



## Appeal Decision

Site visit made on 2 May 2025

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

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### Appeal Ref: APP/P2114/W/25/3360234

#### Beauvale, Willmingham Lane, Freshwater, Isle of Wight PO40 9UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 4, Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Ms Eve Lester against the decision of Isle of Wight Council.
  - The application Ref is 24/01796/4BCPA.
  - The development proposed is described as Class BC prior notification for temporary campsite, on the same land as class B temporary camping in association with a festival at a different time of year.
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### Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 4, Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Class BC prior notification for temporary campsite on the same land as class B temporary camping in association with a festival at a different time of year at Beauvale, Willmingham Lane, Freshwater, Isle of Wight PO40 9UQ in accordance with the details submitted under Council reference 24/01796/4BCPA.

### Preliminary Matters

2. As no application form was submitted to the Council, I have used the description of development in the appeal form.

### Background and Main Issue

3. The appellant sent the Council a letter (dated 17 October 2024) notifying it of their intention to use the appeal site for “general camping under the 60 day rule...from 3rd July to 31st August 2025” under Class BC, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). Although this letter effectively represented the appellant’s prior notification under paragraph BC.2(b) of the GPDO, it also referred to the appellant’s intention to “offer camping associated with IOW Festival for both guests and workers under the 28 day rule (The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 4, Class B) from 5th June 2025 to 2nd July 2025”.
4. The temporary use of land under Class B of Part 4, Schedule 2 of the GPDO neither requires nor includes either a prior notification or prior approval process. Accordingly, whilst the letter made the Council aware of the appellant’s proposed uses of the site in general, it is clear to me that it was sent to provide the prior notification required under paragraph BC.2(b) of Class BC for the proposed recreational camping. The Council’s appeal statement also confirms that it considers that the proposal relates to prior notification of a recreational campsite.

5. Yet, despite this, the Council processed the appellant's letter and subsequently issued a decision notice. Although the notice refers to the prior notification procedure under Class BC, it is titled 'DETERMINATION OF PRIOR APPROVAL: REFUSED' and states that the Council refuses the prior approval application.
6. Consequently, the main issue is whether prior approval is required for the proposed Class BC (recreational camping) use.

### **Reasons**

7. The Council confirms that the proposed provision of recreational camping for a maximum of 60 days in the year would be permitted development under Class BC of Part 4, Schedule 2 of the GPDO.
8. Under paragraph BC.2(b) of the GPDO, the Council must be notified in writing before commencement of development and be provided with a copy of the site plan and particulars of toilet and waste disposal facilities and the dates on which the site will be in use. The appellant's October 2024 letter (and associated site plan) does this.
9. An application for prior approval for permitted development under Class BC is only required where, as per paragraph BC.2(d), it would be on land within Flood Zones 2 or 3. However, the submitted evidence indicates that the proposed development is in Flood Zone 1. Accordingly, the permitted development is not subject to prior approval by the local planning authority.
10. Prior approval for the proposed recreational Class BC camping use is therefore not required. Indeed, the Council's appeal statement sets out that a formal prior approval application was not required.

### **Other matters**

11. It has been put to me that there is no right of appeal as the Council's correspondence with the appellant concerned the prior notification process and no prior approval application was submitted. However, the Council's decision notice explicitly refuses prior approval and refers to the right of appeal. With the notice clearly equating to a refusal of prior approval, even if the Council did not mean that and it did not receive the requisite fee for such an application, the appellant therefore has the ability to appeal the decision.
12. The Council alleges that the proposed Class B and Class BC camping uses on the same site in the same year, as detailed in the appellant's October 2024 letter, do not constitute permitted development because the total combined period of operation, at 88 days, would contravene the annual 60 day limit under Class BC. It is therefore asserted that whilst an operator may choose to make use of either Class, it is not permitted to take advantage of both Classes in the same year. It has also been put to me that the site, due to its location and the availability of public transport, cannot reasonably be considered to be connected with, as per the restriction in paragraph B.1(f), a festival (in this case, the Isle of Wight Festival).
13. However, the GPDO neither makes any reference to distances or accessibility with respect to camping under Class B nor requires such camping to be on the same site as a festival. It also does not state that Class B and Class BC uses on the same site in the same year are not permitted; and there are no such limitations or restrictions in either of the Classes. Furthermore, camping in connection with a

festival and camping for recreational purposes are not the same thing; if they were, the GPDO would doubtless not permit any form of camping under Class B and would only allow camping under Class BC.

14. As such, it seems to me that if the proposed Class B use of the site is for camping for not more than 28 days in connection with a festival and the proposed Class BC use is for a recreational campsite for not more than 60 days, the restrictions and limitations in the relevant Classes would not be contravened. The references in the Council's appeal statement to the likely differences between camping in connection with a festival and recreational camping, and any link between the former use and those allowed under Class BA of Part 4, Schedule 2 of the GPDO, do not lead me to a different view.
15. In any event, as the appeal relates to whether prior approval is required for the proposed Class BC use, these are not matters – even if the parties wish them to be – that require a determination as part of the appeal. If both uses were to proceed, it is also open to the Council to contemplate whatever action it may deem appropriate if it considers that any of the relevant GPDO limits are being breached; and the appellant would have various options at that point, such as appealing against any enforcement action that may be taken. Alternatively, a lawful development certificate(s) for the proposed use(s) could for example be sought.
16. Identifying various discrepancies with the Council's approach and decision, the appellant seeks the Council's decision notice be quashed and expunged from the Council's files. Whilst I acknowledge the appellant's position, such matters are not for the appeal process.

### **Conclusion**

17. For the above reasons, the appeal is allowed and prior approval is not required.

*T Gethin*

INSPECTOR