage assets, at the lower end of that spectrum.

38. It was put to me by a local resident at the hearing that Pink House, a white-painted, thatched dwelling located at Pink House Corner, is a local landmark of community value. Whilst I have no reason to doubt that view, I have not been provided with evidence that the building is a designated or non-designated heritage asset. Consequently, I have not assessed it as such for the purposes of this appeal.

39. I therefore conclude that the proposal would result in less than substantial harm, at the lower end of the spectrum, to the significance of the Grade II listed buildings known as North Lodge, Nutwell Cottages and Nutwell Lodge Hotel through development within their settings. In accordance with paragraph 215 of the Framework, I attach considerable importance and weight to that harm. Whilst this

results in conflict with Policy EN9 of the Local Plan and with the heritage objectives of Section 16 of the Framework, the weight to be attributed to that conflict falls to be considered within the overall planning balance.

Internationally Designated Sites

40. The appeal site lies approximately 1 kilometre from the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. A small ordinary watercourse runs along the eastern boundary of the site before joining a wider network of watercourses that ultimately drain towards the Exe Estuary. Given the existence of this hydrological pathway, the potential effects of the proposed development on water quality during both the construction and operational phases require careful consideration.

41. The submitted Surface Water and Foul Drainage Strategy assessed a range of drainage options. Subsequent evidence demonstrates that infiltration drainage would not be feasible. Accordingly, surface water would be attenuated on site before being discharged to the adjacent watercourse. Foul drainage would be treated through a package sewage treatment plant prior to discharge to the same watercourse.

42. In the absence of appropriate mitigation, pollutants arising from construction activities or from surface water and foul water discharges during the operation of the development could enter watercourses connected to the Exe Estuary. Consequently, likely significant effects on the Exe Estuary SSSI, SPA and Ramsar site, either alone or in combination with other plans and projects, could not be ruled out.

43. Accordingly, an Appropriate Assessment is required to determine whether mitigation measures would be sufficient to ensure that the integrity of the designated sites would not be adversely affected. I must therefore consider whether adequate measures can be secured to avoid or mitigate potential effects.

44. To mitigate this effect, the Council has suggested a Construction Environmental Management Plan and Construction Ecological Management Plan be required prior to the commencement of the development. This would ensure surface water generated by the construction phase would be appropriately managed and that pollution into the ordinary watercourse would be avoided.

45. Further conditions would secure implementation of the submitted Surface Water Drainage Strategy and require the submission and approval of a detailed Foul Drainage Assessment. These measures would ensure that foul drainage is appropriately treated and discharged in a manner that would avoid pollution of the watercourses connected to the Exe Estuary.

46. Natural England (NE) have been consulted accordingly. It has confirmed that, subject to the implementation of the measures identified above, it is satisfied that adverse effects on the integrity of the Exe Estuary SSSI, SPA and Ramsar site, including its qualifying features, can be avoided. Natural England also confirms that the mitigation can be appropriately secured through planning conditions. I have no substantive evidence before me that would lead me to a different conclusion.

47. In view of the above, I am satisfied that the mitigation measures identified can be appropriately secured by suitably worded planning conditions. These mechanisms would ensure the delivery of effective mitigation and are capable of being enforced. Accordingly, in undertaking the Appropriate Assessment, I conclude that, subject to the identified mitigation, the proposal would not have an adverse effect on the integrity of the Exe Estuary SPA and Ramsar site, either alone or in combination with other plans and projects. Furthermore, no unacceptable effects would arise in relation to the Exe Estuary SSSI. The proposal would therefore comply with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) and Policy EN5 of the Local Plan.

Other Material Considerations

The availability and suitability of alternative sites

48. As requested by the Council following consideration of the proposal by its Members Advisory Panel[5] as part of a pre-application enquiry, the appellant submitted a sequential site assessment as part of the application. The site selection criteria were agreed with the Council's Economic Development Officer before the search was undertaken. These included a requirement for a site of around 10 acres, proximity to the strategic road network and an agreed search area. The appellant advises that a site of approximately 10 acres is required to accommodate both the proposed classroom building and the larger storage and distribution facility as part of a single operational unit. Whilst the search area was initially based on a 5-mile radius from the appellant's existing premises, this was extended to 12 miles at the Council's request. In addition, a small number of sites beyond the 12-mile radius were also considered for completeness.

49. Having regard to the operational requirements of the business, including the need for a site of sufficient size to accommodate the various elements of the proposal, I find the search parameters to be reasonable. The evidence before me indicates that no reasonably available and suitable alternative sites were identified within the agreed search area that could accommodate the development as proposed.

50. The Council remains unconvinced that the proposal needs to operate from a single site and argues that the scope of the sequential exercise is significantly constrained by the requirement for agricultural land, resulting in a number of potential sites being discounted. The Council further contends that the assessment is undermined by the exclusion of sites on the basis of commercial and viability considerations rather than insurmountable planning constraints. However, the purpose of the sequential exercise is to identify sites that are reasonably available and suitable for the proposed development. In this case, the search criteria were agreed with the Council's Economic Development Officer and reflected the operational requirements of the business, including the need for a site of sufficient size to accommodate both elements of the proposal within a single functional unit. I therefore have no compelling reason to regard those requirements as unreasonable.

51. Whilst some sites were discounted for commercial and operational reasons, a reasonably available alternative must be capable of accommodating the development and meeting the same operational objectives within a comparable timeframe. A site that cannot realistically fulfil those requirements may not

[5] Letter dated 2 January 2023

represent a suitable alternative. Furthermore, there is limited evidence before me to demonstrate that the discounted sites were genuinely available and capable of accommodating the proposed development in a comparable manner. Nor am I persuaded that the scheme could reasonably be disaggregated across separate sites. Such an approach would compromise the operational integration sought by the proposal and reduce certainty regarding the delivery and ongoing provision of the educational facilities. By contrast, the co-location of the two buildings would allow the educational facilities to be secured through a planning condition requiring their completion before the distribution building is first brought into use. A further condition would ensure that the classroom remains ancillary to, and functionally associated with, the operation of the distribution building at the appeal site.

52. Accordingly, I am satisfied that the appellant has undertaken a proportionate assessment of alternative sites and that no preferable, suitable and reasonably available alternatives have been identified.

The supply of employment land and any identified shortfall

53. The parties agree that there is currently an insufficient supply of employment land across the district. The Council explained that, since the Hill Barton appeal[6], the identified shortfall has reduced from around 43 hectares to approximately 20 hectares. It also outlined how proposed allocations in the emerging Local Plan are intended to address the remaining requirement, noting that additional land is proposed in excess of identified needs in order to provide flexibility and choice. However, the Council acknowledged that only limited weight can presently be attached to those allocations, given the stage reached in the plan-making process. I also heard that some employment allocations in the adopted Local Plan have been omitted from the emerging plan due to a lack of delivery, contributing to the current position. Overall, the Council's position is that there is a current deficit, albeit with a growing pipeline of potential employment land coming forward.

54. The appellant drew my attention to recent consultation responses submitted by the Council's Economic Development Officer in relation to other proposals within the district. These responses describe a ‘critical and well-established shortage of available employment land and premises in East Devon’[7]. Furthermore, a committee report presented in March 2026 states that ‘East Devon is experiencing a serious and protracted market failure in the supply of available employment land and commercial premises across the district. This is constraining inward investment, local business growth and forcing some employers to leave the district’[8]. These comments indicate that concerns regarding the availability of employment land and commercial premises remain significant and ongoing.

55. Consequently, notwithstanding the Council's emerging strategy to address this matter, there remains an acknowledged and substantial shortfall in employment land across the district. Whilst future allocations may assist in meeting that need, their delivery remains uncertain at present. Having regard to the evidence before me, I conclude that the proposal would make a meaningful contribution towards addressing the current shortage of employment land and premises. I therefore attach significant weight to this matter in the planning balance.

[6] Appeal Refs APP/U1105/C/22/3295011 and APP/U1105/C/22/3323252
[7] Document 4
[8] Document 3

Benefits of the proposal

56. The appellant has provided evidence of significant recent business growth, including a substantial increase in the number of schools served and meals delivered between 2021 and 2025, with further expansion forecast. This indicates that this local business is both well-established and continuing to grow. I heard that the existing site is constrained and offers no realistic opportunity for further expansion. Consequently, the appellant is approaching a point where it may be unable to take on additional schools, which would restrict future growth and limit its ability to meet increasing demand. I attach moderate weight to this factor.

57. I have had regard to the economic benefits of the proposal, including the retention of existing employment and the creation of up to 75 additional jobs. These would comprise a range of full-time and part-time roles, spanning a variety of skill levels from operational positions, such as pickers and drivers, to managerial roles. I heard that the majority of the appellant's existing workforce is drawn from the local area and that new jobs would also be recruited locally wherever possible. The appellant anticipates that the additional jobs would be delivered over a five-year period, with around 20 jobs created shortly after the development becomes operational. Given the scale and nature of these benefits, I attach significant weight to them in favour of the development.

58. The proposal would also generate indirect economic benefits. As the business continues to expand, additional demand would be created for local suppliers in support of the appellant's objective that 55% of ingredients supplied to schools originate from within the region. Whilst the extent of these benefits would depend on factors outside the direct control of the appeal proposal, they nevertheless represent a positive economic effect. I therefore attach moderate weight to these indirect benefits.

59. The appellant identifies a range of social and educational benefits arising from the proposal, including enhanced catering services for schools and the provision of facilities for educational visits and training. I heard that the appellant has recently introduced an educational programme which is delivered within schools and that the proposed development would expand this offer through a ‘seed to plate’ learning experience, enabling pupils to visit the site and learn about food production and sustainability. The appellant indicated that the facilities could accommodate approximately 80 to 100 school visits per year. Whilst questions were raised regarding the seasonal nature of such visits and the availability of existing farms to provide similar opportunities, the appellant explained that outdoor learning forms part of the national curriculum and that existing providers do not have the capacity to accommodate the anticipated number and frequency of visits that the proposal would deliver.

60. These initiatives would provide meaningful educational opportunities and community benefits and therefore weigh in favour of the proposal. Whilst the educational element would comprise only one component of the overall scheme, it would nevertheless deliver tangible and ongoing benefits. Importantly, the provision of the teaching facilities could be secured through a suitably worded planning condition. The appellant also confirmed its commitment to delivering and retaining the educational facility, explaining that it forms a key component of the proposal and its future business model. I therefore attach moderate weight to these social and educational benefits.

61. I have also had regard to the views of the Council's Economic Development Team, which supports the proposal and identifies clear economic advantages arising from it, including employment creation, business growth and increased economic output. Whilst this support is not determinative, it lends further weight to the economic case advanced by the appellant.

Other Matters

62. I heard from local residents and local councillors regarding their concerns about the proposal, particularly its effects on the living conditions of nearby occupiers, including those residing at Pink House and Parkfield Cottages. I also heard concerns relating to flooding, particularly in the vicinity of Pink House and the nearby junction with the A376, together with concerns regarding highway safety and network capacity. It was stated that the junction has been the location of a number of accidents and that the local road network is already under pressure. My attention was drawn to photographs[9] showing debris from a recent collision and damage to a boundary wall, which I observed during my site visit.

63. Whilst I acknowledge these concerns, I must determine the appeal on the basis of the evidence before me. The Council has not objected to the proposal on the grounds of highway safety, flood risk or the living conditions of nearby residents. Accordingly, whilst I have had careful regard to the concerns raised by local residents and councillors, I have not been provided with substantive evidence that would justify reaching a different conclusion on those matters.

64. Concerns were expressed by interested parties that permitting the development could create a precedent for further development in the countryside, contrary to the development plan and emerging neighbourhood plan policies. However, each planning application and appeal must be determined on its own merits, having regard to its particular circumstances. My decision relates solely to the proposal before me and does not, in itself, create a precedent for future development proposals within the area.

65. Interested parties also raised concerns regarding the loss of agricultural land. Whilst it was suggested that the appeal site comprises Grade 1 agricultural land, the Council confirmed that it is classified as Grade 2 agricultural land. In any event, the Council has confirmed that it did not rely upon the loss of best and most versatile agricultural land as a reason for refusal and does not consider this issue to justify withholding planning permission. On the evidence before me, I have no reason to reach a different conclusion.

66. It was suggested that Lympstone Primary School, the closest primary school to the appeal site, would be unlikely to use the facility due to transport costs. Whilst that may be the case, the proposal is intended to serve a much wider catchment of schools and educational groups rather than meeting the needs of an individual institution. Consequently, the potential inability of a single school to benefit from the facility does not materially diminish the educational benefits I have identified and does not alter my conclusions in this respect.

[9] Document 2

Planning Balance

67. I have found that the proposal would result in harm to the character and appearance of the area, would conflict with the spatial strategy, and would cause less than substantial harm, at the lower end of the spectrum, to the significance of nearby heritage assets. These matters weigh against the proposal.

68. However, the proposal would secure the retention of existing employment, create additional jobs, support the continued growth of an established local business and provide associated economic benefits. In addition, it would support the continued provision of catering services to schools and offer opportunities for educational and community engagement. Whilst there is inevitably some degree of uncertainty regarding the extent to which all of these benefits would be realised, as was put to me by a local resident, I am nevertheless satisfied that they would arise to a meaningful degree. Taken together, I afford these benefits significant weight.

69. I also attach significant weight to the acknowledged shortage of employment land and premises within the district. Whilst the Council's emerging strategy seeks to address this deficiency, there remains a substantial present-day shortfall and only limited weight can presently be attached to the emerging allocations. The proposal would therefore make a meaningful contribution towards addressing an identified need for employment land and supporting economic growth within the district.

70. Furthermore, I have found that the appellant has undertaken a proportionate assessment of alternative sites and that no preferable, suitable and reasonably available alternatives have been identified. Consequently, there is no persuasive evidence before me that the economic, operational and educational benefits of the proposal could be delivered on an alternative site with less environmental harm. This weighs moderately in favour of the proposal.

71. I have given considerable importance and weight to the desirability of preserving the setting of the designated heritage assets. Nevertheless, having regard to paragraph 215 of the Framework, I find that the less than substantial harm identified is outweighed by the public benefits of the proposal.

72. Drawing all matters together, I find that the economic, social and educational benefits of the proposal, together with its contribution towards addressing the acknowledged shortage of employment land and premises and the absence of any preferable, suitable and reasonably available alternative site, outweigh the conflict with the development plan, including the conflict with the spatial strategy, the harm identified to the character and appearance of the area and the less than substantial harm to the significance of the designated heritage assets. Accordingly, the material considerations indicate that planning permission should be granted.

Conditions

73. The conditions set out in the accompanying schedule are based on those agreed between the parties. These conditions have been considered against the tests of the Framework and advice provided by the Planning Practice Guidance (PPG) on conditions. I have undertaken some minor editing and rationalisation in the interests of precision and clarity. Those included in the schedule are found to be reasonable and necessary in the circumstances of this case.

74. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.

75. To ensure that the materials are sympathetic to the character and appearance of the area, a condition requiring the approval of material samples is necessary. A condition is also required to secure the implementation of the recommendations and mitigation measures set out within the Ecological Appraisal. Furthermore, to ensure that the educational benefits of the proposal are delivered, a condition is necessary requiring the classroom building to be completed and made available for use before the warehouse building is brought into operation.

76. In the interests of highway safety and the living conditions of nearby occupiers, a Construction Management Plan is necessary. The appellant argues that the requirement for a timetable of works is unnecessary and unreasonable because construction programmes are liable to change as a result of weather conditions and other factors outside the developer's control. However, I am not persuaded that criterion (a) fails the tests for planning conditions. The proposal comprises both a warehouse building and an associated classroom building, with the latter required to be provided before the warehouse building is brought into use. In these circumstances, an understanding of the anticipated sequencing and duration of the construction works would assist in assessing, monitoring and managing the impacts arising from the development and any associated mitigation measures. The requirement does not necessitate a fixed programme and can be satisfied through the submission of an indicative timetable with sufficient flexibility to accommodate unforeseen changes. I therefore find that criterion (a) is both necessary and reasonable and should be retained.

77. To protect the living conditions of existing and future occupiers in the vicinity of the site from noise, dust and other construction-related impacts, as well as to ensure surface water generated by the construction phase would be appropriately managed and that pollution into the ordinary watercourse would be avoided, a condition securing a Construction and Environmental Management Plan is necessary. A condition requiring the implementation of the tree protection measures contained within the Arboricultural Report and Arboricultural Method Statement is also necessary to ensure the protection and retention of existing trees during construction. In the interests of sustainable waste management, a condition requiring the submission of a waste audit statement is justified. A condition requiring the approval of any external lighting is necessary in order to protect protected and notable species and to safeguard biodiversity interests.

78. To ensure the provision of an adequate foul drainage system and to safeguard the integrity of internationally designated habitats, a condition requiring the submission and approval of a detailed foul drainage strategy is necessary. In the interests of promoting sustainable travel choices, a condition requiring details of cycle parking is also justified. Given the potential for previously unidentified contamination to be encountered during construction, a condition requiring the investigation, reporting and remediation of any contamination discovered is necessary to protect human health and the environment. Furthermore, a condition requiring the retention of the dark corridors and dark buffer zones shown on the approved plans is necessary to safeguard ecological connectivity and to protect protected and priority species from light disturbance.

79. A condition requiring the submission and approval of a detailed surface water drainage strategy is also necessary. This should include an assessment of the condition and capacity of any existing drainage infrastructure, watercourses or culverts affected by the development. Such a condition would ensure that the proposed drainage system operates effectively and does not increase flood risk on or off the site, including effects on downstream designated sites.

80. A Construction and Ecological Management Plan is necessary to ensure that the development does not adversely affect protected or notable species during the construction phase, and that appropriate ecological mitigation and enhancement measures are implemented. This is also necessary to safeguard the integrity of nearby internationally designated ecological sites. Conditions 17 and 18 are necessary to ensure that the warehouse and educational facilities remain part of a single integrated operation, as assessed in this decision, and to prevent alternative or separate uses that could result in a materially different pattern or intensity of development.

81. Condition 19 is necessary to secure the delivery and retention of the renewable energy infrastructure. Condition 20 is necessary to ensure that the final siting and levels of the development are appropriate to its landscape setting and do not result in unacceptable visual harm.

82. Conditions 21 to 26 are necessary to secure the detailed landscaping, ecological mitigation, parking provision and long-term management measures relied upon in the assessment of the proposal. They would ensure that the development is appropriately integrated into its countryside setting, that biodiversity interests are protected and enhanced, and that adequate parking and electric vehicle charging facilities are provided. Whilst the appellant disputes the need for a Landscape and Ecology Management Plan (LEMP), I am satisfied that Condition 26 serves a distinct purpose in securing the long-term management, monitoring and maintenance of the approved landscaping and ecological measures. It would therefore provide certainty that the anticipated landscape and biodiversity benefits are delivered and maintained over time. I have, however, simplified the condition to avoid unnecessary duplication with other landscape and ecology conditions.

83. While desirable, the pedestrian link proposed under the suggested Condition 26 would not materially alter my conclusions regarding the site's accessibility by sustainable modes of transport. My planning balance does not depend upon its provision, and I am not persuaded that the condition is necessary to make the development acceptable in planning terms. Accordingly, Condition 26 should be deleted.

Conclusion

84. For the reasons given above, and having regard to all other matters raised, I conclude that the material considerations in this case outweigh the conflict with the development plan. Accordingly, planning permission should be granted other than in accordance with the development plan. Therefore, the appeal is allowed.

Laura Cuthbert

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Pritchard	Managing Director, Goosemoor (Appellant)
Jamie Walsh	Director, Goosemoor (Appellant)
Iestyn John	Bell Cornwell LLP (Planning Consultant and Agent)
Satnam Choonhg	Counsel of No.5 Chambers

FOR THE LOCAL PLANNING AUTHORITY:

Edward Freeman	Assistant Director
Chris Hariades	Landscape Officer- MA, CMLI
Claire Rodway	Senior Planning Policy Officer- MA, MRTPI
Sarah Leete- Groves	Conservation Officer- BSC (Hons), MA, IHBC

INTERESTED PARTIES:

Councillor Geoff Jung	Councillor for Woodbury and Lympstone
Councillor Ben Ingham	Councillor for Woodbury and Lympstone
Jane Moffat	Local Resident
Susan Francis	Lympstone Parish Council
John Pyne	Woodbury Parish Council
Ken Perry	Woodbury Parish Council

DOCUMENTS

1. Coastal Preservation Area Plans and Accompanying Photographs
2. Photographs submitted by local resident
3. Committee Report for application reference 23/2077/MOUT
4. Email dated 9 June 2026 – Comments from Economic Development Officer in relation to 26/0534/MOUT.

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following plans:

    - 1789-PL20 REV A: GF Classroom Proposed Floor Plans 17.02.25
    - 1789-PL21 REV A: Classroom Proposed Elevation 17.02.25
    - 1789-PL22 REV A: Classroom Sections 17.02.25
    - 1789-PL03 REV E Proposed Site Plan 17.02.25
    - 1789-PL04 REV F: Ground Proposed Floor Plans 17.02.25
    - 1789-PL05 REV F: First Proposed Floor Plans 17.02.25
    - 1789-PL06 REV D Proposed roof plans 17.02.25
    - 1789-PL07 REV D Proposed Elevation 17.02.25
    - 1789-PL09 REV D: Proposed Sections 17.02.25
    - 1789-PL10 REV C: Building Sections 17.02.25
    - 1789 PL01 REV A Location Plan 05.12.23

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

3. Notwithstanding the details provided no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of both 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.

4. The development hereby permitted shall be carried out in accordance with the Ecological Impact Assessment report by EcoLogic Consultant Ecologists dated February 2025, in particular the ecological mitigation and enhancement measures detailed in Section 6, and in Appendix 4,5,6,7. Prior to first use of the building, a written record should be submitted to and approved in writing by the local planning authority including a toolbox talk sheet detailing the result of the hedgebank removal, details of the appointed Ecological Clerk of Works (ECoW), including any relevant licence numbers, details of any protected species (if found) and measures taken to avoid any wildlife offences (if applicable). The record should also include photographs of the installed ecological mitigation and enhancement measures including 4 habitat piles, 2 bat boxes, 2 bird boxes, and 2 invertebrate provisions.

5. Notwithstanding the details shown on the approved plans, the classroom building hereby approved shall be fully constructed and made available for use prior to the warehouse building being brought into use.

6. Prior to commencement of any part of the site, the local planning authority shall have received and approved in writing a Construction Management Plan (CMP) including:

    a) the timetable of the works;

b) daily hours of construction;
c) any road closure;
d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
h) hours during which no construction traffic will be present at the site;
i) the means of enclosure of the site during construction works; and
j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
k) details of wheel washing facilities and obligations
l) The proposed route of all construction traffic exceeding 7.5 tonnes.
m) Details of the amount and location of construction worker parking.
n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Development shall be carried out in accordance with the approved CMP and remain in place throughout the development.

7. A Construction and Environment Management Plan (CEMP) must be submitted and approved in writing by the local planning authority prior to any works commencing on site and shall be implemented in full and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

8. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Advanced Arboriculture dated 29/11/2023 shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed:

a. No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
b. No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the local planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for The Planning, Installation and Maintenance of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
c. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
d. Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the local planning authority.

9. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the local planning authority. 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 following points shall be addressed in the statement:

- Identify measures taken to avoid all waste occurring.
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The development shall be carried out in accordance with the approved statement.

10. Under no circumstances should any external lighting be installed without prior written consent from the local planning authority. Any lighting design should be fully in accordance with Institute of Lighting Professionals (ILP) Guidance Note GN01/21 – The Reduction of Obtrusive Light and BCT/ILP Guidance Note 08/2023 – Bats and Artificial Lighting at Night. The lighting design shall provide details of locations, heights, and specifications of proposed free standing and wall mounted external lighting. Security lighting shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute The exterior lighting shall be provided and managed in accordance with the approved details.

11. No development hereby permitted, other than demolition, shall commence until a detailed foul drainage strategy has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details only and the foul drainage scheme shall be fully implemented prior to any building being brought into use.

12. Prior to first operation of the commercial use of the warehouse building hereby approved, details including plans, elevations and locations of cycle parking shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details and be fully implemented and capable of use prior to occupation of the units they serve. The cycle parking facilities shall be retained for the lifetime of the development.

13. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the local planning authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the local planning authority and/or other regulating bodies. Any identified methods and procedures to address the contamination shall be carried out in accordance with the agreed details.

14. The areas identified as “10m Dark Ecological Zone” and “5m Dark Buffer Zone” on the approved Proposed Site Plan (Drawing No. PL03 Rev E) shall be retained as dark corridors for the lifetime of the development. These areas shall remain free from built development, artificial lighting, illumination spill, or any structures, fencing, or landscape features that would result in increased light levels.

15. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the local planning authority:

    a. A detailed drainage design based upon the approved Drainage Strategy Plan (Drawing No. 01.10, rev. A, dated 14th February 2025).
    b. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
    c. Proposals for the adoption and maintenance of the permanent surface water drainage system.
    d. A plan indicating how exceedance flows will be safely managed at the site.
    e. A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or

improvement works to secure the proper function of the surface water drainage receptor.

f. Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

16. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CEcoMP) based on the submitted Ecological Impact Assessment (EcoLogic, February 2025), particularly Section 6.1 and Appendix 2, has been submitted to and approved in writing by the local planning authority. The CEcoMP shall include the following:
- Risk assessment of potentially damaging construction activities Identification of biodiversity protection zones;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication, including reporting compliance of actions to the LPA;
- The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

17. The warehouse building hereby permitted (DRWG 1789 – PL04 Rev F) shall be occupied and operated as a single planning unit by one business only, shall not be occupied by more than one operator at any time and shall be used only for purposes falling within Use Class E(g)/B8, as defined by the Town and Country Planning Use Classes Order 1987 (as amended), and ancillary food preparation and offices as shown on the approved plans, and for no other purpose, including any other purpose within Class E.

18. The classroom, education kitchen and associated facilities shown on drawing number 1789-PL20 Rev A shall be used for educational and training purposes only, where such use is directly ancillary to, and operated in association with, the principal use of the site for storage, distribution, light industrial and associated office purposes (Use Classes B8 and/or E(g)). The educational facilities shall not be used as a standalone educational institution or for any educational purpose unrelated to the primary business operating from the site.

19. The development hereby approved shall be carried out in full accordance with the details set out in the “Educatering Energy Report July 2025 (Version 3)”, including the installation of the approved roof-mounted photovoltaic panels,

inverters and battery storage systems. The approved renewable energy system shall be installed prior to the first occupation of the development and thereafter retained, maintained and operated for the lifetime of the development.

20. Prior to commencement of the development hereby approved, finished floor levels for all buildings and finished ground levels in relation to a fixed datum, shall be submitted to and approved in writing by the local planning authority. These details shall include a site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a total of four east-west and north south sections (two in each direction) through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings. The development shall be constructed/installed in accordance with the approved details.

21. No development work shall commence on site until the following information has been submitted and approved in writing by the local planning authority:

    a. A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
    b. Details of the surface water drainage scheme that will impact on the landscaping and/or landform, such as SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
    c. A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

    d. A full set of soft landscape details including:
        i. Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas,existing vegetation to be retained and removed.
        ii. Plant schedule indicating the species, form, size, numbers and density of proposed planting.
        iii. Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv. Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
v. A programme for delivery of soft landscape works identifying any phasing proposed

22. The planting works shall be overseen by a professionally qualified landscape architect or horticulturist independent of the planting contractor. The landscape architect/ horticulturalist shall provide a signed certificate at practical completion of the planting works and at the end of the first-year maintenance period (final completion) confirming they are complete and in accordance with the approved details. Further annual inspections shall be carried out for years 2-5 and certificates issued confirming the maintenance works have been carried out properly and any defects occurring have been made good. Copies of the signed certificates shall be forwarded to the LPA within one month of their issue.

23. No trees, shrubs hedges or grass/ wildflower areas within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order with or without modification, no fences, walls, railings or gates shall be erected, constructed or altered within the site unless indicated on the plans hereby approved.

25. The car parking areas, including all disabled parking spaces and electric vehicle charging points, as shown on the approved Proposed Site Plan (Drawing No. 1789-PL03 Rev E), shall be constructed and made available for use in full prior to the first use or occupation of either building hereby approved. The parking areas and electric vehicle charging points shall thereafter be retained and maintained for their approved purpose for the lifetime of the development.

26. Prior to the commencement of development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall provide for the long-term management and maintenance of all approved landscaping, habitat creation and ecological mitigation measures for a minimum period of 30 years and shall include:

a) details of the body or organisation responsible for implementation of the Plan;
b) the management objectives for the landscaped and ecological areas;
c) a schedule of maintenance and management measures;

d) arrangements for monitoring the effectiveness of the measures; and
e) a mechanism for review and amendment of the Plan where necessary.

The approved LEMP shall be implemented in accordance with its approved terms.