



Appeal Decision

Site visit made on 17 July 2024

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/C1625/W/24/3340819

Slowwe House, Silver Street, Arlingham, Gloucestershire, GL2 7JU

- 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 Darrel Turner against the decision of Stroud District Council.
 - The application Ref is S.23/2033/FUL.
 - The development proposed is the erection of a safari style glamping tent.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The tent was constructed in September 2020 for use by the appellant and his family following a fire in the main property and the application to erect it is therefore retrospective. Notwithstanding the description, the proposal is to retain this for personal use and holiday letting and I am considering it on this basis. It does not appear that the tent has been used for commercial purposes to date and this part of the proposal is therefore potentially not retrospective. I am content that this distinction is not material to the outcome of the appeal.
3. At appeal the appellant queried whether the Council is correct to describe the application as 'change of use to a camping site' in its appeal submissions because it is only retention of a single tent for 'personal use and holiday letting'. I am satisfied that the proposal to locate a glamping tent on a permanent basis for commercial use constitutes a change of use to a camping site.
4. The first reason for refusal in the decision notice refers to paragraphs 159 and 162 of the National Planning Policy Framework (NPPF). The NPPF was subsequently updated, and the corresponding paragraphs are now 165 and 168. Wording of these policies did not change and I note that the appellant has referenced the most recent version at appeal. For these reasons, I am satisfied that no party has been disadvantaged by the change in paragraph number. References to the NPPF below reflect the latest version.

Main issue

5. The main issue is whether the proposal would comply with planning policy that seeks to steer new development away from areas at the highest risk of flooding.

Reasons

6. The 'safari style glamping tent' is a largely canvas structure of over 11m length and approximately 5m width. It is about 3m in height and raised on a 1m high wooden platform constructed on stilts sunk into the ground. The appellant describes it as 'fully equipped' with bathroom facilities, kitchen, bedroom and living area. It is connected to utilities, and it is proposed to install EV charging points as part of the application.
7. The site is located in Flood Zone 3, which means that it has a high probability of flooding from rivers and/or the sea. I acknowledge that the area may not have flooded for a long time but, in the absence of technical arguments to challenge the mapping, I must proceed on the basis that the zonation, which has been developed by a statutory body, is correct. My attention has been drawn to the fact that there is a flood defence protecting Arlingham. The presence of defences is not routinely used to confirm that a site is protected for the purpose of land use planning because it relies on maintenance to reduce the risk, and I see no reason to apply a different approach in this case. The appellant has also highlighted that the site is towards the edge of Flood Zone 3 but there is no provision in policy or guidance for me to take this into account at this stage. I conclude that it is appropriate that the site is treated as being in Flood Zone 3.
8. Policy ES4 of the Stroud Local Plan (2015) (LP) and paragraph 168 of the NPPF require application of a sequential test in these circumstances, with the purpose of steering development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available, appropriate sites in areas at lower risk.
9. The requirement for a sequential test is subject to several exceptions, as detailed in paragraph 174 of the NPPF. The appellant argues that this exception should apply to the site because the site is 'minor development'. I also note that elsewhere the appellant has suggested that the tent is ancillary to the main house, potentially as a qualifier for this being 'minor development'.
10. The definition of 'minor development' in the context of the sequential test is confined to that in footnote 60 of the NPPF. With reference to this, the proposal is neither householder development nor an extension. It is, however, a change of use to a camping site, which is specifically excluded from the exemption. I note the appellant's argument that this is only one tent as opposed to a large camping site, but there is no provision for scale in the policy, nor is the speed with which the tent can be removed a consideration. I conclude that the sequential test must be applied.
11. The appellant's explanation for the original siting of the tent is acknowledged, as is the privacy provided by surrounding trees between Slowwe House and commercial visitors. However, these reasons do not go to the heart of the matter, which is whether development of a glamping tent for commercial purposes is necessary at this specific location in Flood Zone 3.
12. The appellant has not provided an assessment of 'reasonably available sites' as required by the sequential test, nor evidence that none are available. The Council has stated that there are numerous other reasonably available sites nearby that would be suitable for such a purpose at a lower risk of flooding. The appellant has not explained why these would not be suitable, beyond

arguing that the tent is already built at this location. While I appreciate that it may seem unnecessarily disruptive to move something that is already built, it would not be appropriate to confer an advantage on a retrospective planning application, nor does this negate the fact that it is vulnerable development at a high probability of flooding.

13. The appellant also submits that the project aligns with Policies EI10 and CP15 of the LP, and the government's approach in general, which promote tourism opportunities, support for local amenities and encourage rural regeneration. The site is in proximity to a large wedding venue and a letter has been provided by the operators confirming that they could use more accommodation locally. In the alternative, I note that during the application Arlingham Parish Council queried the need for additional tourist accommodation, citing the high number of properties already used for this purpose in the locality and the need to protect village life.
14. Although there would be a positive contribution from tourism associated with the development to the local economy, I have no evidence that there is an urgent, overriding need for such accommodation such that it must be built in a location at high probability of flooding.
15. I conclude that insufficient evidence has been provided to demonstrate that the development is necessary at this location or that there are no reasonably available alternative sites at a lower risk of flooding. Consequently, the proposal does not meet the requirements of the sequential test and conflicts with Policy ES4 of the LP and paragraphs 165 and 168 of the NPPF.
16. In light of this conclusion, there is no need for me to assess the application against the exception test or to review the flood evacuation plan. For the avoidance of doubt, this also means that I have also not had to deliberate on whether the tent being elevated on a platform and quick to dismantle are considerations.

Other matters

17. The second and third reasons for refusal in the decision notice were that the Council had not been provided with sufficient information to assess the ecological implications of the scheme or an appropriate section 106 agreement to mitigate the impact of the development on the Severn Estuary Special Area of Conservation.
18. The appellant submitted a Preliminary Ecological Assessment under a previous application (March 2022). The Council stated that this should be updated but had not requested this because it had identified an 'in principle' reason for refusal and, as such, it was not considered reasonable to ask for it. The lack of updated survey may have been a reason to dismiss the appeal, but as I am dismissing the case for other reasons, I have not approached this as a main issue.
19. The site is located in the buffer zone of Severn Estuary Special Area of Conservation, Special Protection Area and Ramsar Site. Contributions need to be secured by way of a section 106 agreement to mitigate the impact on the SAC. The Council has provided the 'Strategy for avoidance of likely significant effects' (2017, which explains that contributions are necessary to protect the internationally important bird interest features. I note the appellant's

statement that they would be content to provide the agreement, but in the absence of this, I cannot conclude that there would be no adverse effects from the development. This runs contrary to Policy ES6 of the LP and this would have been a reason to dismiss the appeal. However, as I am dismissing for other reasons, I have not pursued this as a main issue.

20. Slowwe House is grade II listed and the site boundary is adjacent to the Arlingham Conservation Area (CA). I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting and I am obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA under section 72.
21. I have been provided with a listing description and CA plan, but otherwise have very little information before me on which to conclude on heritage matters. Were I minded to allow the appeal then I would have required more information, but as I am dismissing on other grounds little would be gained by delaying the process to seek the views of the parties on this matter and I have therefore not considered it further.
22. The appellant outlined their frustrations regarding discussions with the Council during the application process. Any such issues that arose during the application process are matters between the Council and the appellant, and I have therefore not considered this further.
23. Lastly, the appellant has described family's emotional connection to the glamping tent, given that it provided them with a safe haven after the fire at their house. While I may sympathise with this argument, this is not a matter that I can take into account when applying planning policies.

Conclusion

24. For the reasons given above the appeal should be dismissed.

B Davies

INSPECTOR