



Appeal Decision

Inquiry held on 1 April 2025

Site visit made on 1 April 2025

by **Diane Lewis** BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2025

Appeal Ref: APP/W0530/W/22/3308444

Land to the South of Chear Fen Boat Club, Twenty Pence Road, Cottenham, Cambridgeshire.

- 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 Mr Drew Price and Mr James Ball against the decision of South Cambridgeshire District Council.
- The application Ref 22/01703/FUL is dated 8 April 2022.
- The development proposed is: A material change of use of land through intensification to the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use.

Summary of Decision: The appeal is allowed and planning permission is granted.

Preliminary Matters

1. Three appeals concerning land to the South of Chear Fen Boat Club were due to be heard at the inquiry opening on 1 April 2025:
 - Appeal Ref: APP/W0530/W/22/3308444, as set out above (the section 78 appeal, Appeal 1).
 - Appeal Ref: APP/W0530/X/22/3308443, an appeal by Mr Drew Price and Mr James Ball against the Council's refusal to grant a lawful development certificate for the use of land for the stationing of two mobile homes for residential purposes (the LDC appeal, Appeal 2).
 - Appeal Ref: APP/W0530/C/24/3349303, an appeal by Mr James Ball against an enforcement notice issued by the Council on 18 July 2024. The alleged breach of planning control is the material change in use of the Land to use for the stationing of caravans for residential occupation (the enforcement appeal, Appeal 3).
2. A Case Management Conference was held on 6 December 2024 when a timetable for the submission of evidence and related documents was agreed. The Council had by then, in an email dated 31 October 2024, withdrawn reasons for refusal 6 and 7 regarding use of contaminated land and flood risk in Appeal 1.
3. Subsequently, cases on various topic areas were confirmed, statements of common ground progressed and proofs of evidence and supporting documents were submitted by the Council and the appellants. A statement of common ground on highways matters, dated 6 March 2025, confirmed the development would be

served by an existing access to Twenty Pence Road, satisfactory vehicular access was demonstrated and reason for refusal 8 was no longer contested.

4. In an email dated 28 March 2025 the Council informed the appellants and the Planning Inspectorate that having re-appraised the planning balance, the Council had decided they would not defend the section 78 appeal and all reasons for refusal were withdrawn.
5. The Council confirmed their position in a statement in the opening session of the inquiry and outlined the changes in circumstances that led to their decision. The Council therefore did not intend to call any witnesses nor wish to cross examine the appellants' evidence but would engage in discussions regarding planning conditions.
6. I agreed with the Council and the appellants that Appeal 1 will proceed towards a decision. Appeal 2 and Appeal 3 will be placed in abeyance. The development in Appeal 1 will be considered on its merits and the parties accepted any potential fallback that may have arisen from decisions on Appeals 2 and 3 will not be a consideration. Under this approach the appellants later agreed to the deletion of the reference to 'intensification' in the description of the proposed development.
7. In the event Appeal 1 is allowed, the Council confirmed their intention to withdraw the enforcement notice and the appellants confirmed they will withdraw Appeal 2. If I am minded to dismiss Appeal 1 the parties will be informed and the inquiry would resume on 9 September to hear Appeals 2 and 3, in order that any potential fallback may be taken into account.
8. After the way forward was agreed, the evidence of Cottenham Parish Council was heard, together with the appellants' response. There was a round table discussion on planning conditions, in accordance with the usual practice, with a view to enabling the submission of an agreed list. An accompanied site visit took place.
9. The applications for costs made by the Council and by the appellants are the subject of separate Decisions.

APPEAL 1

The site and proposal

10. The location plan has been amended to reduce the extent of the red line application site (plan ref 21_1161B_001 Rev A). The meadow land immediately south of the River Great Ouse is now identified as land within the appellants' ownership but outside the development site. The proposed block plan also has been amended to include a 9 metre (m) buffer adjacent to the watercourse along the northern boundary of the revised site area (plan ref. 21_1161B_003 Rev A). No injustice will arise by allowing the appeal to proceed based on these amended plans.
11. The site lies to the east of Twenty Pence Road and the main area is roughly rectangular in shape extending about 300m along a central internal access track. The nine pitches are shown on plan to be of a similar size and layout. On each pitch the mobile home, touring caravan and day room would be sited on an area of hardstanding which also would provide for parking. The remainder of the space is shown as garden land. New planting and boundary treatment is indicated between the pitches.

12. The appeal site visit confirmed the site layout is centred on the service road but the position of mobile homes and other elements of the layout were not fully consistent with the proposed block plan.

Main Issue

13. The main issue is whether the proposed traveller site is in an appropriate location and would be sustainable environmentally, socially and economically.
14. A conclusion on this issue will take into account the accessibility of the site to services and facilities and the effects of the development on:
- the character and appearance of the site and the surrounding area,
 - local environmental quality for residents of the site, with particular attention to noise and dust associated with the sand and gravel quarry at Mitchell Hill Farm,
 - future extraction of sand and gravel in the Mineral Safeguarding Area,
 - highway safety,
 - the biodiversity of the site,
 - the supply of traveller sites in the District and surrounding area.

Planning policy and statutory duties

15. Development Plan. In the South Cambridgeshire Local Plan 2018 (the SCLP) Policy H/22 sets out the criteria to assess windfall proposals for Gypsy and Traveller sites. Policy H/23 addresses specific design principles that should be met by all new Gypsy and Traveller sites. The Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (the MWLP) aims to ensure a steady, adequate and sustainable supply of minerals to meet current and future need. Policies 5 and 16 are relevant to mineral resources and mineral safeguarding in relation to the appeal site and adjacent lands.
16. The appeal site is located in the north east corner of the designated Neighbourhood Area covered by the Cottenham Neighbourhood Plan. The policies in the plan primarily focus on the village and immediate surroundings. There is no consideration of and no proposals for traveller sites in the section on providing more housing. Policy COH/2-1 provides for concentration of new development within the development framework to assist in the delivery of sustainable development. The policy supports proposals outside the development framework if they would provide facilities for rural enterprise, agriculture, forestry, or leisure, or where they otherwise accord with national or local planning policies.
17. National policy. The Planning policy for traveller sites, December 2024 (the PPTS) should be read in conjunction with the National Planning Policy Framework December 2024 (the Framework).
18. Statutory duties. Human rights and equality issues will be integral to my decision. Article 8, a Convention Right¹, affords a person the right to respect for their private and family life, their home and their correspondence. This qualified right requires a

¹ Article 8 of the European Convention on Human Rights, which was enshrined into UK law by the Human Rights Act 1998.

balance between the rights of the individual and the needs of the wider community. There is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies and Travellers as a minority group means some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. Where the Article 8 rights are those of children, they must be seen in the context of Article 3 of the UNCRC², which requires a child's best interests to be a primary consideration.

19. The public sector equality duty (PSED) in section 149 of the Equality Act 2010 requires that I have due regard to the three aims identified in the Act – to eliminate discrimination, advance equality of opportunity and foster good relations. Romany Gypsies and Irish Travellers are ethnic minorities and have the protected characteristic of race under section 149(7). The decision must be proportionate to achieving the legitimate planning aims.

Reasons

Location and accessibility

20. The site is unallocated land outside a development framework. The site is in the countryside and has a rural setting. Policy H/22 and the PPTS accepts that this type of location may be suitable for traveller sites, provided other criteria are met.
21. Policy H/22 requires a location that is well-related to a settlement with a range of services and facilities, including a primary school, a food shop and healthcare facilities and which is, or can be made, safely accessible on foot, by cycle and public transport. Cottenham is identified by Policy S/8 as one of five rural centres, the largest, most sustainable villages of the district. The SCLP states they have good access to a secondary school (either within the village or accessible by good public transport), employment opportunities, a variety of services and facilities and have good public transport services to Cambridge or a market town. Cottenham is approximately 4km south of the site and is easily accessible by car along the B1049. Site residents say they use the services and facilities in Cottenham and some children attend school in Haddenham
22. The appellants disagree with the Council and Parish Council on whether the site is safely accessible by foot, by cycle and public transport. Consideration of accessibility for all is important. As a useful indicator the National Design Guide definition of 'walkable' is no more than 10 minutes or 800m, compared to the Institution of Highways and Transportation guidance 2000, which refers to up to 2km for some purposes.
23. Twenty Pence Road, the B1049, is the main road linking the site with Cottenham. This road, for much of the way, is without a footway and unlit and has a speed limit of 60mph. It is not a safe route to walk along to reach the village services, especially bearing in mind the distance. Cycling for most residents would not be a genuine, reasonable or safe option, in view of the characteristics of the road and speed of traffic. There are no bus stops nearby. The appellants refer to the use of public rights of way to access Cottenham, the closest bus stop about 3km to the south on Twenty Pence Road, a farm shop (2.5km) and a garden centre (3.7km). In my view the footpath network is more suited to leisure use and is not a

² United Nations Convention on the Rights of the Child

practicable option for everyday use. All matters considered I conclude the Policy H/22 test is not met.

24. The Framework states opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Car sharing is regarded as a sustainable transport mode. As applied to the appeal site, where pitches are occupied by extended families, residents may give one another lifts, even though this point was not specifically made in their evidence. PPTS states new traveller site development should be strictly limited in open countryside away from settlements or outside areas allocated in the development plan. Emphasis is on traveller sites enabling access to education, health, welfare and employment infrastructure and providing a settled base to reduce the need for long distance travelling. The appeal site is in a good location to facilitate such access because of the proximity to the B1049 to Cottenham and the relatively short distance to the rural service centre. Mode of travel is not a specific criterion in the PPTS.
25. In conclusion, the site is well related to a rural service centre and the car is likely to be the main mode of travel for residents of the caravan site.

Character and appearance

26. My conclusions on this issue have been informed by the national, regional and local landscape character assessments cited in the evidence. The test set by Policy H/22 is whether the site, or the cumulative impact of the site in combination with existing or planned sites, would have an unacceptable adverse impact on the countryside and landscape character. Policy H/23 requires a layout of good design.
27. The appeal site is within the Fens, an area where the large-scale, open, low-lying landscape has a strong, regular pattern of rectilinear fields defined by a complex network of long, straight ditches, drains and droves. Vegetation is limited giving rise to expansive, panoramic views of a flat landscape with particularly distinctive large, dramatic skies. Arable agriculture is the dominant land use. Settlement largely comprises isolated individual farms accessed along drove tracks, with occasional clusters of cottages along the country lanes. The River Great Ouse corridor is a strong physical influence.
28. These key landscape characteristics are of the wider context and there are notable variations close to the site. To the immediate south, the fields and farmland present a disturbed and disrupted landscape by reason of the gravel extraction at Mitchell Hill Farm and the earthworks around a gun club at Chear Fen Farm. Just north of the bridge over the River Great Ouse a group of 2/3 storey houses with double garages now occupy the site of the former Twenty Pence Inn and have a dominant presence compared to the smaller older cottages in the vicinity. The marina provides moorings and facilities for boats and their passengers associated with the recreational and leisure activities on the river. Residential development has taken place at The Lakes, a short distance away to the south west. Twenty Pence Road is a well-used local route linking Cottenham with the villages to the north and Ely. Consequently, a sense of remoteness and tranquillity is not a strong characteristic in this locality. An exception is the river corridor where the enclosure by man-made embankments results in a protected habitat and tranquil space, with limited views of the fields beyond.

29. The history of the site is not for detailed consideration. Suffice to say that the series of aerial photographs shows the existence of trackways, structures and vegetation dating back to 1999. The proposed development would not replace an arable field. The site has a high degree of enclosure, including the bunds along the eastern and southern boundaries. The meadowland habitat immediately south of the river is no longer part of the appeal site and the drainage channel (the Fourth Sock Drain) now forms the northern boundary.
30. The site is very close to a bridging point, is set back from the road and is well contained. The land use and the caravans as the principal form of residential accommodation relate to the settlement nearby. Nevertheless, the development site extends some way eastwards and is of larger size than residential clusters typically found in the locality. The loss of trees and vegetation, the amount of hard surfacing, the unsympathetic design of some dayrooms and departures from the proposed layout plan have introduced an over-urbanised development that does not relate well to the river corridor and rural setting. The revised block plan goes some way to addressing these matters but detail is lacking and scope exists for further improvements.
31. Within the site is the opportunity for a more considered layout with the use of boundary and buffer planting to soften the edges, improve the relationship to the river corridor and to restore and enhance biodiversity. These matters could be appropriately covered by a planning condition requiring a site development scheme to achieve compliance with the relevant criteria of Policy H/23.
32. Visual impact. The most sensitive receptors are users of the public rights of way along the River Great Ouse and the northern boundary of the site. A well planned site need not be intrusive. From Long Drove views of the site are limited by the presence of the bunds and only the roofs of the mobile homes are visible. There are also glimpses of the development from the bridge on Twenty Pence Road. On the approach to the site from the south, the development is not noticeable and the access and the entrance gates do not appear out of place. The development would not have an unacceptable adverse impact on the visual amenity of the countryside, especially when bearing in mind the ability to use planning conditions to limit the amount of development and to secure visual enhancement. Criteria (g) and (h) of Policy H/22 would be met.

Local environmental quality for residents of the site

33. The appeal site is adjacent to the operational Mitchell Hill Quarry and west of Minerals Allocation Area M022 Chear Fen, as well as being located in the Consultation Area shown on the Proposals Map to the MWLP. The designations have two protective functions – to safeguard the mineral resources and to ensure nearby development is not adversely affected.
34. Conditional planning permission was granted in 2018 for the extraction of sand and gravel, restoration using inert material and inert waste recycling at Mitchell Hill Farm. At that time the appeal site was not thought to be in residential use and therefore the site was not identified as a sensitive receptor when considering noise mitigation and management and other environmental quality issues. The mineral development at the quarry is taking place in 10 progressive phases of extraction followed by restoration, with phases 5, 6 and 7 being located closest to the appeal site. Extraction has been completed in Phases 1, 2, 3 and 4 and restoration is in

progress. Works are currently taking place in Phase 5. The permission remains live and in force until 31 October 2035. The expectation of the Minerals and Waste Planning Authority is that extraction and processing of sand and gravel will continue beyond that date at Chear Fen M022. A concern is to ensure the proposed caravan site would not prejudice the sand and gravel operation or the infilling of waste at the quarry.

35. Policy H/22 criterion (e) and Policy H/23 criterion (f) and MWLP Policy 16 are directed at avoiding unacceptable amenity issues or adverse impacts to the living conditions and the health of the occupiers of the caravan site, due to the ongoing or future use of the adjacent mineral areas. Noise and dust are the two factors cited in the reasons for refusal.

Noise

36. The Framework expects development to promote health and well-being, with a high standard of amenity for existing and future users, recognising the importance of location and potential adverse effects of noise pollution. Noise giving rise to significant adverse impacts on health and the quality of life should be avoided. The Noise Policy Statement for England (NPSE) promotes good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development. The NPSE makes a distinction between 'quality of life', a subjective measure that refers to people's emotional social and physical wellbeing and 'health' which refers to physical and mental well-being. Planning Practice Guidance advises that when considering the acoustic environment decision makers need to consider whether or not a good standard of amenity can be achieved.
37. Within this policy context and with equality considerations firmly in mind, the acoustic environment on gypsy and traveller sites should be subject to the same standards as apply to the settled community. A roadside comparator is not acceptable or relevant in assessing permanent sites.
38. The appellants' case is based on a noise assessment that demonstrates an acceptable acoustic environment would be achieved for residents of the site. The Council's Environmental Health Officer agreed with the conclusions of the report and the Council considered the noise levels experienced at the site would be acceptable.
39. Summarising key points from the noise assessment, in March 2023 the background level modal value was measured on site as 39 dB LA90(15m), with figures varying by ± 1 dB from the modal accounting for 67% of the time. The length of activity on Phases 6 & 7 of the Chear Fen site was estimated to be approximately 21 months, with Phase 6 active for approximately 9 months. The impact level of 55 dB LAeq(1h, free field) would be well below the 70 dB limit for temporary workings. Calculations for routine activities on the quarry site showed a cumulative impact at receiver of 47dB, compared to an acceptable threshold of 49dB (background +10dB). The methodology referred to assessments used to inform the quarry planning application and subsequent monitoring. Comparator noise levels were derived from national guidance, which are reflected in condition 12 of the 2018 permission.

40. Overall, the noise assessment was robust. In terms of physical conditions, the substantial bunds that exist along the southern and eastern boundaries of the site would assist in reducing noise impacts.

Dust

41. Activities, processes and traffic movements taking place at the quarry have the potential to generate dust emissions. The Environmental Statement, submitted to support the 2018 planning application, identified the key principle that dust emissions as far as possible should be controlled, mitigated or removed at source. Good working practices to minimise dust emissions were detailed. The location and physical features of the plant site also was anticipated to reduce the risk of harmful dust emissions. The 2018 permission has planning conditions on dust suppression, primarily focused on the condition of the internal private haul road, vehicle wheel cleaning and the inert materials recycling area. The officer report on the minerals application anticipated such measures would be effective mitigation. Where required by the conditions, details were subsequently submitted and approved.
42. The appeal site was not one of the residential properties identified in the Environmental Statement. Nevertheless, in considering potential impact, account was taken of Twenty Pence Cottage and houses next to the Marina, west/northwest of the quarry site and the residential properties off Long Drove, which are close to the site boundary and near the plant site. Prevailing wind conditions, distance to the plant site and ground water levels were identified as affecting potential impact. The County Council has referred to a complaint about dust from a resident on Long Drove (April 2020). Long Drove is close to the plant site and so has a different relationship to the quarry operations compared to the appeal site. The complaint is not reliable evidence to assess the effect of dust on the caravan site.
43. My conclusion is that the key principle adopted in 2018, compliance with good working practices and the relevant planning conditions, would be effective in minimising dust on the appeal site.

Mineral Safeguarding Area

44. The appeal site lies within a Mineral Safeguarding Area (sand and gravel) (the MSA) as defined on Proposals Map (Inset map 5) of the MWLP. The purpose of a MSA is to ensure mineral resources are taken into account in planning decisions and that the identified resources are not needlessly or unknowingly sterilised by non-mineral development. Policy 5 sets out four criteria for consideration, one of which must be met to enable a development that falls outside the stated exceptions to be permitted.
45. A Mineral Resource Assessment, submitted by the appellants in January 2025, investigated the geology, topography and hydrology of the site and its surroundings, together with its ecological sensitivity. Within this context consideration was given to the potentially extractable mineral resources on the appeal site. In summary, the sand and gravel resource was found not to represent a viable mineral resource on the site given the volumes available for extraction. Prior extraction was not considered practicable.

46. The evidence, including that of the Minerals and Waste Planning Authority, indicates the constraints on any future extraction of mineral resources from the appeal site given its location close to the River Great Ouse, a County Wildlife Site and recreational and residential land uses. The presence of the Fourth Sock Drain imposes additional constraints, remembering this watercourse is a designated flood defence. The Chear Fen M022 allocation has specific site requirements that could not be achieved in the working of the appeal site in existing circumstances. Overall, there appear to be substantial difficulties to overcome to realise the mineral resource.
47. In considering the criteria in Policy 5 the appellants' assessment focuses on the viability of extracting the resource, while the Minerals and Waste Planning Authority place emphasis on the word 'value', and whether the resource would be workable today and in the future. Value can mean the importance or worth or something, as well as being related to monetary value. Given the physical constraints present in this case, my conclusion is that the proposed caravan may be permitted under Policy 5 of the MWLP.

Highway safety

48. In order to satisfy criterion (g) of Policy H/22 the proposal should be served by a vehicular access point which adheres to the highway authority's guidance and standards and be located where there is sufficient capacity in the local highway network to accommodate the traffic generated by the site. The Framework states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.
49. Photographic evidence shows access to the land from Twenty Pence Road (the B1049) has existed since at least 1999. The proposal would be served by essentially the same means of access. The access is sited on the outside of a bend, just south of a double bend and bridge where Twenty Pence Road crosses the River Great Ouse. Despite the bends and changes in level the appellants' evidence has demonstrated that visibility at the junction is acceptable, taking into account surveyed traffic speeds on the B1049, measured visibility splays and design guidance. The impact of turning traffic at the access would not lead to significant delays to through-traffic travelling along Twenty Pence Road in view of the number of turning movements and the volume of traffic on the B1049.
50. There has been no recorded personal injury accident at the junction of the site access track and the B1049 over a 25 year period 1999 to 2023. Three recorded accidents occurred near to the junction in a five year period to 2023, including a fatality. The accident details indicate the likely cause was driver error in all cases. At the inquiry the Parish Council drew attention to two further accidents that had occurred since the 2023 data. One accident involved a car overturning and the second a car colliding with a horse. There were no accident reports to provide further details and the appellants' view was the accidents were very unlikely to be at the site junction. The Parish Council also referred to a highways objection to a proposed police training centre. No details were presented but a police training centre probably would have very different movement patterns and traffic characteristics and so is not a good comparator to the caravan site. In the appeal case we know the highway authority has withdrawn their objection.

51. In conclusion, the development site has a safe means of vehicular access and the effects of the nine pitch caravan site on highway safety and capacity of the local highway network are acceptable.

Biodiversity

52. The amendments to the location and block plans are very relevant to this issue. East of Twenty Pence Road the River Great Ouse County Wildlife Site (the CWS) includes land to the north and the south of the river. The southern boundary follows the course of the ditch marking the northern boundary of the amended appeal site. Therefore the meadowland in the CWS is adjacent to and not within the appeal site.
53. The ecological appraisal and biodiversity net gain assessment were carried out retrospectively after the development of the nine pitch caravan site. The probability is that the baseline habitat conditions consisted of areas of disturbed ground across central areas of the site, largely surrounded by areas of tall forbs. Smaller areas of broadleaved woodland and a small patch of modified grassland probably were present on the western edge of the site, while an area of mixed scrub appeared to be present on the eastern edge of the site. A line of trees ran parallel to the ditch along the northern boundary. The condition of the ditch was assessed as poor – the channel was found to be dominated by leaf litter and the water appeared eutrophic.
54. The appellants' ecologist described as 'challenging' the assessment of the impact of the development. The likelihood is broadleaved woodland was the habitat of most ecological value lost as a result of the site works. The impact of the loss of this priority habitat would be at local level. The woodland may have provided potential roosting features for bats but foraging habitat is in abundance in the vicinity of the site. In quantitative terms, the baseline habitat unit value was assessed as 10.25, compared to 5.07 post development. Hedgerow and watercourse values remained unchanged. As far as could be ascertained the development was unlikely to have had any significant impact on badger, ground and over-wintering birds, aquatic mammals or reptile species. Less certainty applies to the effect on nesting birds, hedgehog and great crested newt.
55. The ecological appraisal has put forward mitigation and enhancement measures in respect of habitats and species. The Council accepts a detailed scheme for biodiversity enhancements may be secured through a planning condition, in conjunction with a site development scheme. I agree that is the most appropriate way forward. There is plenty of opportunity within the site to achieve biodiversity net gain alongside the accommodation of nine pitches. Off-site enhancement of land within the appellants' ownership may also be a possibility.

Need

56. The strategy and Policies H/20, H/22 and H/23 in the SCLP were based on a Gypsy and Traveller Accommodation Assessment completed in 2016 (the GTAA). The GTAA identified no need for Gypsy and Traveller pitches during the plan period, taking account of existing available supply. Accordingly, the SCLP does not propose any allocations. Existing authorised traveller sites are safeguarded. The GTAA acknowledged that it was not possible to determine the travelling status of a number of households, and a proportion of these may meet the definition in the 2015 PPTS. Policies H/22 and H/23 provide the criteria to consider any proposals

for sites in the district to meet their need. Looking ahead, major developments were seen as an opportunity to deliver provision to meet longer term needs should they arise.

57. The current position is very different. The Accommodation Needs Assessment September 2024 (the ANA) establishes a 5-year need for 41 pitches and a longer-term need for 89 pitches, with a total need over the period 2023/4 to 2040/41 for 130 pitches. The Council accepted currently there is a shortfall of Gypsy and Traveller residential pitches across South Cambridgeshire, a five year land supply for traveller sites cannot be demonstrated and there is a clear need for sites over the coming years. The local planning authority is reviewing how best to proceed in delivering available sites for travellers to ensure the need is met. The ANA identified potential sources of supply, including regularisation of non-permanent sites (16 pitches), potential expansion and intensification of existing sites (45 to 60 pitches) and household dissolution (16 pitches).
58. The appellants disputed a number of aspects of the ANA and did not consider it a robust evidence base. Once adjustments had been made, the appellants' five year supply figure is 89 pitches, which would increase if in-migration is included. The Council demonstrated the variance of 48 pitches is primarily related to assumptions underlying the baseline number of households in the district. Whilst some variables are debateable, an advantage of the ANA is the use of information derived from engagement with the traveller communities in the district and 'on the ground' observation.
59. For the purposes of this appeal the key conclusions are that the level of unmet need is serious, there is not an adopted strategy in place, nor is there a supply of specific deliverable sites sufficient to provide five years' worth of sites against the locally set target.

Personal need

60. The statements of residents explain the site provides a safe home, with good access to schools and health facilities, which give them peace of mind. Several families moved from traveller sites within the area which they say had become overcrowded and unsafe, particularly for young families. Having a secure pitch on the site enables them to travel to the traditional fairs and to build up their own businesses. Many of the families have lived for many years in the Cambridgeshire area. Residents believe that since arriving on the site they have become accepted and now form part of the local community. A number of children³ live on the site and success in the appeal would be in their best interests by removing uncertainty and potential serious disruption to their home and family life.

Other matters

61. Intentional unauthorised development. There are various aspects to take into account. Development took place without the necessary planning permission. The appellants acquired the land after the issue of an enforcement notice in June 2021 alleging a material change of use to a caravan site, involving the siting of two sectional caravans and three touring caravans and the unauthorised development of concrete bases. The enforcement notice was subject to appeal. Having regard to the history of the site 'intent' is not necessarily clear cut, although the appellants

³ GPS planning proof of evidence paragraph 437 states 26 children will be living on the site.

accept a nine pitch site requires planning permission. A planning application was made promptly for the unauthorised development and subsequently a number of supporting assessments were submitted.

62. The main area of harm resulting from the unauthorised development is the loss of habitat and a reduction in biodiversity. The Council has incurred costs in taking enforcement action. In the event planning permission is granted mitigation for on-site harm caused may be secured through planning condition. Weighing up the various factors, the intentional unauthorised nature of the development provides a small amount of weight against the proposal.
63. Flood risk. The north eastern corner of the site is in Flood Zone 3 and in the initial consultation on the application the Environment Agency objected to the siting of a pitch within this area. A revised Flood Risk Assessment (July 2022) addressed this matter. A topographical survey established the land in Flood Zone 3 is above the level of the remainder of the land in Flood Zone 1 and that it was raised with tipped materials some years ago.
64. In reviewing the case, the Environment Agency did not wish to defend the reason for refusal. The Council withdrew their objection on flood risk, deciding there are suitable routes to enable occupants to reach areas of safety. Based on the revised flood risk assessment, consultee advice and the Council's considered position, I conclude flood risk is not a reason to find against the development.

Planning Balance

65. Referring to the criteria in Policy H/22, there is a clear need for the nine pitch traveller site in the District, a need which currently is not able to be met by a lawful existing or available allocated site. The site is of sufficient size to accommodate the proposed number of pitches, including amenity spaces, circulation and parking, essential utilities and landscaping. The health, safety and living conditions of site residents would be of an acceptable standard, having taken account of the adjacent mineral workings. The scale of development would respect the scale of and not dominate the nearest settled community. The site is well related to settlements with a range of essential services and facilities and meeting the needs of site residents would not put undue pressure on those facilities. Nevertheless, the location does not facilitate safe access to such facilities by foot, cycle or public transport because of the distance and the characteristics of the available routes. In all probability there would be reliance on the car. The harm to landscape character would be very local and at a low level. There would be the prospect of new planting enhancing the appearance of the site over time. The loss of biodiversity through development has been acknowledged and quantified and measures to improve biodiversity identified. In conclusion, there is a high level of compliance with the criteria in Policy H/22.
66. The site layout plan needs amendment and clarification of details to ensure a good overall design. There is no evidence to indicate the outstanding matters would not be satisfactorily resolved. The use of planning conditions would be appropriate to gain compliance with Policy H/23.
67. The location of the site raises specific considerations related to sand and gravel mineral resources. The caravan site would not prejudice the operation of the existing and allocated extraction sites. The planning conditions on the 2018 permission and the existing bunding to the appeal site should adequately protect

the living conditions and amenity of the residents. Accordingly, there is no significant conflict with MWLP Policy 16. When account is taken of the identified constraints on working the resource, there is compliance with Policy MWLP Policy 5.

68. Turning to national policy, the tilted balance in paragraph 11 (d) of the Framework applies. The adverse impacts would not significantly outweigh the benefits of granting permission, when the proposal is assessed against the policies in the Framework taken as a whole and having particular regard to the key policies identified. The development would meet aims in the PPTS by increasing the number of pitches to address under provision, by providing suitable accommodation from which travellers can access education, health and welfare infrastructure, whilst having due regard to the protection of local amenity and the environment.
69. In view of compliance with national and local planning policies there is no conflict with Policy COH/2-1. The small amount of adverse weight associated with the intentional unauthorised development is not determinative in the planning balance.
70. In conclusion, the caravan site accords with the development plan when read as a whole and there are no material considerations to indicate my decision should be made other than in accordance with it. All matters considered the proposed traveller site is in an appropriate location that would be sustainable environmentally, socially and economically.

Conditions

71. The description of the development is a material change of use of land to use for the stationing of caravans for residential purposes, the erection of nine dayrooms and the formation of hardstanding ancillary to that use. The site is defined on the amended location plan ref 21_1161B_001 Rev A.
72. The Framework states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The submitted list of conditions will be considered against this policy requirement.
73. There is no need to impose conditions to make the permission personal and/ or temporary because of the acceptability of the caravan site on its merits. The occupation of the site should be restricted to Gypsies and Travellers to ensure the development adds to the stock of such sites within the District in order to contribute to meeting the existing pressing need.
74. The scale of the development should be maintained to protect local character and visual amenity by control on the number of pitches and the number and type of caravans. In addition to a single static caravan, it would be reasonable to allow a touring caravan in order that occupiers could pursue a travelling lifestyle.
75. There are outstanding matters that will require the submission of detailed schemes for approval by the local planning authority, including a site layout, biodiversity and landscaping proposals, external lighting and drainage. The wording of the condition will recognise the development has been carried out and provide for cessation of the use in the event acceptable schemes are not achieved. Maintenance of landscaped areas and any replacement planting should be

covered by a separate condition to meet the enforceability test. The components of the site development scheme and their future maintenance are necessary to ensure the caravan site is well designed, providing good living conditions for residents and suitable habitat mitigation and which positively responds to the rural setting and biodiversity enhancement. I have made a slight amendment to one of the timescales, reducing 14 months to 12 months, which allows for achieving an acceptable scheme in a reasonable timescale.

76. On each pitch there is no objection to a dayroom of appropriate scale and design for their location, in compliance with criterion (g) of Policy H/23. However, no details were submitted of the proposed dayrooms when the planning application was made, apart from siting shown on the block plan. The amended block plan shows the same siting but no additional details have been provided, whether of proposed or built dayrooms. The buildings seen on the appeal site visit were of varied size, design and siting and did not appear to accord with the block plan. The proposed condition is not reasonably worded in that the appellants have no control over the time taken by the Council to approve the submitted details. Alternatives suggested by the appellants are not sufficiently precise and to require cessation of the use in the event details were found unacceptable would be disproportionate. I intend to amend the proposed condition so that details of dayrooms may be submitted within the same time frame as the site development scheme.
77. The existing bunds along the southern and eastern boundaries of the site are essential to protect residents from effects of the adjacent quarry. Having discussed at the inquiry the probable timing and formation of the bunds, securing their retention is appropriate. The suggested tailpiece is unnecessary and will be omitted.
78. The residential use of the caravan site is compatible with the nearby residential uses and the appearance of the area. Preclusion of commercial activities and a limit on vehicle size are justifiable to protect (i) the living conditions of all residents on the site and nearby, and (ii) because of the sensitivity of local wildlife sites and watercourses.
79. The Council has proposed a condition requiring a report on airborne dust and its approval within 6 months from the date of the decision. As worded the condition would not be reasonable or enforceable. I have concluded the measures for dust control at the quarry would be sufficient and no condition is necessary.
80. The conditions imposed are to ensure the development complies with Policies H/22, H/23 and NH/4 of the SCLP.

Conclusion

81. For the reasons given above the appeal should be allowed.

DECISION

82. The appeal is allowed and planning permission is granted for: A material change of use of land to use for the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use at Land to the South of Chear Fen Boat Club, Twenty Pence Road, Cottenham, Cambridgeshire

in accordance with the terms of the application, Ref 22/01703/FUL, the location plan ref. 21_1161B_001 Rev A and subject to the following conditions:

- 1) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2) There shall be no more than nine pitches on the site. On each pitch no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only one caravan shall be a static caravan.
- 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 6 months of the date of this decision a site development scheme (hereafter referred to as 'the scheme') and a timetable for the scheme's implementation shall have been submitted for the written approval of the local planning authority. The scheme shall consist of:
 - a. A site layout, including the internal layout of the site showing the nine pitches, the siting of caravans and dayrooms, hardstanding, access road, parking and amenity areas, a buffer to the watercourse along the northern boundary to the site, on-site storage facilities for domestic waste and recycling.
 - b. A scheme for biodiversity enhancements, including provision for replacement planting of broadleaved woodland and habitat mitigation for habitat loss during site development, measurable net gain in biodiversity from pre-development baseline conditions and proposals for future management of newly planted areas and habitats.
 - c. A landscape plan of hard and soft landscaping indicating existing trees and hedgerows to be retained on the site; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; means of enclosure and boundary treatments.
 - d. Details of the means of surface water and foul water drainage and their maintenance.
 - e. A scheme of external lighting showing height, design and position of fixtures and intensity/lux levels of illumination.
 - ii. If within 12 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
- iv. The approved site development scheme shall have been carried out in accordance with the approved timetable(s).

Upon implementation of the approved site development scheme specified in this condition, that scheme shall thereafter be maintained and retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) At the same time as the site development scheme required by condition 3 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 5 years of the proposed planting, beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
- 5) Within six months of the date of this decision, full details of the dayroom on each of the nine pitches, including elevations, floor plans and external materials, shall be submitted for the written approval of the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The existing bunds, which are located along the southern and eastern boundaries of the site, shall at no time be excavated, disturbed, removed or altered in any way.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Diane Lewis

Inspector

APPEARANCES

FOR THE APPELLANT:

Michael Rudd	Barrister instructed by Green Planning Studio Ltd
He called	
Matthew Green	Director, Green Planning Studio Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert	Barrister, instructed by 3 Shared Services – Legal Practice
No witnesses were called	
Dean Scrivener BSc(Hons) MSc(Hons)	Principal Planning Officer, Greater Cambridge Shared Planning Service, took part in the discussion on planning conditions

FOR INTERESTED PARTIES:

Mrs Jo Brook	Clerk to Cottenham Parish Council
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DOCUMENTS submitted at the inquiry

- 1 Position statement on behalf of the Council.