
Appeal Decision

Site visit made on 18 June 2024

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/W0530/W/24/3338968

Waterbeach Court, Denny End Road, Waterbeach, Cambridgeshire CB25 9PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) (Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Ben Moore against the decision of South Cambridgeshire District Council.
 - The application Ref is 23/02320/S73.
 - The application sought planning permission for addition of nine additional caravan sites (concrete hardstandings) toilets and stores, provision of central laundry and four showers (outline) without complying with a condition attached to planning permission Ref C/64/949, dated 14 January 1965.
 - The condition in dispute is No 6 which states that: The total number of caravans on the site shall at no time exceed 59 (fifty nine).
 - The reason given for the condition is: To preserve the amenities of the site.
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Decision

1. The appeal is allowed and planning permission is granted for addition of nine additional caravan sites (concrete hardstandings) toilets and stores, provision of central laundry and four showers (outline) at Waterbeach Court, Denny End Road, Waterbeach, Cambridgeshire CB25 9PF in accordance with the application Ref 23/02320/S73, without compliance with condition number 6 previously imposed on planning permission Ref C/64/949 dated 14 January 1965 and subject to the following conditions:
 - 1) No more than 63 Caravans shall reside on the site at any time.
 - 2) The laundry block shall not be commenced until details of its design and materials have been approved by the local planning authority.
 - 3) No external lighting shall be provided or installed other than in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The scheme shall be carried as approved and shall be retained as such.

Application for costs

2. An application for costs was made by Mr Ben Moore against South Cambridgeshire District Council. This is the subject of a separate decision.

Preliminary Matters

3. Planning permission was granted on the site for the erection of a caravan site and a toilet block in 1960¹. In 1965 planning permission for addition of nine additional caravan sites (concrete hardstandings) toilets and stores, provision of central laundry and four showers was granted² (1965 permission).
4. A Certificate of Lawfulness was granted under Section 192 of the Town and Country Planning Act 1990 (as amended) for a proposed use of land within the existing caravan site for the siting of static caravans without restriction on the layout of the caravans (up to the permitted number of 59) in 2023. The proposal seeks to increase the number of caravan plots on the site from the established 59 to 63.
5. From the evidence, there is a greater than theoretical possibility that the layout of the site could be altered to include caravans in the green space. Accordingly, caravans could be sited in the central green space as part of this fall-back position, and I attribute it significant weight.

Main Issues

6. The main issues are the effect that varying the condition would have on:
 - the character and appearance of the area including protected trees;
 - the living conditions of neighbouring and future occupiers;
 - protected species;
 - flood risk; and
 - car and cycle parking.

Reasons

Character and appearance

7. The caravans on the site are currently tightly positioned around a central space consisting of maintained lawn with a circular access road around it. The green provides a pleasant verdant open character to the site which otherwise is largely occupied by caravans in modest plots and areas of hardstanding. From the submitted plan, the 4 additional units would be sited in the green space located centrally on the site.
8. In my view, given that the caravans around the green are sited on areas of hardstanding, there is a realistic prospect that they would be replaced by larger caravans under the fall-back position, rather than creating new open or green spaces.
9. By introducing 4 additional caravans on the site, whether on the green or around it, the overall density of the site may increase. However, the pleasant verdant character of the site provided by the green is likely to be diminished by the placing of caravans and any associated domestic paraphernalia as per the fall-back position in any event. Therefore, the proposed increase in caravans on the site would not harm the character and appearance of the area compared with the extant permission.

¹ RC/59/355

² C/64/949

10. Moreover, the areas outside the green within the site are not visually prominent from public vantage points along Denny End Road. Therefore, an increase in caravans outside the green would not be perceptible from the highway.
11. I note that the precise position and size of the caravans may be informed by the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and site license. Whilst this may dictate the size and location of the caravans I have, in any event, considered the evidence before me and judge that the impact on the character and appearance of the area would not be more harmful than the fall-back position.
12. From the evidence and my observations during the site visit, the green space is occupied by 5 trees that are subject of Tree Preservation Orders (TPOs). I acknowledge the evidence regarding the replanting of trees as per the Tree Consent Order. The submitted illustrative layout for additional units show a number of layouts for additional caravans on the green and the trees subject to TPOs. The locations of vehicular parking and whether the indicative caravans are maximum sizes is unknown. In addition, detailed evidence, such as an arboricultural report, has not been submitted. The location of trees to be replanted is a matter for the parties as I must determine the appeal based on the evidence before me.
13. Notwithstanding the above, the fall-back position enables caravans to be sited on the green without restriction on layout in any event. Accordingly, the proposal would not result in greater harm to the visual amenity of the area than the fall-back position.
14. Consequently, varying the condition would not harm the character and appearance of the area including protected trees. Therefore, the proposal would not conflict with Policies NH/2, and HQ/1 of the South Cambridge Local Plan Adopted September 2018 (LP) and Policy WAT14 of the Waterbeach Neighbourhood Development Plan 2020 to 2031 Made Plan March 2022 (NP) which together seek to preserve or enhance the character of the local urban and rural area and have regard to the existing built environment and landscape character.
15. NP Policy WAT24 relates to residential amenity and is therefore not directly related to this main issue.

Living conditions

16. As acknowledged earlier, the precise position and size of the caravans may be informed by the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and site license.
17. The proposed position and size of the additional caravans have not been submitted with the application or appeal, other than an illustrative plan. However, the fall-back position allows a proposed use of land within the existing caravan site for the siting of static caravans without restriction on the layout of the caravans (up to the permitted number of 59).
18. The proposed addition of 4 caravans would increase the total number of caravans on the site. As the extant permission does not restrict the layout of the caravans across the site as well as the green, the increase of 4 caravans would not result in greater harm to the living conditions of neighbouring and future occupiers compared in comparison.

19. Consequently, varying the condition would not harm the living conditions of neighbouring and future occupiers. Therefore, the proposal would not conflict with LP Policy HQ/1 and NP Policy WAT24 which together seek to protect the residential amenity of occupiers.
20. NP Policy WAT 14 relates to design and character and is therefore not directly relevant to this main issue.

Protected species

21. The green is an area of maintained lawn on which the siting of 4 additional caravans as per the fall-back position could be carried out in any event. The remaining areas of the site outside the green consist of access roads and tightly arranged caravans on areas of hardstanding that would not be increased as part of the proposal.
22. Therefore, while I acknowledge that the site lies within an Impact Risk Zone, the additional 4 caravans would not result in greater harm to protected species than the fall-back position and prevailing site conditions. As such, the Council has not justified the need for an ecological appraisal in light of the site conditions. Therefore, conditions requiring ecological evidence such a Construction Ecological Management Plan, appointment of an ecological clerk of works or preliminary ecological report would not be proportionate to the proposal.
23. Consequently, varying the condition would not harm protected species. Therefore, the proposal would not conflict with LP Policy NH/4 which seeks to conserve or enhance biodiversity.

Flood risk

24. The site lies within Flood Zone 1 although in an area at Low and Medium risk of surface water flooding. The National Planning Policy Framework states that a site specific flood risk assessment (FRA) is required for sites of 1 hectare or more. However, the site largely consists of areas of hardstanding except for the green which could be occupied by caravans as per the extant permission in any event. Therefore, the proposed increase of 4 caravans would not increase flood risk elsewhere compared with the extant permission. The Council has not provided a detailed explanation of why an FRA would be necessary in their view in light of the fall-back position. Accordingly, a condition requiring a surface or foul water drainage system would not be necessary.
25. Consequently, varying the condition would not harm flood risk. Therefore, the proposal would not conflict with LP Policy CC/9 which seeks to minimise flood risk among other things.

Cycle and car parking

26. The submitted illustrative plan does not indicate cycle and car parking provisions for the additional 4 caravans. I note evidence regarding the site licence conditions limiting the number of vehicles per caravan. However, the site license before me is for 59 caravans as per the extant permission. In any event, given the limited number of proposed caravans and future occupiers, I see no reason why a suitable number of cycle parking spaces could not be accommodated on the site and secured via a suitably worded condition.
27. With respect to car parking, as the number of future occupiers of the additional 4 caravans would be limited, it is unlikely that the associated additional vehicles

would result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network. Moreover, the Highway Authority has not objected to the scheme, and I see no reason to disagree.

28. LP Policy TI/3 seeks car and cycle parking in accordance with the indicative standards set out in Figure 11. The standards are indicative and as the scheme would not give rise to unacceptable impact impacts on highway safety, it would not conflict with the aims of the policy.
29. Consequently, varying the condition would not adversely affect cycle and car parking. Therefore, the proposal would not conflict with LP Policy TI/3 which relate to parking provision.

Other Matter

30. I note concerns regarding the service provided by the Council and local concerns including those regarding property value. However, I have necessarily assessed the proposal on the basis of its planning merits and the matters raised have not altered my overall decision.

Conditions

31. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
32. Conditions 1 to 3 of the 1965 permission are either pre-commencement conditions, to be discharged within 12 months of commencement, or relate to site access which appears to have been laid. Therefore, these conditions are no longer relevant and have not been attached.
33. As confirmed by the Council and the Certificate of Lawfulness, Condition 4 imposed on the 1965 permission requiring open space to be laid out has been satisfied. Therefore, I have not attached this condition. Condition 5 of the 1965 permission requires any additional buildings on the site to be the subject of a separate planning application. As additional buildings on the site would require planning permission in any event, this condition is not necessary and has not been attached. While I note the time since the 1965 permission, as I have no evidence regarding the laundry block before me, I have attached the condition imposed on the 1965 permission relating to the laundry block which can be addressed between the parties if the condition has been discharged.
34. A condition specifying the maximum number of caravans on the site is necessary in the interests of certainty. The condition relating to external lighting is necessary to safeguard the living conditions of neighbouring occupiers. As the proposal is for an increase in the number of caravans, the conditions relating to hard and soft landscaping, boundary treatments and external surfaces are not necessary.

Conclusion

35. For the reasons given above, the appeal should be allowed.

R Sabu INSPECTOR