



Appeal Decisions

Site visit made on 19 November 2024

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Refs: APP/W0530/C/23/3333088 (Appeal 1), 3332991, 3333036, 3333039-54, 3333058-74 (Appeals 2-35)

Grassy Corner Caravan Park, Cambridge, CB4 1TU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) against an enforcement notice issued by South Cambridgeshire District Council.
 - Appeal 1 is made by Tom Frankham. Appeals 2-35 are made by Emmanuel Tuwei, Stacey Barefoot, Mario Jawowski, Pavel Brzozowski, Carol Willock, Beatrice Legat, Moreen Keter, Gill Satwick, Luke Bray, Dominika Calka, Wayne Potter, Leticia Vescovi, Bruce Summers, Audrey Chesang, Robert Holder, Mike Watt, Daniel Kipkemboi, Roxy Siegert, Michael Collins, Eric Kirwa, David Bor, Gregor Suuter, Tess Abuyah, Juan Espinoza, Zedrick Mwiklkhali, Florence Xheleku, Kannanunni Baiju, Deepak Kizhakkayall, Oliver Fisher-Eame, Brian Kibiwot, Brian Kiprotich, Darren Morrison, Nikunjibhai Tank, Dahiya Prashant and Martin Mwaura respectively.
 - The notice was issued on 1 November 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission:
a) Without planning permission, the change of use of the land from Agricultural to a Residential Caravan Site, b) The Laying of Hardstanding.
 - The requirements of the notice are: (i) Cease the use of the land as a Residential Caravan Site; (ii) Remove all caravans from the land; (iii) Remove all hardstanding from the land.
 - The period for compliance with the requirements is 6 months.
 - Appeal 1 is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - Appeals 2-35 are proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. It is directed that the enforcement notice is corrected by the substitution, at Section 2, of the description of the land affected by the notice by "The Land situated to the East of Chesterton Fen Road, Milton, Cambridge CB4 1TU shown edged in red on the attached Plan, ("the land")."; by the "deletion, in Section 3, of the words "from Agricultural"; and varied by substituting requirement (iii) with the words "(iii) Remove all hardstanding from the land hatched black"; substituting as the period for compliance 6 months for requirements (i) and (ii) and 8 months for requirement (iii); and by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
2. Subject to the correction and variations, the appeals are dismissed, the enforcement notice is upheld and, in the case of Appeal 1, planning permission

is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary matter

3. These appeals were originally to proceed by way of a hearing. However, both parties agreed that it would be appropriate to determine them on the basis of written representations.

The Notice

4. Grassy Corner is one of a number of established caravan sites along Chesterton Fen Road, close to the River Cam on the north-eastern edge of Cambridge, but outside the settlement boundary. It is within the Green Belt and close to the Fen Ditton Conservation Area to the east whose boundary runs along the Cam. Initially a single site called Grassy Corner, granted permission for use as a caravan site in 1982, it appears to have been subdivided some time between 1985 and 1990 and is now in 3 separate titles. A central area retains the name Grassy Corner, the northern section is Clearview and the southern section Greenacres. All three have separate accesses from Chesterton Fen Road. The notice as issued concerns the land between the established Grassy Corner caravan site and the River Cam. Most, if not all, of the land appears to have been unused, or at least unmaintained, meadow land up to about 2021 before new hardstanding was laid over much of it and caravans stationed on it for residential purposes. Access is through the present Grassy Corner site, and it is laid out as an extension of that site. In total there are about 35 caravans now stationed on the Grassy Corner site as extended, 11 on the original site and the remainder on the land between that and the boundary with the River Cam towpath. None of the requirements of the notice as issued apply to the established Grassy Corner caravan site as it stood before being extended into the appeal site land.
5. However, an allegation of a material change of use must have regard to the appropriate planning unit, which in this case comprises the whole of the extended Grassy Corner site. While it may be appropriate in some circumstances to enforce against only part of a planning unit, it can also have unintended consequences in terms of underenforcement, potentially invoking section 173(11) of the 1990 Act. Such consequences, especially where unintended, should be avoided, and accordingly I shall extend the land enforced against to include all of the Grassy Corner site by substituting a plan showing that as the land subject to the notice. This can be done without injustice because section 57(4) of the Act provides that where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which it could lawfully have been used if that development had not been carried out. That means that the original Grassy Corner site would still benefit from planning permission as a caravan site. I shall also correct the description of the land affected and restrict requirement (iii) to the land onto which the original caravan site has been extended.
6. Extending the extent of land enforced against also requires that I remove the previous use from the allegation because it would be incorrect. That correction also involves no injustice to the parties.

7. For clarity, the extension of the Grassy Corner caravan site into the undeveloped land has resulted in a material change of use by the formation of a new planning unit comprising a residential caravan site, which has material planning consequences, as I make clear in the appeal on ground (a) below. Subject to the correction above, the description of the breach of planning control remains accurate.

All appeals - Ground (c)

8. This ground of appeal is that the matters stated in the notice do not constitute a breach of planning control. This is claimed in respect of part of the land which it is claimed already benefits from planning permission for a caravan site. It is also claimed that there was extensive pre-existing hardstanding on the extended site beyond the established caravan site.
9. The proposition that there is planning permission for the stationing of caravans for residential purposes on most of the appeal site arises from the planning history of the established Grassy Corner site, that is the land upon which caravans were stationed prior to the recent expansion of the site towards the river. The key permissions are one granted on appeal¹ in 1982 for 3 gypsy/traveller pitches with a maximum of 6 caravans. An application for a Gypsy caravan site for the stationing of 15 caravans was granted permission² in 1983, and a further permission³ for 19 caravans in 1985. Permission⁴ was then granted in 1986 for a seven bay caravan site at Greenacres. All of these permissions were confined to the land, or part of the land in the case of Greenacres, originally granted permission in 1981.
10. While the appeal site land appears to be under the same Land Registry title as the post 1985 Grassy Corner caravan site land, and the holding is apparently recorded in the South Cambridgeshire Land Charges as having been granted permission for 23 pitches, I have not been advised of any planning permission governing the use of the appeal site as a whole. The appellant has suggested that the use of the appeal site land as a caravan site should be considered as lawful because there is not sufficient space on the permitted Grassy Corner site for the number of caravans granted permission. However, whether or not there is in fact consent for 23 caravans on the established Grassy Corner site post sub-division as claimed, which is far from certain based on the planning history I have been provided with, planning permission only permits development on the land for which it is granted, which does not include the land onto which the Grassy Corner site has been extended.
11. The burden of proof in an appeal on ground (c) lies firmly on the appellant, and the evidence, such as it is, does not support the appellant's contention that any part of the formerly undeveloped land, let alone the large part suggested, benefits from planning permission for the stationing of caravans for residential purposes.
12. Turning to the hardstanding, it is claimed that some of the hardstanding was pre-existing, in part related to car parking close to the boundary with the River Cam as well as former use for caravans, vehicle breaking and a scrapyards. An Inspector's report prepared in 1961 for an appeal concerning caravan siting

¹ Appeal Ref. APP/5142/A/81/07510

² Council ref. S/1420/83/F

³ Council ref. S/0006/85/F

⁴ Council Ref. S/2003/86/F

and a scrap business, which appears to have been at least part retrospective, indicated that the caravan and scrap activities were carried on on the western part of the site, the rest being pasture land. The owner at that time claimed to have let the site on occasions for car parking in connection with rowing activities on the river, and for occasional grazing, but there is no evidence that there was any hardstanding on the appeal site. Subsequently, the Inspector in the 1981 appeal which resulted in the 1982 permission, described the current appeal site land, which adjoined the appeal site in that appeal, as a grass field containing 2 derelict sheds. In 2015 the Officer's Report on an application⁵ to extend the existing Grassy Corner site to the east in described the land as undeveloped meadow. Publicly available aerial imagery also consistently shows the appeal site as being covered in vegetation.

13. If there ever had been hardstanding on the appeal site then it is more likely than not, based on the evidence above, that it has long been subsumed into the landscape. But in any case, the burden of proof lies with the appellant and there is no evidence of any substance to indicate that there was ever any hardstanding on the extended part of the appeal site before the appeal development.
14. The appeals on this ground cannot therefore succeed.

Appeal 1 – ground (a) and the deemed planning application

15. The appeal development is claimed to be for the purposes of providing residential accommodation for Gypsies and Travellers, and for Ukrainian refugees and for asylum seekers. It is evident that the site has a high turnover of occupants. Beyond the appellants' names, many of whom have left the site since making their appeals, no information has been provided on their personal circumstances. It was claimed at one stage that about 80% of the occupants were Gypsies or Traveller who fell within the definition set out in the Annex to Planning Policy for Traveller Sites (PPTS), the remainder being Ukrainian refugees, but without supporting evidence. Having seen the site, which is laid out as a straightforward caravan site with static caravans only, arranged with the minimum, at best, spacing for caravan site licencing purposes, which leaves no space for touring caravans or play areas for children, it would not, as it stands, provide culturally appropriate accommodation for Gypsies or Travellers who meet the PPTS definition. However, since the use alleged is as a residential caravan site, the terms of the deemed planning application are capable of encompassing an application for use as a Gypsy and Traveller site with derogation, by way of appropriate conditions, for limited term occupation by registered refugees or asylum seekers in need of temporary accommodation. I have considered the deemed planning application on that basis.

Main issue

16. Regardless of how the purpose of the material change of use is characterised, it is common ground that it constitutes inappropriate development in the Green Belt. Accordingly, and having regard to the reasons for issuing the notice, I consider the main issue to be whether the harm due to inappropriateness, and any other harm, is clearly outweighed by other

⁵ Council Ref. S/2990/14/FL

considerations, such that the very special circumstances necessary to justify inappropriate development in the Green Belt exist.

17. Other harm is claimed to arise from (i) loss of Green Belt openness and encroachment into the countryside, (ii) harm to the character and appearance of the area, (iii) flood risk, (iv) failure to preserve or enhance the setting of Fen Ditton Conservation area, (v) adverse effects on protected species or habitats, (vi) risk of watercourse pollution and (vii) a failure to provide adequate living conditions for residents.

Other Green Belt harm

18. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. The purposes of including land in the Green Belt also includes assisting in safeguarding the countryside from encroachment.
19. The appellant claims that the extended caravan site land is previously developed land for policy purposes, but no substantive evidence has been provided to support this assertion. Clearly the extended caravan site land has been open, vegetated and undeveloped for a considerable period. In my view, prior to the current development that land contributed positively to the aim and purposes of the Green Belt. The stationing of caravans and the associated infrastructure, hardstanding and domestic paraphernalia, has had the effect of substantially reducing the openness of this previously undeveloped land. There is also a visual dimension. The existing deciduous hedgerow along the River Cam tow path provides some screening of the development from the tow path, and landscaping could be secured by condition, and indeed there has been some recent tree planting in hedgerow gaps along the boundary. This will take some time to mature, but in the medium term and during the winter months the extent of development and the loss of Green Belt openness would remain clearly evident from the tow path, and indeed from the public footpath that passes directly alongside the northern boundary of the site. The development would also clearly conflict with one of the purposes of including land in the Green Belt, that of protecting the countryside from encroachment. As such the development conflicts with LP Policy S/4 of the adopted South Cambridgeshire Local Plan 2018 (LP) which provides that new development in the Green Belt will only be approved in accordance with national Green Belt policy whose fundamental aim, set out in the National Planning Policy Framework (NPPF) is to prevent urban sprawl by keeping land permanently open.

Character and appearance

20. Chesterton Fen Road has considerable development on both sides, much of it caravan sites, but towards the northern end there is a transition to open countryside, particularly so in the vicinity of the River Cam immediately to the north of the appeal site. The Cambridge Landscape Character Assessment (LCA) (2003) identifies the site as being located in the River Corridor: Open Rural character area. Key characteristics of this LCA that are present around the site include the distinct landscape with small scale intimacy, broad flat valley, willow trees and the river edge footpath. The LCA also identifies Fen Road as having characteristics of the Fenland, including the flat pastoral landscape contained within the shallow river valley.

21. Evidently the site previously included a substantial area of open undeveloped paddock land between the established caravan site and the tow path, a public right of way, along the River Cam. It would have had a rural character and appearance that contributed to the visual amenity of the countryside and lowland river corridor, clearly well used for recreational purposes, at the entrance to Cambridge. The development has resulted in significant encroachment into the meadowland to the east of the established caravan site towards the river. The extension of the caravan site almost to the edge of the tow path has led to the introduction of a visually intrusive and urbanising form of development which significantly diminishes the open and rural character of the countryside and the landscape setting of the river corridor. This is contrary to LP Policies NH/2, NH/8 and traveller site specific Policy H/22 which seek to preserve the character and appearance of the Green Belt and countryside, the distinct landscape character and the setting and special character of Cambridge. That the harm would be particularly evident from the tow path and the public footpath running alongside its northern boundary would be contrary to criterion (h) of Policy H/22 which requires that the site location would not have an unacceptable adverse impact on the effectiveness and amenity of public rights of way.

Flood Risk

22. Much of the expanded part of the appeal site is classified by the Environment Agency as falling within Flood Zone 3, which is land that has a high probability of flooding, and given its proximity and landform relationship with the River Cam it is likely also to include some of the functional floodplain. Caravans, mobile homes and park homes intended for permanent residential use are considered to be highly vulnerable to flooding and national Planning Practice Guidance (PPG) indicates that such development is not appropriate in Flood Zone 3. PPTS also advises that local planning authorities should ensure that their policies do not locate traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
23. LP Policy CC/9 expects development to follow the sequential approach to direct development to sites with the lowest flood risk, and the exception test, where necessary, to ensure that development does not increase flood risk elsewhere and that it would be safe for its lifetime. The application of the exception test should be informed by a site specific Flood Risk Assessment (FRA). In this case the application relies upon an FRA prepared in 2012 for a proposal that was smaller in extent and further away from the river bank. There have been significant changes in respect of the effects of climate change since the 2012 FRA was prepared, such that it is well out of date and cannot be relied upon. As such the appellant's claim that the land is at low risk from flooding and is safe with no risk to life is mere assertion. It is claimed that the site manager, who is not identified, is signed up with the Environment Agency Flood Warning system, but no further details are provided. In short, given the location of the proposed highly vulnerable development in an area of high flood risk, there is a clear onus on the appellant to show that there are no available sites at lower risk of flooding and that it would be safe for its lifetime, but there is practically no evidence to support that proposition. Furthermore, there is no surface water drainage strategy to demonstrate that the development would not increase flood risk elsewhere. I find that the development is therefore clearly contrary to LP Policy CC/9 and to national planning policy.

Conservation Area

24. Opposite the site and beginning on the far bank of the River Cam is the Fen Ditton Conservation Area (CA), centred on the village of mediaeval origin. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, whose significance is due to its historic buildings and agricultural and rural riverside setting. Most of the built form in the CA is away from the river, but views into the open meadowland and vistas of the river and its environs from the northern part of the village contribute to its special character. The presence of the development, due largely to its proximity to the river bank and its urban and comparatively modern character, is likely to adversely affect appreciation of the significance of the CA, both from views outwards towards the development and from views of the CA from the towpath. It diminishes the rural character of the CA and its setting. In NPPF terms, this amounts to less than substantial harm to the significance of the CA as a heritage asset. In these circumstances the harm should be weighed against the public benefits of the proposal, which in this case is the benefit of providing additional Gypsy and Traveller accommodation, along with the possibility of short term accommodation for refugees and asylum seekers. While substantial weight can be afforded to this benefit, having regard to the great weight which should be given to the heritage asset's conservation, and the importance of the riverside meadows in understanding the asset in its context, I consider that the public benefit does not outweigh the harm identified. I find accordingly that the development conflicts with national planning policy and with LP Policy NH/14, which aims to sustain and enhance the significance of heritage assets, including their settings.

Protected species, pollution and living conditions

25. Among the reasons given for taking enforcement action is the impact of the development on habitats that may have been suitable for protected species, pollution, or the potential for pollution, of watercourses, and the inadequacy of the layout leading to unsatisfactory living conditions for occupiers.
26. LP Policy NH/4 requires that new development must aim to maintain, enhance, restore or add to biodiversity. Where there are grounds to believe that a proposal may affect a Protected Species, Priority Species or Priority Habitat, applicants are expected to provide an adequate level of survey information and site assessment, in advance of development, to establish the extent of a potential impact. The expanded part of the appeal site was classed as floodplain grazing marsh, a priority habitat, by Natural England, so there was good reason to believe that the development might have detrimental ecological effects. However, no ecological assessment has been submitted.
27. On the pollution issue, LP Policy CC/7 states that in order to protect and enhance water quality all development proposals must demonstrate that there is adequate water supply, sewerage and land drainage to serve the whole development. Where foul drainage to a public sewer cannot be provided or is not feasible, alternative facilities must not pose unacceptable risk to water quality. The development is not connected to public sewers and sewerage from the development is currently directed to a package treatment plant which, if properly installed, maintained and of appropriate capacity, should discharge clean water for ground infiltration. However, I could see on my site visit that

the nearest watercourse, a deep drainage channel flowing alongside the site boundary with the River Cam tow path, appeared to be heavily polluted, that pollution apparently entering the watercourse from a side channel into the appeal site not far from the package treatment plant. I have not been advised of connectivity between the drainage channel and the River Cam, but I consider that there is potential for the drainage channel pollution to affect the river. On the balance of probability I consider that the development is causing unacceptable pollution and I find accordingly that it is contrary to LP Policy CC/7.

28. On layout, this has apparently been designed to comply with caravan site licencing conditions for residential sites. It might well do so in terms of caravan spacing, but in my experience it would not provide satisfactory living conditions for Gypsies and Travellers who meet the PPTS definition, who are, by definition, persons of nomadic habit of life. At a very basic level, there is no pitch demarcation, no space for touring caravans, no provision of sanitary facilities outside of the static caravans, typically a cultural necessity, and no facilities for children's play. The very basic and stark layout has, in my view, had no regard to the needs of Gypsies and Travellers. It is thus contrary to LP Policy H/23 which requires that proposals for Gypsies and Traveller sites be, among other things, of a good design layout, have regard to government good practice guidance, and clearly demarcate the site and pitch boundaries using appropriate boundary treatment and landscaping. Site design should take account of the needs of residents, pitches should be an appropriate scale for the size and number of caravans to be accommodated, and provision of space for children's play should be made on sites with 10 or more pitches.
29. Notwithstanding how the site is serviced and laid out currently, as noted earlier the deemed application, hardstanding aside, is for the material change of use of the land and not for exactly what has occurred in terms of layout and servicing. That means that these matters can be addressed by way of the imposition of planning conditions on any grant of permission which would enable the Council, belatedly, to control these matters. As such the harm does not, in itself, justify withholding planning permission. The harm that has already occurred in terms of potential loss of important habitat is of course much more difficult to rectify. Each of these problems has arisen directly because of the unauthorised nature of the development, and, by reference to the national policy⁶ on Green Belt protection and intentional unauthorised development, this weighs against the application.

Other considerations

Need for Gypsy and Traveller pitches and availability of alternative sites

30. PPTS requires that local planning authorities should make their own assessment of need for Gypsy and Traveller sites. The most recent Gypsy and Traveller Accommodation Assessment (GTAA) was completed in 2016 but that is out of date for a number of reasons. In a recent planning appeal⁷ hearing the Council accepted there was a total need for 149 permanent pitches, which is very substantial. The appellant claims an even greater need, but without cogent evidence to support that assertion. So far as alternative sites are concerned, the Council also accepted that there were no vacant pitches on

⁶ Written statement - HLWS404 17 December 2015

⁷ Appeal Ref. APP/W0530/W/23/3322128 - Hearing held on 9 January 2024

existing lawful sites and no allocated sites in South Cambridgeshire. While I understand that the Council is close to publishing a new GTAA as part of the evidence base to the emerging Greater Cambridge Local Plan, it is unlikely that circumstances have changed markedly since the recent position stated at appeal, and the Council acknowledges that it cannot demonstrate a supply of gypsy and traveller sites in the district in accordance with the need.

31. So far as the needs of asylum seekers and refugees are concerned, and they may account for 40-60% of the occupants, this is a wider housing supply matter about which I have been provided with no evidence.

Personal circumstances

32. The personal circumstances of occupiers of unauthorised sites are capable of carrying considerable weight in the planning balance, but very little has been provided in this case, despite my requests to the appellant to provide relevant information. As I mentioned, there is apparently considerable turnover of occupants on the site, suggesting that many have been able to find alternative accommodation. A survey of the 35 caravans on the extended Grassy Corner site in 2023 recorded 59 adults and 9 children on the overall site, but of course that includes the previously established site, so it is unknown whether there are children living on the appeal site who would be affected by this decision. Other than accepting that the current occupants have a need for accommodation, and that some may have a cultural need for caravan accommodation, the absence of detail moderates the weight I can give this matter. Similarly, the best interests of any children living on the site are a primary consideration, but the weight I can accord their interests is very limited by the complete absence of personal information and uncertainty as to whether any children are actually living in caravans which would be affected by the notice. I should note that I saw no signs of children living on the extended part of the site on my site visit.

Other Matters

33. The appellant has made various claims about the Council's failure to control caravan site development in the locality, and raises the costs to the public purse of re-locating those who might be made homeless if the notice is upheld. While these may be important matters, they do not bear significantly on the planning merits of the development with which I am concerned.

Planning Balance

34. In balancing these considerations, substantial weight must be given to any harm to the Green Belt, the definitional harm, loss of openness and conflict with the purposes of including land in the Green Belt in this case, and there is also harm to the character and appearance of the area and to the setting of Fen Ditton CA, and significant flood risk, adding further weight against the proposal. The intentional unauthorised nature of the site's establishment, which has had consequences for biodiversity, pollution and living conditions, also weighs against the development. To justify a grant of planning permission for inappropriate development in the Green Belt, on either a permanent or temporary basis, there must be considerations which clearly outweigh the definitional and other harm.

35. I accord significant weight to the unmet need for traveller sites within the District, that the Council is unable to demonstrate an adequate supply and the lack of alternative or available traveller sites for those in need of such accommodation to move to. For any children living at the site, it is likely that it would be in their best interests to remain there if it provided a stable base from which to access education and health services. But, due to the lack of information on the personal circumstances of the current occupants of the caravans, and indeed their tenure, and any children who might be living there, I can afford no more than moderate weight to these matters.
36. Overall, the totality of the harm caused by the development is very substantial and cannot be outweighed by the weight I have given to the considerations in favour of the development. I have considered whether a temporary grant of permission would be justified, given that the harm would be less, but even then the other considerations would not clearly outweigh the harm identified. The very special circumstances necessary to justify the development in the Green Belt do not therefore exist.
37. The development would not accord with the adopted development plan when considered as a whole and there are no material considerations which indicate a decision otherwise than in accordance with it. The appeal on this ground must therefore be dismissed, and the deemed planning application refused.
38. Dismissal of the appeal would make the occupants of the caravans sited outside of the established Grassy Corner site homeless, which I recognise would represent interference with home and family life. However the harm caused by the development in terms of its effect upon the interest of the economic well-being of the country, which includes the well-established and legitimate aims of Green Belt policy and the protection of the character and appearance of the countryside and heritage, and the flood risk posed, cannot be ignored. I consider that the protection of the public interest cannot be achieved by means which are less interfering of the occupants' rights. They are proportionate and necessary and hence would not result in a violation of rights under Article 8 of the First Protocol of the European Convention on Human Rights.
39. In coming to this view I have had regard to my duty under the Equality Act to avoid discrimination and promote equality, but the very substantial harm and conflict with the development plan read as a whole, and with national planning policy, outweigh its benefits in terms of eliminating discrimination against persons with protected characteristics, whom I assume include many or all of those affected, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude accordingly that it is proportionate and necessary to dismiss the appeal and refuse planning permission for the use enforced against.
40. So far as the hardstanding is concerned, as operational development carried out to facilitate the change of use it could have been required to be removed in any case, so it was not necessary to enforce against it in its own right. But in any case, it is inappropriate development in the Green Belt. While it has been suggested that it might have some utility for the agricultural use of the land upon which it has been laid, and there is a doubtful proposition that it may be permitted development if the land is returned to agricultural use, that is not sufficient to clearly outweigh the harm due to its inappropriateness, and all

the more so when the loss of openness and harm to local character and biodiversity is considered, matters which put it in conflict with the development plan. Accordingly I dismiss the operational development element of the appeal on ground (a) and refuse planning permission for its retention.

All appeals - Ground (f)

41. The purpose of the notice is clearly to remedy the breach by restoring the land to its condition before the breach took place. In those circumstances this ground is confined to consideration of whether there are lesser steps that would remedy the breach of planning control. However, no lesser steps have been proposed. I have already considered the possibility of retaining the hardstanding for agricultural use, but that has no merit. The appeal on this ground cannot therefore succeed.

All appeals - Ground (g)

42. This ground is that the period for compliance, 6 months, is too short given that there is an accommodation crisis in Cambridge. A period of 3 years is sought. That would not be appropriate in my view given the flood risk and ongoing problem of pollution, and in any case such a period would be tantamount to a temporary planning permission, which I have already found would not be justified. The high turnover on the site suggests that many of the occupants are looking for alternative accommodation in any case, and conditions on the site means that it does not provide a satisfactory living environment. I consider that, so far as requirements (i) and (ii) go, a period of 6 months is a reasonable and proportionate time in which to seek alternative accommodation. Removal of the hardstanding will require that the site be vacant, so I will extend the period for compliance with requirement (iii) to ensure that occupants have the full 6 months to seek alternative accommodation. The appeals on this ground succeed to that limited extent.

Paul Dignan

INSPECTOR



This is the Plan referred to in my Decision dated: 9th December 2024

By Paul Dignan MSc PhD

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