
Appeal Decision

Site visit made on 22 February 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/F1610/W/20/3264455

Sheafhouse Farm, Draycott Road, Blockley, Gloucestershire GL56 9DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Spittle against the decision of Cotswold District Council.
 - The application Ref 20/02431/FUL, dated 7 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is for the change of use of agricultural land for the siting of 4no. safari tents.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Spittle against Cotswold District Council. This application is the subject of a separate Decision.

Procedural Matter

3. I have altered the description of development to include the change of use aspect, as was included on the submitted appeal form.
4. There has been an amended plan submitted (ref: 20.043-01-002 Rev A) which revises the location of the proposed tents away from the boundary hedges. This is a relatively minor revision which does not prejudice any interested parties and so I have accepted this plan.

Main Issues

5. The main issues are:
 - Whether the location is suitable for the proposed safari tents, considering development plan policies relating to development boundaries;
 - The effect of the development on the character and appearance of the area and the visual qualities and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB);
 - The effect of the development on the living conditions of neighbours to the site, especially with regards to noise and disturbance;

- The effect of the development on biodiversity at or near the area of the site.

Reasons

Location of the proposed development

6. The proposed four safari tents are to be located on an area of undeveloped land south of the main complex at Sheafhouse Farm. This area of land does not appear to be used currently for agriculture, from what I observed at my site visit, but this proposal includes the change of use of this land for the purpose of providing holiday accommodation.
7. This site is part of a larger working farm. There has already been diversification with the fitness centre in place at the main complex near Draycott Road. There is also consent for seven 'shepherds huts' which would be used as tourism/holiday accommodation. The huts are not currently in place at the time of my site visit.
8. Due to the difficult economic times, as described by the appellant, they are seeking the safari tents as a further diversification and another income stream to help support the farm business. The appellant states that the site is on poor quality farmland and would not hinder agricultural operations. To my mind, this would be a form of diversification, such as that described by policy EC5 of the Cotswold District Local Plan. However, a criterion of this policy is whether the proposal contributes positively to the character and appearance of the area. This is considered in detail in the next section of this decision.
9. As the site is on a farm, it is outside of any designated Development Boundary (DB), with the nearest being at Blockley. This village is not far from the site, but the site is clearly outside of its DB nonetheless.
10. In this regard policy EC11 of the Local Plan relates to tourism accommodation of the varying sorts. The safari tents as proposed are clearly not conventional tents. They would be in place for a large proportion of the year (approximately 6 months). Whether the erection of the safari tents constitutes operational development depends on whether the work would result in a material physical alteration to the land and involves the tests of size, permanence and physical attachment. These would be sizable structures and given the details, such as the joist frame which the tent would be on top of, they would have a significant degree of physical attachment to the site. They are set to be on site for much of each year, with no final end date proposed for the safari tents to be in place. I also note the appellant's description of development, which includes specific mention of the four safari tents, with the plans and other details provided including the tents. This leads me to conclude that the proposal includes the operational development of the safari tents, with their position, detailed layout and elevations set out with the appellant's submission.
11. I am aware of other previous planning decisions by the Council and also the other appeal decisions raised by the appellant, on the matter of whether these are 'temporary' structures. I also acknowledge that they are seasonal and that it would be possible to condition them to be removed for the off-season months of the year. Nonetheless, I do not consider that they would be so transient that they would lack permanence, being that they would be on the site from March to October every year.

12. I would consider these safari tents to be a form of operational development, to provide self-catering accommodation that would exist for a substantial period of the year. As such, with regards to policy EC11, I would regard this proposal as including self-catering accommodation as set out in paragraphs 3 and 4 of this policy. This policy requires such development to be within a DB, which this site is not. The development would not be in association with an existing tourist attraction either. As such, the proposal conflicts with this policy. However, it is my view that this is a form of tourism that does not fall neatly into the different forms of tourism accommodation set out by this policy. I also acknowledge that safari tents would often be more suited to a rural setting than within a DB. These matters will be assessed in more detail with the later planning balance.
13. The appellant has drawn my attention to policy EC1 and policy EC3 of the Cotswold District Local Plan, which are also relevant. Policy EC1 relates to employment development, with the appellant stating that this development would support the existing businesses at Sheafhouse Farm and potentially result in increased levels of employment. This policy specifically refers to the importance of sustainable tourism for longer-stay visitors, which this development is likely to provide. I also note that families and those with disabilities could stay within the proposed tents, which would have some clear benefits.
14. Policy EC3 considers small-scale employment development appropriate to rural areas. Whilst generally restricting any form of residential development to within DBs, the supporting text of the policy does state that a residential use that is ancillary to the business may be acceptable if the other criteria set out in the policy are met. With regards these criteria, there is little in the way of business evidence before me, but I recognise that this proposed development would provide a form of farm diversification in an area where tourism is an important industry. The development would likely benefit the growth of local employment opportunities, if only to a modest degree. Overall, I am not convinced that the proposal would be in conflict with this policy, especially as the development would broadly accord with the aims of supporting and generating employment businesses within the District.
15. However, as expressed above, this proposal does conflict with policy EC11, which is of particular importance as it specifically relates to tourist accommodation in the countryside and seeks to restrict self-catering accommodation outside of the DB. This will be discussed in more detail later with the planning balance.

Character and Appearance

16. Whilst the proposal describes the accommodation as tents, these are relatively large structures with an internal WC and what appears to be small bedrooms, with a decking to the front. They would be low profile structures, but even with some surrounding vegetation including hedgerows and trees providing some screening they are likely to be visible within the landscape from various vantage points.
17. In this regard, the appellant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA took into account the low level height of the safari tents and their scale and found that they would not be visually prominent or out of keeping in the landscape. Whilst there may be other sites with these safari tents on them, there does not appear to be any others in the nearby

area. To my mind, a safari tent would not be in keeping with this particular area within the rural Cotswolds. There would also be the likely associated paraphernalia around the tents when in use, although I do note that this could be managed to limit such visual impacts. Indeed, I note that the appellant would seek to maintain the site to a high standard but this would not address the issue of the large tent structures on the site for six months or so every year. This glamping area would also be visually separate from the existing complex which would heighten their visual impact in the countryside.

18. The LVIA acknowledges the vegetation screening which would indeed reduce their visual impact, which is also proposed to be enhanced. I also note that for about six months of the year the safari tents would not be on the site, but this still leaves roughly six months of every year that they would be visible within the landscape. It may be that the approved shepherd huts are more visible within the landscape, but they are closer to the main building complex and are also smaller in size, from what I can see from the evidence provided. Thus, I am not convinced that this approval for the huts suggests the proposed safari tents are acceptable in character and appearance terms.
19. The LVIA concludes that the proposal would have minor visual impact within the landscape, with a minor to moderate character impact, once mitigation is in place. This is based on the receiving landscape having a very high landscape character sensitivity and the magnitude of change being small. The LVIA would consider this to be at a level that would not result in a material change.
20. Whilst the level of impact as set out in the LVIA is noted, it is important to acknowledge that this site is within the Cotswold Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework (the Framework) considers that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues (Paragraph 172). Whilst the harm to the landscape may be modest, from my observations and the evidence before me I cannot conclude that the safari tents would conserve or enhance the AONB scenic beauty. They would likely be at least partially visible even with the proposed planting (which would also likely take some time to develop) and safari tents in this Cotswold location would appear incongruous additions in this quality landscape, especially as they would be a significant separation distance from the main cluster of buildings at Sheafhouse Farm.
21. As such, the proposal would be harmful to the character and appearance of this rural area, and the scenic beauty of the AONB, thereby being contrary to policies EN2, EN4 and EN5 of the Cotswold Local Plan. These policies seek to require development to respect the character of the locality; take into account landscape character; and contribute positively to the character and appearance of the area, amongst other things. The proposal would also be contrary to policy EC5 as this farm diversification development would not contribute positively to the character and appearance of the area.

Noise Impacts

22. The proposed use of this area of land for tourism accommodation with the safari tents would likely result in an increase in noise over and above the current levels. However, the site is not immediately adjacent to other

neighbouring properties and also there is some vegetation screening which may also help to reduce noise being emitted from the site.

23. It may be that those walking nearby would hear some noise from the site, but this would only be while nearby. Furthermore, there is no substantive evidence to suggest that occupants of the safari tents would be particularly noisy to the degree that it would result in noise and disturbance for others, or significantly affect the tranquillity of this part of the countryside.
24. A noise impact assessment (NIA) has been submitted which has addressed many of the points of concern. With this and all the evidence before me I would conclude that subject to relevant and necessary conditions there would be no likelihood of significant noise and disturbance impacts as a result of the proposed development. The proposal is therefore in accordance with policies EN2 and EN15 of the Cotswold Local Plan on this matter. These policies require development to protect against noise pollution, amongst other things.

Biodiversity

25. The proposal would add new structures and also change the use of an area of agricultural land to a tourism related use. This would likely result in some level of lighting for example. With the appeal submission there is the amended plan which provides a 5m buffer between the safari tents and the field boundary vegetation. I would regard this as a sufficient buffer to safeguard any biodiversity.
26. The proposal would result in some potential impact to local biodiversity, even with the buffer. This could include through additional lighting for example. However, as recommended by the Council, conditions can be included to sufficiently mitigate any such impact. Furthermore, a condition requiring a net benefit for biodiversity could reasonably be imposed.
27. As such, subject to condition the proposal would not harm biodiversity and would therefore be in accordance with Local Plan Policy EN8, which requires that development conserves and enhances biodiversity, for example.

Planning Balance

28. As described above, the proposal is contrary to policy EC11 of the Cotswold Local Plan, as the site is outside of a DB. However, as noted above, safari tents would commonly be set in a rural setting rather than within a DB. Furthermore, the safari tents would not be far from the village which has a range of services and shops, for example. So, whilst strictly not in accordance with this policy, the principle of this development as proposed would not be harmful based on the location alone.
29. The development would help to diversify and support the farming business, as described by the appellant. However, as explained above, policy EC5 states that farm diversification needs to contribute positively to the character and appearance of the area. As such, the proposed development is contrary to this policy due to the AONB landscape harm.
30. The proposal would provide economic benefits, both in supporting the farm business and the local economy. The 'Cotswolds AONB Management Plan 2018-2023' acknowledges the role of tourism and the potential benefits. I recognise that tourism plays a strong role in the economy of the Cotswolds with there

being a need for 'glamping' also, which this development would contribute towards, albeit modestly in all probability considering the scale of the development. However, I have found that the safari tents on site for much of the year would harm the scenic beauty of the AONB.

31. The Framework states that great weight should be given to conserving the AONB. Therefore, on balance, the benefits of the proposed development would be significantly and demonstrably outweighed by the harm to the AONB landscape. For these reasons the appeal should fail.

Conclusion

32. For the reasons set out above and taking all matters into account the appeal should be dismissed.

Steven Rennie

INSPECTOR