



Appeal Decisions

Hearing held on 3 & 12 February 2026

Site visit made on 4 February 2026

by **M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal A Ref: APP/E0535/C/25/3367887

Land on Slate Hall Industrial Estate, Huntingdon Road, Bar Hill, Cambridgeshire CB23 8HD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Cardinalis Developments Limited against an enforcement notice issued by Cambridgeshire County Council.
 - The notice was issued on 22 May 2025.
 - The breach of planning control as alleged in the notice is without Planning Permission: change of use of land for recycling of inert construction, demolition and excavation (CD&E) waste materials into recycled aggregate material.
 - The requirements of the notice are to:
 - Step 1: Cease the importation of waste materials, deposit and storage on the land.
 - Step 2: Cease processing of inert waste materials.
 - Step 3: Remove all processed inert waste materials from the land.
 - Step 4: Remove all deposited materials forming raised earth bunds and return the land to the level of the adjoining land.
 - Step 5: Remove all stored waste materials from the land.
 - Step 6: Return the land to its former use as agricultural land.
 - The periods for compliance with the requirements are:
 - Step 1: Within 1 day of the Notice taking effect.
 - Step 2: Within 1 day of the Notice taking effect.
 - Step 3: Within 28 days of the Notice taking effect.
 - Step 4: Within 6 months of the Notice taking effect.
 - Step 5: Within 6 months of the Notice taking effect.
 - Step 6: Within 7 months of the Notice taking effect.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/E0535/W/25/3371101

Land on Slate Hall Industrial Estate, Huntingdon Road, Bar Hill, Cambridge

- 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 Cardinalis Developments Limited against the decision of Cambridgeshire County Council.
 - The application Ref is CCC/24/004/FUL.
 - The development proposed is 'retrospective change of use for the recycling of inert (CD&E) waste into recycled aggregate material.'
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Decision: Appeal A

1. It is directed that the enforcement notice is corrected and varied by:

- At section 1 of the Notice, after the words 'within paragraph' the deletion of '(b)' and its substitution with '(a)' so that it says 'within paragraph (a) of section 171A(1) of the above Act'.

- At section 3 of the Notice, after the words ‘Without Planning Permission:’ the insertion of the word ‘material’ so that it states ‘Without Planning Permission: material change of use of land for recycling of inert construction, demolition and excavation (CD&E) waste materials into recycled aggregate material.’
 - At section 5 of the Notice, Step 6, the deletion of the words ‘former use as agricultural land’ and their substitution with the words ‘condition before the breach took place’ so that Step 6 says ‘Return the land to its condition before the breach took place.’
 - At section 6 of the Notice, the deletion of all the periods for compliance and their substitution with ‘12 months’ so that the period for compliance with all steps is 12 months.
2. Subject to the corrections and variations above, the enforcement notice is upheld.

Decision: Appeal B

3. The appeal is allowed and planning permission is granted for change of use for the recycling of inert (CD&E) waste into recycled aggregate material (part-retrospective) at Land on Slate Hall Industrial Estate, Huntingdon Road, Bar Hill, Cambridge, in accordance with the terms of the application, Ref CCC/24/004/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters concerning the Hearing

4. I kept the hearing open to enable the submission and exchange of information. A timetable for the submission of information and receipt of comments was set out and agreed with the parties during the Hearing. The Hearing was then closed in writing.

Appeal A

Matters concerning the notice

5. The enforcement notice state that ‘This Notice is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of section 171A(1) of the above Act, at the land described below. Paragraph 171A(1)(b) concerns failing to comply with any condition or limitation subject to which planning permission has been granted. However, the enforcement notice alleges a ‘change of use’ rather than a ‘**material** change of use’. I raised with the parties whether the enforcement notice should be corrected to refer to paragraph (a) of section 171A(1) of the Act and whether the allegation be corrected to refer to a **material** change of use. The parties agreed that the notice could be corrected without causing injustice and so I shall correct the notice accordingly.
6. Section 173(4) of the Act sets out the purposes of the notice, which are: remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place. Step 6 of the enforcement notice requires the appellant to ‘return the land to its former use as agricultural land.’

7. However, an enforcement notice cannot oblige a recipient to use the land for a particular purpose. Furthermore, it seems that part of the site was previously developed and so restoring it to agriculture is likely to be excessive. In light of this, I raised with the parties whether the enforcement notice should be corrected at section 5, step 6 to state 'return the land to its condition before the breach took place'. The parties agreed that the notice could be corrected without causing injustice and so I shall correct the notice accordingly.

Ground (g)

8. An appeal under ground (g) is made on the basis that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The appellant contends that 7 months is unreasonably short, given the scale and complexity of the required remedial works, and the operational circumstances of the business, and initially requested that a 73 week or 17 month period is necessary to complete the requested works.
9. During the hearing, the appellant revised this period to 18 months, stating that the company is tied into infrastructure projects. It was advised during the hearing that the appellant only has 2 grab lorries, and a maximum number of drivers that they could allocate, which would limit how quickly material can be removed from the site. Some of the appellant's concerns related to the requirement to return the land to its condition before the breach took place, which is likely to be less onerous than returning the land to agricultural land.
10. The enforcement notice identifies 6 steps, which have compliance periods ranging from 1 day to 7 months. It is suggested that Step 1 can be achieved immediately, but with consequences for the appellant's SME customers in terms of cost and supply. It is suggested that Step 2 will put at risk of redundancy 1 Cambridgeshire employee, with a further 2 at risk of redundancy following step 4.
11. There is estimated to be around 7,000 tonnes¹ of material ready to be processed at the yard which will require removal. It is stated that the appellant employs 2 grab drivers who can carry 16 tonnes per load to a quarry to be tipped, due to the high level of clay within the soil all quarries will only allow up to 500 tonne in a certain period and will also not collect most of this material. As a result, this will allow for 4 loads per day each. The Council confirmed during the hearing that it considers 12 months is more than reasonable to enable the site to be cleared.
12. Although a compliance period of 12 months may necessitate the appellant outsourcing the removal of some of the material, in my view, 12 months will give the appellant sufficient time to make alternative arrangements in terms of contracts and employees and to remove the material which is on site. I shall simplify the period for compliance by varying the notice to give one overall period for compliance of 12 months. I consider this to be reasonable and proportionate. The appeal under ground (g) succeeds to this extent.

Appeal A Conclusion

13. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

¹ Figure updated during the Hearing

Appeal B

Preliminary Matters

14. Planning applications for development that were made before day one of mandatory Biodiversity Net Gain (BNG) on 12 February 2024 are exempt from BNG. The application form is dated 16 January 2024 and sought permission for 'retrospective change of use for the recycling of inert (CD&E) waste into recycled aggregate material. It is stated that the change of use started on 1 April 2019.
15. My attention has been drawn to the case of *The King (on the application of Morris Homes (North) Limited) v Bolton Council v Westchurch Homes limited and others* [2025] EWHC 657 (Admin). In that case, the main matter in contention was when the application was made, the argument being that if, on that date there was no valid application, then there was no application made before 12 February 2024. The court refused the application for permission to apply for judicial review and held that an application is made for the purposes of Reg.3 of the Regulations when it is received by the authority.
16. It is clear from the Council's own evidence that the application was received by it before 12 February 2024: Correspondence regarding the validation of the application was sent to the appellant on 23 January 2024. Furthermore, the application is retrospective: the change of use is identified as taking place in 2019. Either way, I consider there is no obligation to impose a biodiversity gain planning condition in this case.
17. Appeal APP/E0535/C/25/3367887 proceeds on ground (g) only. Although I have upheld the notice as corrected and varied, should Appeal B succeed, the appellant can rely on the provisions of section 180 of the Act, which provides that where, after the service of a copy of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

Main Issue

18. The main issue of the section 78 appeal is whether the appeal scheme would be suitably located having regard to relevant development plan policies concerning waste management and the countryside.

Reasons

19. The appeal site comprises a plot of land which is located on the Slate Hall Industrial Estate, with access to the site obtained via a generally single track road, off Dry Drayton Road. The site is on the north eastern part of the estate, adjacent to a plot which is used by the appellant for the maintenance of vehicles used in association with their business, including the appeal site. The site itself is bound by other industrial units to the south west and mature vegetation to the remainder, such that it is not readily visible from the public domain.
20. The Slate Hall Industrial Estate has a complex planning history, with various planning permissions being granted over different parts of the estate. While it is not clear whether all of the permissions were implemented, the estate appears well established.

21. The appellant imports inert waste, which is processed and used to make concrete. The company has traded within the locality since 2009 and has a depot in Longstanton, however, it is stated that this cannot be expanded due to space constraints, a matter which is not in dispute. The appellant has a number of contracts in the local area and has a need for 5/20mm aggregate.
22. The appellant explained during the hearing the difficulties encountered in securing such aggregate from suppliers in the area, who produce primary aggregate, but also operate their own ready mix concrete plant, which means that material is not always available to the appellant on demand. The appeal site enables the appellant to produce a recycled aggregate of sufficient quality, which is then transported from the appeal site, to their site in Longstanton.
23. The company produces volumetric concrete, with materials put on a lorry and then mixed on site, meaning that material can be measured precisely, on demand. This, it is suggested, reduces waste generated as well as truck movements compared with ready-mix concrete. It also enables out of hours work, which may require smaller quantities compared with daytime working. This enables the appellant to offer reduced carbon impacts for customers and greater flexibility.
24. Policy 3 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (adopted 2021)(the MWLP) sets out the waste management needs of the area and identifies that the Waste Planning Authorities will seek to achieve net self-sufficiency in relation to the management of waste arising from within the plan area, plus additional provision until 2026 in order to accommodate needs arising from London. Waste management capacity needs are identified for different waste types, including inert recycling, recovery and disposal.
25. Policy 3 states that the net capacity figures are not ceilings for recycling, treatment or recovery of waste and as such, proposals will, in principle, (and provided they are in accordance with Policy 4: Providing for Waste Management), be supported if certain scenarios apply, including that it moves waste capacity already identified in the table up the waste hierarchy. Policy 4 of the MWLP also seeks to move waste management up the waste hierarchy and, to this end, states that proposals must demonstrably contribute toward sustainable waste management.
26. Policy 4 also sets out a broad spatial strategy for the location of new waste management development and criteria, which will direct proposals to suitable sites, consistent with the spatial strategy. It states that across the plan area, existing and committed waste sites meet the majority of identified needs as set out in Policy 3, with the present forecast capacity gap over the plan period being less than substantial. As such, the strategy of the plan is not to make specific allocations for new waste sites. Instead, the policy sets out a broad spatial strategy for the location of new waste management development; and criteria which will direct proposals to suitable sites, consistent with the spatial strategy.
27. The policy sets out that, unless otherwise supported by policy provision under one of the sub-headings in the second half of this Policy (Policy 4), the locational strategy of this Plan is that new or extended waste management facilities should be located within the settlement boundary of named existing or planned main urban areas, considering first the use of either employment areas or strategic employment areas over 10ha (not necessarily located at one of the named urban areas. Where such sites are demonstrated to not be available or suitable, it

explains that support may be given to locating facilities on other suitable sites within the named urban areas or on the edge of them.

28. While the appeal site is located within the boundary for the Northstowe Area Action Plan, it is not disputed that it is not within the main urban area and therefore falls outside of the 16 urban locations listed as acceptable for waste management facilities, or within strategic employment areas over 10ha. Nor is the site on the edge of an urban area.
29. My attention has been drawn to a draft allocation at land north of A1307, Bar Hill (Slate Hall Farm) to provide approximately 220,000 metres square of commercial floorspace in The Greater Cambridge Local Plan Draft. However, it was confirmed during the Hearing that the Plan is at a very early stage and so it is unclear whether there are any unresolved objections, or whether the allocation will be carried forward to the next stage. I therefore afford this very limited weight.
30. Policy 4 does support new waste management proposals that are within the planning permission boundary of existing waste management sites that already operate outside of the main settlements identified in the policy, 'i.e. where extensions to the site area is [sic] not required'. There was some discussion during the hearing as to whether the appeal site is located within a site which has previously been granted planning permission for a waste use.
31. While planning permission was granted in 2006 for an End of Life Vehicle (ELV) treatment facility at the site, it is unclear whether this permission was implemented, a point which was conceded by the appellant during the Hearing. Furthermore, although I would agree the evidence points towards the estate having previously expanded into the appeal site, even if I were to find that the ELV permission had been implemented, the appeal site has expanded beyond the boundaries of that permission. There is no evidence to show that there is currently an ELV treatment facility at the site, or that there was immediately prior to the material change of use to an inert waste facility taking place.
32. The sub-headings in the second half of Policy 4 include New Strategic Development Areas, Rural Areas, Medical or Research Sites and different types of disposal, including landraising. Although the appeal site is within a generally rural area, this sub-heading concerns waste management facilities which are located on a farm holding, where the proposal is to facilitate agricultural waste recycling or recovery. The appeal site does not form part of a farm, nor is it part of a medical or research site, or a type of disposal. The appeal scheme is therefore not supported by these subheadings.
33. There was discussion during the hearing regarding the 'co-location' sub-heading. Policy 4 sets out that opportunities to co-locate waste management facilities together, or with complementary activities, as explained within the supporting text for this policy will, in principle, be supported, particularly where relating to, among other things, employment sites and industrial sites.
34. The supporting text of Policy 4 discusses the benefits of co-location of waste management facilities, particularly where facilities can show why co-location would be beneficial or can complement existing waste streams, e.g. where outputs of one recycling waste stream can benefit further recycling or recovery from waste that is already taken to the original waste site or where the synergies of the operations can be understood and justified.

35. The facility at Longstanton is located a number of kilometres away and while the appeal site is adjacent to a site operated by part of the same overall company, material will move between the appeal site and the Longstanton site rather than between other sites on the Slate Hall Industrial Estate. Nevertheless, the appellant suggests that they are co-located with other uses on adjoining land. The site has various other uses on it which are employment uses and so in my view, it can be considered an employment site.
36. Although there is no evidence to show that waste arising from the estate itself would be managed within the appeal site to any significant extent, the appellant operates the site next door as a workshop which looks after the company's vehicles, including those used in the appeal site. To my mind, this is a complementary activity which reduces the need for vehicles attending the site to go elsewhere for maintenance or repair.
37. Policy 4 states that proposals which do not comply with this [sic] spatial strategy for waste management development must also demonstrate the quantitative need for the development. It was suggested to me that this simply reflects the wording of the National Planning Policy for Waste (2014) and that just because there is a quantitative need, does not mean that the spatial strategy is satisfied. However, while the proposal may not gain support from the policy, the policy does not say that proposals that do not accord with the spatial strategy must be refused.
38. The appellant has explained that they have a need for 1300 tonnes of 5/20mm aggregate per week. This material is obtained by importing inert waste and processing it. Although the appellant's demand for aggregate could be met by primary aggregate or secondary or recycled aggregate from elsewhere, the appellant states they have had difficulty in securing such material, either because it is of insufficient quality in the case of recycled aggregate, or because it is simply unavailable in the case of primary aggregate.
39. The appellant has provided written evidence of supply issues and confirmed verbally during the hearing that such issues remain, with the effect being on the time it takes to complete a project and loss of business for the day. While the Council suggests that the evidence provided by the appellant is not sufficient to demonstrate need, I found the appellant's evidence to the hearing to be compelling.
40. In addition to this, the MWLP shows there is a deficit of inert recovery and landfill capacity. While the Plan suggests that this can be accommodated through void space created from mineral extraction, given that the aim of both policy 3 and policy 4, which is to move the management of waste up the hierarchy, this, in my view, is an indication that there is a need for further inert waste recycling capacity.
41. The appeal site off-sets demand for primary aggregate and moves the management of inert waste up the waste hierarchy. The appellant has set out the carbon savings that are achieved by reducing the distance that vehicles travel to source the required aggregate, as well as savings from the use of recycled aggregate compared with primary aggregate. These are benefits to which I afford significant weight.
42. While there may be sufficient disposal or recovery capacity in inert landfill sites or in void space created from mineral extraction operations, recycling is above 'recovery' in the waste hierarchy and so, while the management of the waste at the

appeal site may simply displace capacity at existing disposal or recovery sites, this, to my mind, would be consistent with the overall aim of Policy 3 and 4 to move the management of waste up the waste hierarchy. In my view, the appellant has shown that there is a quantitative need for the development, as required by policy 4 of the MWLP.

43. The appellant suggests that locating this type of facility within the urban areas identified in Policy 4, or other settlement boundaries, is unlikely to be acceptable due to infrastructure requirements, space requirements and the effect of the use on the surrounding environment (noise, dust, vehicle movements). In my experience, waste sites such as this can struggle to compete with other uses in urban areas due to space requirements, the management of the materials in open air, which can lead to issues with dust and vehicle movements and land values.
44. The appellant suggests that South Cambridgeshire is a rural area, with very few opportunities to locate this type of facility within a settlement boundary. The appellant confirmed that they have looked at alternatives, including those identified within the Minerals and Waste Plan. I have been provided with a study carried out in 2023 looking at alternative sites. The appellant has limited its search to a radius of approximately 11 miles from the Longstanton facility, which in my view is reasonable, given the need to transport materials to that facility before it is used and has assessed 6 sites in detail, from a list of 260 sites.
45. The Council critiqued the methodology used and, in particular, questioned the leap in the report from 260 to 6, suggesting that it is not clear from the report itself what those 260 sites were, or how they were whittled down to 6. A subsequent investigation in February 2024, shows that the appellant contacted businesses in a Waste Management Area identified on the Policies Map of the Cambridgeshire and Peterborough Minerals and Waste Local Plan. However, none were identified as available. I have been provided with no substantive evidence to show that the conclusions drawn by the appellant are wrong.
46. Policy S/7 of the South Cambridgeshire Local Plan (2018)(the SCLP) seeks to direct new development to within development frameworks. It states that outside development frameworks, other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted. While I acknowledge that not all sites within a settlement boundary will be suitable for the management of inert waste, this is not, in my view, a use which requires a countryside location.
47. Policy E/16 of the SCLP concerns the expansion of existing businesses in the Countryside and supports the expansion of established existing firms which are outside development frameworks where certain criteria are met. During the hearing, it came to light that the appellant occupies the site adjacent to the appeal site and has done for a number of years. The adjacent site is used as a workshop, servicing vehicles owned and operated by the appellant company. The Council, however, has queried whether the permission for the MOT test centre and associated vehicle parking, reference S/1229/10, was lawfully implemented and conditions discharged.
48. The appellant has drawn my attention to Appendix 6 of its Statement of Case, which provides a copy of the officer report for application S/1299/10. That report states that *'The site benefits from planning permission for a variety of 'B2' general*

industrial uses including vehicle end of life servicing, vehicle servicing, repairs and recovery. All of these uses require vehicles to be stored and either repaired/serviced on site or disposed of on-site.’ It goes on to state ‘The building would be clad in a dark green metallic cladding with a new block work plinth...’.

49. Aerial photographs provided by the appellant show what appears to be hardstanding and vehicles parked in part of the appeal site and the adjacent site owned by Cardinalis in 2003 and 2006. In the 2003 and 2006 photographs, the workshop building is visible and has a grey roof. However, by 2012, the workshop building has a green roof, with the hardstanding covering what appears to be a larger area than previous years.
50. During my visit, I saw that the building is clad with green metal, with a block work plinth, suggesting that the planning permission was implemented. Even if the planning permission was not lawfully implemented because pre-commencement conditions were not discharged, it seems unlikely the local planning authority would be able to take enforcement action against the building or its use by virtue of the passage of time.
51. The appellant advises that Cardinalis Concrete has no independent legal identity but is a sub-division of Cardinalis Developments Limited (CDL), which is registered at Companies House under a single company number. Other sub-divisions of CDL include Cardinalis’ engineering operations, which operate the workshop adjacent to the appeal site. I am advised that CDL took a lease of the Slate Hall Industrial Estate as a whole on 12 December 2023 and owns and manages the estate as a business.
52. The appellant suggests that Policy E/16 supports the expansion, not just of an individual business within a business park, but also of the business park as a whole. The supporting text to the policy explains that there are many existing businesses located in the countryside which play a valuable part in the economy of the district. It goes on to say that, whilst the Local Plan generally restricts new development in the countryside, the expansion of these firms will be supported if certain conditions are met. The policy itself uses the term ‘existing businesses’ and ‘established existing firms’.
53. The Council does not dispute that the adjacent site is linked to a business which operates under the banner of Cardinalis and is owned by the appellant. The Council’s position is that ‘the expansion of established existing firms’ within the policy does not apply to establishing a new, unrelated land planning use where the functional link between the operations is weak, as (it is suggested) is the case here. In particular, the Council suggests that criterion (a) implies a primary business and functional relationship between the proposed expansion and the established firm or business.
54. The Council has drawn my attention to the advice of the Greater Cambridge Shared Planning, that the policy allows for the appropriate expansion of existing established firms/businesses and that an established firm/business is typically operating under a governing use class(s) pertaining to its day-to-day operation. It is suggested that if there is little to no primary business and functional relationship between the proposal and the existing firm/business it is questionable whether the policy is engaged.

55. However, neither the policy nor the supporting text indicates that such a restrictive approach should be taken. The policy concerns the expansion of existing businesses in the countryside, it does not specify that the business must continue to operate within the same use class, or that it has to carry out the exact same activities as are carried out within the existing site.
56. The appellant suggests that there is a functional relationship between its engineering operations at the workshop and its aggregate recycling operation at the appeal site: Both are subdivisions of Cardinalis Developments Limited and both service its development function. While the activities at the two sites may differ, it seems to me that the appeal site could be considered to constitute an expansion of an established existing firm and could be considered against policy E/16 subject to meeting the criteria within the policy.
57. Inert recycling has been carried out at the site for a number of years now. It seems likely, from the evidence provided, that the business is viable and, there appears to be an ongoing demand for the both the recycling of inert waste and for the use of the output in construction. The appellant states that Cardinalis is a well-established employer in the region, employing 25 members of staff, two of whom are employed at the site. It is clear from the evidence that at least part of the appeal site has been used for some sort of employment use for a considerable period of time, with the site expanding to the west following the occupation of it by the appellant.
58. The appellant has confirmed that the named user of the development would be Cardinalis Developments Limited. The extent of the site is well defined by vegetation and, significantly, the Council has not identified unacceptable adverse harm to the countryside or a significant adverse impact in terms of the amount or nature of traffic generated. In my judgement, the appeal scheme does broadly accord with policy E/16, as it constitutes the expansion of an established existing firm which is outside a development framework shown on the relevant policies map.
59. The Council suggests that, even if it does provide policy support, little weight should be given to any such support because of the importance of upholding Policy 4 of the MWLP. The justification to Policy 4 explains that the Councils consider it appropriate to direct most waste management facilities to the main settlements that exist in the plan area, these being the areas which generate the greater proportion of waste arising, as well as having better infrastructure (e.g., main highways) to accommodate proposals.
60. Even if I took a more restrictive view of the application of Policy E/16 and found that it did not provide policy support to the appeal scheme or that it carries little weight, Policy 4 of the WLP simply sets out a broad spatial strategy. It states that 'Proposals which do not comply with this spatial strategy for waste management development must also demonstrate the quantitative need for the development.' While the Council argued that this is not an exception, its inclusion within the wording of the policy suggests otherwise. The policy does not seek to prevent a site coming forward which does not comply with the spatial strategy, the requirement is to demonstrate quantitative need, which the appellant has done.
61. The appeal site is located off Dry Drayton Road, which provides access to the A14 corridor. Although the site is not adjacent to the appellant's site at Longstanton, given its proximity to the site, the distance the material would have to travel before its use is modest. Indeed, given the proximity of the appeal site to the A14, were I

to refuse planning permission, I consider it likely some of the material destined for the Longstanton site would pass the appeal site. In terms of infrastructure, the Council has identified no highway objections to the appeal scheme, subject to the inclusion of conditions or other deficiency in terms of infrastructure which could not be overcome through the use of condition.

62. Prior to the material change of use, the appeal site comprised hardstanding and modified grassland. The appellant proposes a number of enhancements which, it is predicted, will deliver a net gain in habitat biodiversity from the creation of mixed scrub off-site and the recreation of modified grassland on and off-site. While further details are required, as well as a timetable for implementation, such matters can be secured via condition. The proposals which have been put forward would result in an overall improvement in biodiversity, a benefit to which I afford moderate weight.
63. In my view, the use of the appeal site for the management of inert waste is not out of keeping with the character of the Slate Hall Industrial Estate, nor are there unacceptable adverse impacts on the countryside. As set out above, I consider the appeal scheme is supported by Policy 4, as it is co-located with complementary activities on the Slate Hall Industrial Estate and, even if I were to find that the appeal scheme does not accord with the spatial strategy set out in Policy 4, there is a quantitative need for the development.
64. Furthermore, the appeal scheme constitutes the expansion of an established existing firm, and so is supported by the provisions of policy E/16 of the SCLP. As such, there is no conflict with policy S/7, which permits uses which are supported by other policies in the plan.
65. The Council does not dispute that there is no significant harm arising from the appeal scheme which cannot be addressed by condition. As set out above, there are a number of benefits derived from the appeal scheme, including moving the management of waste up the waste hierarchy, the displacement of primary aggregate and the resultant carbon savings, including savings achieved from the reduction in vehicle movements, securing two jobs and an increase in biodiversity.
66. Taken together, even if I were to agree that there is conflict with policies S/7 of the SCLP and Policy 4 of the MWLP, the benefits associated with the appeal scheme outweigh any conflict with the aforementioned policies.

Conditions

67. The Council requested a condition setting out that the permission comes into effect on the date the decision is issued. However, the application made was retrospective and, given the provisions of the Act, I consider it unnecessary to impose such a condition. Although Policy E/16 of the SCLP sets out that there should be a named user for the development, since the operations have been going on now for a number of years, I consider such a condition to be unnecessary in this case.
68. The Council has requested that a condition is included to limit permitted development rights. However, the Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. There is no clear justification for the removal of

permitted development rights in this case in my view and so I shall not impose such a condition.

69. The Council has requested a condition limiting the catchment from which waste can originate. In my view such a condition is not necessary or reasonable. The MWLP seeks to move the management of waste up the waste hierarchy, which the appeal scheme does. In my experience, the cost of moving inert waste is likely to limit how far a waste travels. Furthermore, restricting the waste to a particular catchment area may prevent the appellant from securing wastes which are moved by transport modes other than road which, in my view, would be undesirable.
70. The Council has requested a condition regarding the storage of liquids. Given other legislation which controls the storage of oils, fuels or chemicals, I consider such a condition to be unnecessary in this case.
71. The Council has requested a condition to ensure that there are no bonfires or burning of waste on the site. Given the nature of the waste being managed at the site and the provisions of the environmental permitting regime, I consider such a condition to be unnecessary in this case.
72. The Council has requested a condition to control dust. However, the activities carried out at the site would also be regulated by the Permitting regime, which would control emissions from the activities, including dust. Such a condition, in my view, therefore fails the test of necessity.
73. I shall impose a plans condition in the interests of certainty and since the proposal includes the erection of a Portakabin, as well as the provision of parking within the site.
74. The appeal has been considered on the basis that the appeal site manages inert construction and demolition waste. Since other waste types may raise planning considerations which have not been considered, I shall impose a condition restricting the waste types that can be managed at the site to inert construction, demolition and excavation (CD&E) waste. I shall also impose a condition limiting the number of tonnes that can be imported to the site in a calendar year, since the appeal has been considered on this basis and a greater tonnage may raise planning considerations which have not been considered.
75. I shall impose a condition limiting hours of working and deliveries, in the interests of protecting the residential amenity of occupants in the vicinity of the site.
76. I shall impose a condition limiting access to the site from Dry Drayton Road and shall include limits on the number of HGV movements to and from the site, in the interests of highway safety. To enable the condition regarding HGV movements to be monitored, I shall include a condition requiring the keeping of records.
77. I shall impose a condition limiting the height of stockpiles in the interest of the visual amenity of the area.
78. Notwithstanding my findings regarding statutory BNG, the Council has drawn my attention to policy 20(f) of the MWLP and Policy NH/4 criterion 2 of the SCLP, which, it is stated, both require the delivery of measurable net gain / an aim to maintain, enhance, restore or add to biodiversity. The appellant does not dispute that improvements can and should be made and proposes certain measures to secure biodiversity enhancements. Such enhancements would ensure that the

appeal scheme accords with the requirements of policy 20 of the WLP, which sets out that all development proposals must deliver a measurable net gain in biodiversity, proportionate to the scale of development proposed and policy NH/4 of the SCLP, which seeks to maintain, enhance, restore or add to biodiversity. I shall impose a condition, in the interests of maintaining and enhancing the biodiversity of the site.

79. The evidence shows that although the appeal site is located within Flood Zone 1, the access road to the site falls within Flood Zones 2 and 3. A drainage scheme and flood plan has been submitted which sets out the works that will be carried out to deal with surface water and the mitigation that will be provided to manage any risks posed by flooding. I shall impose a condition to secure further details, based upon the scheme already submitted, and shall include an implementation clause to ensure that the works are carried out.
80. The Council has requested a condition to ensure that mobile plant and machinery is fitted with white noise warning alarms. Although noise would be regulated by the Permitting regime, I consider it is reasonable to impose such a condition, since this would help prevent noise becoming an issue in the first place.
81. I shall impose a condition requiring the submission of a lighting scheme, in the interests of the living conditions of nearby residents and the visual amenity of the area.

Conclusion

82. For the reasons set out above, I find the appeal scheme does not conflict with the policies of the development plan and the appeal should be allowed.

M Savage

INSPECTOR

Appearances

Appellant:

Rob Hopwood	Partner at Bidwells
Aoife Hand	Senior Planner at Bidwells
Simon Kelly	Planning Solicitor
Anthony Gale	General Manager for Cardinalis
Jim Henry	Director of Cardinalis

Council

Flora Curtis	Counsel instructed by Carolyn Beckwith of Pathfinder Legal
Alex Rankine	Case Officer
Matthew Breeze	Principal Policy Officer
Deborah Jeakins	Manager of County Minerals and Waste Team

Documents submitted to the Hearing

Document 1	Plan setting out planning history and list of planning permissions
Document 2	Statement of Common Ground
Document 3	South Cambridgeshire Adopted Policies Map: September 2018: Inset A: Northstowe
Document 4	Draft Schedule of Conditions: Council
Document 5	Draft Schedule of Conditions: Appellant
Document 6	Appellant's note dated 9 February 2026
Document 7	Title Register and Plan CB387796
Document 8	Lease of Workshop dated 13 October 2021
Document 9	Deed of Surrender dated 12 December 2023
Document 10	Lease dated 12 December 2023
Document 11	Details of directors of Optimus Commercials and Engineering Ltd
Document 12	Details of directors of Cardinalis Developments Limited
Document 13	Details of Cardinalis Holdings Limited's ownership of Optimus and Cardinalis Developments.
Document 14	<i>Morris Homes (North) Ltd v Bolton Council v Westchurch Homes limited and others</i> [2025] EWHC 657 (Admin)
Document 15	Council's written response dated 17 February 2026

Schedule of Conditions

1. The development shall be carried out in accordance with the details set out in Site Plan drawing no. C.2863 dated 02.05.2024 and Location Plan drawing no. B18,117 dated 02.05.2024.
2. No waste except inert construction, demolition and excavation (CD&E) waste shall be received at, processed or deposited at the site.
3. No more than 40,000 tonnes of inert waste shall be imported to the site in any calendar year. The operator shall maintain a written, dated record of the amount of inert waste imported to the site. These records shall be maintained and the results collated into a report to be submitted to the Waste Planning Authority within ten working days of a written request.
4. Vehicular access and egress to and from the site shall only be gained from Dry Drayton Road.
5. The total number of HGV movements to and from the site shall not exceed the following maximum limits:
 - 40 movements per day (20 in and 20 out) on Mondays to Fridays.
 - 20 movements per day (10 in and 10 out) on Saturdays.
 - No movements on Sundays and Public holidays.
6. A record of the date, time and origin of all HGV movements to and from the site shall be kept and made available to the Waste Planning Authority within ten working days of a written request.
7. No deliveries shall take place to or from the site and no work shall take place within the site outside of the hours of 0700 to 1730 on Mondays to Fridays; and 0700 to 1300 on Saturdays. No work shall take place and no deliveries shall be received or despatched from the site on any Sunday or Public Holiday.
8. No stockpile of processed, unprocessed or quarantined waste shall exceed a height of 5 metres when measured from the adjacent ground level.
9. Unless within 3 months of the date of this decision a Habitat Management and Monitoring Plan (an HMP) consistent with the recommendations in Section 5 of the Ecology Survey and Ecological Survey and Constraints Assessment dated April 2024 and the Biodiversity Management Plan dated May 2024 setting out details of biodiversity enhancements and a timetable for delivery, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the approved timetable within 9 months of the local planning authority's approval, the use of the site for the recycling of inert waste into recycled aggregate shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 9 months of the date of this decision, the use of the site for the recycling of inert waste into recycled aggregate shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained/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.

10. Unless within 3 months of the date of this decision a drainage scheme and flood plan, consistent with the Suds Drainage Layout Rev C drawing no sk02 dated 7 January 2025, Flood Risk Assessment & SuDS Statement Concrete Recycling Plant dated November 2024 and Up-flow filter design data received 8 January 2025, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 9 months of the local planning authority's approval, the use of the site for the recycling of inert waste into recycled aggregate shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 9 months of the date of this decision, the use of the site for the recycling of inert waste into recycled aggregate shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be 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.

11. A lighting scheme, based on the indicative lighting plan, drawing No. DR-003, shall be submitted to the WPA for approval within 3 months of the date of this decision. The lighting plan shall be implemented as approved within 6 months of the date of this decision and the development shall thereafter be carried out in accordance with it.
12. All mobile plant and machinery used shall not be operated unless fitted with a white noise warning alarm which is in operation and maintained in accordance with manufacturers specification at all times.

End of Schedule