



Appeal Decision

Site visit made on 4 December 2025

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/W0530/C/25/3368165

Zaheers (Formerly The Jester), 116 Station Road, Odsey SG7 5RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr M Zaheer against an enforcement notice issued by South Cambridgeshire District Council.
- The notice was issued on 10 June 2025.
- The breach of planning control as alleged in the notice is "Without planning permission, the laying of concrete hardstanding within the area shaded blue on the attached plan.
- The requirements of the notice are:
 1. Permanently remove all concrete hardstanding within the area shaded blue on the attached plan.
 2. Lay lawn turf, or topsoil and grass seed, to the area shaded blue on the attached plan.
 3. Permanently remove all materials and waste resulting from steps 1 & 2 from the site.
- The periods for compliance with the requirements are Step 1, 2 months from when the notice takes effect and for steps 2 and 3, 3 months from when the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

The ground (f) appeal

2. An appeal on this ground is that the steps required to be taken go beyond what is necessary to remedy the breach, or the injury to amenity. As the steps to be taken require the removal of all the concrete hardstanding and the reinstatement of lawn/grass, the purpose of the notice is to remedy the breach of planning control.
3. I do not doubt the appellant's claim that an alternative scheme could be negotiated with the Council to address the flood risk, tree root protection concerns, and visual amenity harm identified in the notice. However, the appellant correctly identifies that such a scheme would need to be the subject of a planning application.
4. I have not been advised that such a planning application has been submitted to the Council or that planning permission has been granted for it. Even if such an alternative scheme had been submitted as part of this appeal, I do not have a ground (a) before me for consideration. Such an alternative scheme would go beyond the matters before me for consideration in any event.
5. The breach of planning control can only be remedied by the removal of all the concrete hardstanding laid. There is no dispute that the land coloured blue was previously landscaped grounds. Requiring the laying of turf or grass seed is a reasonable condition to return the land to in this circumstance. The steps required to be taken do not therefore go beyond what is reasonably necessary to remedy the breach.

6. For these reasons, the appeal on ground (f) fails.

The ground (g) appeal

7. An appeal on this ground is that the period specified in the notice falls short of what should reasonably be allowed. The appellant has not indicated what extension of the period they are seeking. It would however be reasonable to conclude that it is a period sufficient to facilitate the submission and determination of a planning application for an alternative scheme.
8. Time would be required to appoint suitably qualified professionals to produce an alternative scheme, particularly as it may need to include technical drainage information. Time will also be required for the Council to determine a planning application for an alternative scheme. The periods specified in the notice would, more likely than not be insufficient to accommodate the preparation and determination of an alternative scheme.
9. It could be argued that the appellant had a reasonable expectation that the ground (f) appeal could succeed. However, the ground (f) appeal relates to negotiating an alternative scheme with the Council. The appellant has already had some 6 months to prepare and apply for planning permission for an alternative scheme, which has not occurred as far as I am aware.
10. In weighing up the continued harm arising from the unauthorised development against the business needs of the appellant, I find that the periods specified in the notice are reasonable.
11. For these reasons, the appeal on ground (g) fails.

Overall conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

M Madge

INSPECTOR