



Appeal Decisions

Site visit made on 7 October 2025

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 DECEMBER 2025

Appeals A, B, C, D, E, F, G, H, I, J & K

References: APP/W0530/C/25/3368769 etc as set out in Appendix 1

New England Farm, Tadlow, Royston, SG8 0EN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Matthew Rice against an enforcement notice issued by South Cambridgeshire District Council.
 - The notice was issued on 17 June 2025.
 - The breach of planning control as alleged in the notice is within the last 10 years, the change of use of the land from agriculture to residential, the siting of caravans and mobile homes.
 - Within the last 4 years the formation of earth bunds, the formation of a reservoir, and the laying of hardstanding.
 - The requirements of the notice are: 1. Cease the use of the land for residential use. 2. Remove all caravans and mobile homes from the land. 3. Remove all domestic items and paraphernalia from the land. 4. Remove all earth bunds from the land. 5. Fill in the reservoir that has been constructed on the land with inert subsoil and topsoil, the top 300mm of the fill should be comprised of topsoil. 6. Remove all hardstanding and surfaced roadways from the land. 7. Restore the land to its former conditions and level prior to the unauthorised works taking place. 8. Remove all waste and materials resulting from steps 1 to 7 above from the land.
 - The periods for compliance with the requirements are: 9 months for Steps 1, 2 and 3; 12 months for Steps 4, 5, 6 and 7; and 14 months for Step 8.
 - The appeals are proceeding on the grounds set out in section 174(2) (b), (c), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended). Appeal A is also proceeding on ground (a), and as such an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the enforcement notice is corrected by: i) the deletion of the words "shown edged red on the attached plan" and substitution with the words "shown hatched blue on the attached plan" in paragraph 2; ii) the deletion of the word "reservoir" and its substitution with the words "large pond" in the allegation in paragraph 3 ; and Step 5 of paragraph 5; iii) the addition of the words "facilitating the change of use" after the word "roadways" in Step 6 of paragraph 5; and iv) the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
2. Subject to the corrections the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. A previous planning application reference 24/04320/FUL was withdrawn by the appellant before it was determined. This application included part of the land covered by the notice and was for the change of use from agricultural to

residential, formation of landscape bund, the erection of five static caravans and hardstanding.

4. Part of the appeal site, including the existing barn building at the front next to the entrance, was previously granted permission for residential use. Planning permission reference 22/02192, dated 22 July 2022 was granted for the retrospective change of use of agricultural building to 1no. dwelling and associated operational development, and subsequent permission reference 23/00055/FUL (“the 2023 Permission”) was granted for the demolition of an agricultural building and erection of one dwelling.
5. The second of these permissions has been implemented, and this has created a new planning unit. The parties agree that these permissions authorise the residential use on that part of the site. This part of the site can be removed from the plan identifying the appeal land without causing injustice to the parties.
6. The appellants state that the site has a mixed use of residential, agricultural and nature conservation. However, whilst the remainder of the site is a single planning unit, the number of animals being kept compared to the level of residential use indicates an ancillary use rather than a primary use in its own right, and not an agricultural use. Nature conservation is not a planning use in any event, and it was unclear from the appellants’ information the form of nature conservation that is alleged to be taking place on the site.

Ground (e)

7. This ground of appeal is that the notice was not properly served. Section 172 of the 1990 Act provides that a copy of the notice shall be served on the owner and occupier of the land, and on any other person having an interest in the land, being and interest which in the opinion of the LPA is materially affected by the notice.
8. The appellants state that Local Councils, Charities and the New Age Traveller Community use the land as a transit site to meet an immediate accommodation need but have not provided any details regarding the extent or frequency of such use or a legal basis on which it occurs.
9. There is nothing before me to indicate that anyone other than those served with a copy of the notice had an interest in the land which would be materially affected. The registered land owners have been served, and the site notice ensured that any other occupiers were aware of the notice. It is also clear from the number of appeals received that the occupiers of the site were aware of the notice and have not been prejudiced in any way.

Ground (b)

10. An appeal on this ground is that the matters alleged in the notice have not occurred. The appellant does not agree with the description of development which includes “the formation of a reservoir”. It is evident from what I saw during the site visit that the appellants have undertaken engineering operations which constitute development, and the pit which has been created fills with water for most of the time (other than during the long dry period this summer). It contained water at the time of the site visit and I understand that it normally contains much more.

11. I accept that the body of water created may not fall within the usual meaning of the word “reservoir” as there is no indication that the water is being stored to be used as a source of water supply. However, the appellants do not dispute that they created the large pond on the appeal site, and I am satisfied that I can correct the allegation and requirements to refer to a large pond without causing injustice to any party.
12. The ground (b) therefore succeeds to this limited extent, and the notice should be amended to replace the references to a “reservoir” with references to a “large pond”.

Ground (c)

13. This ground is that the matters alleged in the notice, if they occurred, do not constitute a breach of planning control. The appellant’s case is that there are extensive areas of agricultural hardstanding on the land which are used on which to stand the caravans. It is for the appellants to prove their case regarding this on the balance of probability.
14. The Google Earth aerial images provided by the Council dated 2020 and 2024 show that many changes have happened on the appeal site over that period. Whilst there was originally some hardstanding in the south-west corner of the wider site next to the entrance, much of this area is shown green with vegetation, and the hardstanding is not as uniform or as extensive as was evident during the site visit. In addition, the recently surfaced hard-surfaced track along the western corner of the site now leads to a large area of hardstanding on which various caravans and structures are stationed which is not apparent at all in the earlier photograph.
15. The appellant has not provided any additional evidence to dispute these aerial photographs, or to support their case that the hardstanding had been on the site for more than 4 years prior to the issue of the notice.
16. An enforcement notice cannot require steps to be taken which would do more than to remedy the breach of planning control, and as such cannot require lawful development to be removed. In this case, it appears on balance on the evidence submitted that there was some limited hardstanding around the western side of the site next to the entrance and pre-existing barn associated with the previous agricultural use, as would logically be expected. However, this area is no longer part of the land covered by the notice because it has become a separate planning unit which is the subject of the 2023 Permission, as set out above in the Preliminary Matters. In any event as the notice cannot require that any such pre-existing lawful works be removed, the notice should be varied so that step 6 only requires the hardstanding and surfaced roadways which facilitated the change of use to be removed from the land.
17. The appeal under ground (c) succeeds to this limited extent.

Ground (a) and the deemed planning application

18. The main issues are whether: a) the development is suitably located having regard to relevant development plan policies concerning sustainability and sustainable transport; b) the proposed development would be at risk of flooding; and c) its effect on Sites of Special Scientific Interest (“SSSIs”).

19. The appeal site (as corrected to remove the 2023 Permission land) was previously agricultural land. It is next to the separate planning unit adjacent to the entrance in the south-western corner which has planning permission for a single dwellinghouse, and to other residential units to the south which are in separate ownership and which share the access via the unadopted New England Farm Road. It is located outside of any settlement in the flat landscape surrounded by fields with boundary hedgerows and some trees, and the odd building can also be seen in the distance.
20. The material change of use and operations development have materially altered the appearance of the land on which are now stationed various caravans, other outbuildings, and stored items such as vehicles, tyres and a shipping container and domestic paraphernalia such as a trampoline. Some of the sheds and kennels on the site house animals including pigs, horses, goats and dogs. A number of occupiers and their families including children live on the site as is evidenced by the number of appeals received.

Sustainability

21. The appeal site is accessed via a long unlit country lane which is maintained by the appellant. The site is not within easy walking distance of any facilities, and not close to access to public transport, so is realistically dependent on vehicular access.
22. Policy S/2 sets out the objectives in the Local Plan as including to provide land for housing in sustainable locations and to deliver developments that are high quality and well-designed with distinctive character that reflects their location. The site has not been designed to fit well into the rural landscape, and the many vehicles, caravans and other outbuildings on the site do not complement the existing buildings in the locality (including in the materials used and the design) or the rural nature of the landscape. The development therefore causes harm to the character and appearance of the area and landscape.
23. The countryside location is outside of the Development Frameworks set out in Policy S/7 of the South Cambridgeshire Local Plan (adopted September 2018) ("the SCLP"). Policy S/7 provides that only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted. None of these factors apply in this case as whilst there is an element of agricultural use on the land through the keeping of animals, this is ancillary to the residential use.
24. The development is also in conflict with Policy HQ/1 which seeks to achieve high quality design which preserves or enhances the character of the local rural area and responds to its context in the wider landscape, and Policy TI/2 which promotes sustainable travel, located and designed to reduce the need to travel particularly by car.

Flood Risk

25. Much of the appeal site is located in Flood Zones 2 and 3 and is prone to flooding, particularly during the winter months when the surface water fills the large pond created on the site. Caravans intended for permanent residential use are classified

as highly vulnerable in Annex 3 of the National Planning Policy Framework 2024 (“the Framework”) which advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

26. A sequential risk-based approach should be taken to steer new development to areas with the lowest risk of flooding. The appellants have not provided a site-specific flood-risk assessment, or any information to show that the development should be permitted on the appeal site because there are not any reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding with reference to the strategic flood risk assessment.
27. Similarly, there is no information before me to show that the exception test as set out in the Framework has been satisfied for the development to be permitted.
28. The development is also in conflict with Policy CC/9 of the SCLP which covers Flood Risk, and provides that development will only be permitted where the sequential and exception tests established by the Framework demonstrate the development is acceptable, and that a flood risk assessment is required as well as suitable flood protection and mitigation measures, none of which has been provided in these appeals.

SSSI

29. There is nothing before me to support the appellant's' claim that the SSSI Impact Risk Zone as identified by Natural England is incorrect. It is therefore reasonable to rely on the mapping provided which identifies that the appeal site lies within the Risk Impact Zone. The appellants should therefore have provided assessment regarding the effect of the residential development on the SSSIs, and appropriate mitigation measures if appropriate, but this has not been done.

Other matters

30. Whilst it is evident that several families are living on the site, including some children, I have not been provided with any details. The appeal form refers to the occupiers as being vulnerable but does not provide any additional information, and there is also nothing to show that they would fall within the definition of gypsy or traveller as set out in Planning Policy for Traveller Sites (2024).
31. Similarly, the appeal form also refers to a pressing accommodation need in the district but I have not been given any information regarding the type of accommodation or level of need.
32. Concerns have also been raised regarding the suitability of the access road, and the additional traffic using the access onto the 50mph speed limit on the B1042 Tadlow Road. Whilst the suitability of the access and track will inevitably depend on the extent of the actual use there is no highways evidence before me in these appeals to show that the development would create an unacceptable impact on highway safety or the residual cumulative impacts on the road networks would be severe in the terms envisaged in the Framework.
33. Any additional environmental issues including the depositing or burning of waste are regulated separately to the planning system.

Conclusion

34. The development is in conflict with the development plan policies in the SCLP and Framework, and which are material to the deemed planning application, as set out above. As there are no other material considerations that indicate otherwise, the appeal under ground (a) fails, and the deemed planning application is refused.

Ground (f)

35. The purpose of the notice is to remedy the breach of planning control. As such, the requirements in the corrected notice (with the part of the site which has permission for a dwellinghouse removed) do not exceed what is necessary to remedy the breach as they marry up with the allegations and require the residential use to cease along with the removal of the operational development and any other works which have facilitated the change of use.

Ground (g)

36. The appellants seek an extension of time for compliance but have not indicated how long they require. Compliance with the notice will result in the occupiers losing their current homes but the period of 9 months provides a reasonable amount of time to make alternative arrangements. In addition, the phased approach allowing 12 months to remove the operational development and reinstate the land, and 14 months to remove the waste associated with these works is also proportionate to allow time for the arrangements to be made and the works to be undertaken.
37. The appeals do not therefore succeed on this ground.

Conclusion

38. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Zoë Frank's

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/W0530/C/25/3368769	Mr Matthew Rice
Appeal B	APP/W0530/C/25/3368770	Ms Emma Rice
Appeal C	APP/W0530/C/25/3368771	Mr Jamie Paterson
Appeal D	APP/W0530/C/25/3368772	Mr Graham Tappenden
Appeal E	APP/W0530/C/25/3368773	Ms Zoe Barry
Appeal F	APP/W0530/C/25/3368774	Mr Lyndon Farmer
Appeal G	APP/W0530/C/25/3368775	Ms Katie Fox
Appeal H	APP/W0530/C/25/3368776	Mr German Bus
Appeal I	APP/W0530/C/25/3368777	Ms K McColl
Appeal J	APP/W0530/C/25/3368778	Mr W Bragg
Appeal K	APP/W0530/C/25/3368779	Ms Sophie Bus



Planning Inspectorate

Plan

This is the plan referred to in my decision dated: 17 DECEMBER 2025

by Zoë Franks, Solicitor

Land at: New England Farm, Tadlow, Royston, SG8 0EN

Reference: APP/W0530/C/25/3368769 and linked appeals

Scale: not to scale

