



Appeal Decision

Site visit made on 8 July 2026

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2026

Appeal Ref: APP/V0510/C/25/3376525

Mobile Home on Land at Lazy Otter Meadows, Cambridge Road, Stretham, Ely, CB6 3FS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Joanne White against an enforcement notice issued by East Cambridgeshire District Council.
- The notice was issued on 29 October 2025.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land to the stationing of a mobile home for residential purposes.
- The requirements of the notice are:
 - (i) Cease the use of the land for residential purposes.
 - (ii) Remove the unauthorised mobile home from the land.
 - (iii) Remove from the land all debris, items and building materials resulting from compliance with points (i) to (ii) above.
- The periods for compliance with the requirements are:
 - (i) 12 (twelve) months after the date this notice takes effect
 - (ii) 12 (twelve) months after the date this notice takes effect
 - (iii) 14 (fourteen) months after the date this notice takes effect
- The appeal is proceeding on the grounds set out in section 174(2) (b), (c), (a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the formal decision.

Background and Procedural Matters

1. Although the appeal was only made on grounds (b), (a) and (g), with ground (f) having been withdrawn, I have treated it as having also being made on ground (c). An appeal on ground (b) applies where the matters alleged in the notice have not occurred, and an appeal on ground (c) applies where, on the balance of probability, the matters alleged in the notice do not constitute a breach of planning control.
2. In this case there is no dispute that the mobile home in question has been stationed on the land or that it is being used for residential purposes. The dispute is whether this has resulted in a material change of use (MCU) of the land. I have considered grounds (b) and (c) together given that there is a degree of overlap between them.
3. The appeal site forms part of a large caravan site accommodating residential and holiday lodges and static caravans within a single planning unit. The site was granted planning permission in 1983 and has been subject to subsequent applications to remove and vary some of the conditions. Lawful development certificate (LDC) applications have also been made.

4. A recent appeal decision¹, relating to a LDC for the same parcel of land as that identified on the Enforcement Notice Plan, was dismissed in so far as it related to the stationing of the same caravan. This was on the grounds that it would not comply with condition 7 of the original planning permission (ref. E/00081/83/F), as it would not accord with Layout Drawing 83/A/1 (dated 26 July 1983). The Inspector concluded that condition 7 remained valid and enforceable, and no evidence to dispute this has been submitted. It seems therefore, that regardless of whether a MCU has occurred, a breach of planning control has occurred due to the failure to comply with a condition. However, as the allegation in the notice refers only to a MCU, and not a breach of condition 7, I have dealt with the appeal on this basis.

Enforcement Notice

5. The allegation set out at paragraph 3 of the notice is “Without planning permission, the material change of use of the land to the stationing of a mobile home for residential purposes.” The requirements at paragraph 5 of the notice do not accurately reflect this, requiring the appellant to “(i) Cease the use of the land for residential purposes.” The land is not being used for residential purposes, it is being used for the stationing of a mobile home for residential purposes. I shall therefore vary the requirement of the notice to accurately reflect the allegation. As I am satisfied, based upon the submissions made, that the appellant has understood the allegation and requirements of the notice, no injustice would be caused by this variation.
6. The area of land outlined on the plan attached to the notice includes not only the caravan, which is stationed on the land for residential purposes, but also the site office, part of one of the access roads serving the caravan park site, an enclosed waste bin storage area, and a gravelled parking/late arrivals area. The access road and site office were confirmed to be lawful development in the previous appeal decision. Both parties have submitted revised plans, with only the area of land on which the caravan is stationed outlined. I shall therefore substitute the plan attached to the notice with the plan at Appendix C of the Council’s appeal statement, which is dated 4th February 2026. A copy of this plan is attached to this decision for the avoidance of doubt.

The appeal on grounds (b) and (c)

7. To succeed on ground (b) the appellant must demonstrate that the matters alleged in the notice have not occurred, and to succeed on ground (c), the appellant must demonstrate that, on the balance of probability, the matters alleged in the notice do not constitute a breach of planning control. These are legal grounds and the burden of proof is on the appellant.
8. Section 55(1) of the Town and Country Planning Act 1990 (the 1990 Act) sets out the meaning of development, which includes the making of any material change in the use of any buildings or other land. Whether there has been a material change of use is a matter of fact and degree to be assessed in relation to the specific circumstances of each case. The test to be applied in determining whether a material change of use has occurred is whether the overall definable character of the planning unit has changed.

¹ APP/V0510/X/24/3351291

9. The site forms part of an established caravan site with associated access roads and car parking. Although the area of land outlined on the amended enforcement plan, and on which the mobile home in question is stationed, is identified on the layout plan approved as part of the original 1983 permission as a late arrivals area, it remains a functional part of the overall approved caravan site. The caravan site is the primary use, the late arrivals area is incidental to it and is neither a separate use nor a separate planning unit. Whilst the stationing of a caravan in this location may not accord with the approved layout plan, it does not automatically result in a MCU. However, the way in which the caravan is used is a determinative matter in assessing whether the character of the planning unit has changed.
10. The earliest planning permission brought to my attention is the 1983 permission, which at condition 1 refers to the stationing of additional caravans, suggesting that a site existed prior to this. The 1983 permission did not specifically restrict the use of the site to holiday purposes, although condition 2 prevented the occupancy of static caravans other than between 1st March and 31st October each year, to ensure they were only used for holiday purposes. This condition was subsequently varied in 2009 to allow holiday use all year round. The planning history also indicates that planning conditions were varied in 2012 and 2014 and that a LDC was granted in 2024 for the use of a mobile home on the site as a main residence. However, I have not been provided with copies of these plans or decisions, and it is unclear which units or parts of the site these permissions apply to.
11. The Council accept that some caravans and lodges are occupied for residential purposes and suggest that these have become lawful over time. However, this does not mean that the whole site or all of the caravans stationed within it can lawfully be occupied for residential purposes. I have not been advised what proportion of caravans on the site are lawfully used for residential purposes. It seems to me, based upon the limited evidence provided, and on the balance of probability, that the lawful use of the site is a caravan site for holiday purposes, albeit some individual caravans benefit from a lawful residential use.
12. As it has not been demonstrated that the whole of the caravan site or what proportion of it is lawfully used for residential purposes, the stationing of a further caravan for residential purposes would, on the balance of probability, result in a MCU.
13. I therefore conclude, on the balance of probability, that the breach of planning control constituted by the matters stated in the notice has occurred and constitutes a breach of planning control. Accordingly, the appeals on grounds (b) and (c) fail.

The appeal on ground (a)

14. An appeal on ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issues

15. The main issues, having regard to the Council's reasons for issuing the notice, are whether the caravan is stationed within the footprint of the current developed area of the site and the effect of the caravan on the countryside.

Reasons

16. Policy HOU 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) (the local plan) states that the development of new, or the extension of existing mobile home and residential caravan parks will not normally be appropriate outside development envelopes. However, it goes on to state that as an exception, intensification of existing sites in the countryside may be appropriate within the footprint of the current developed area of the site. It then sets out the criteria against which such development or intensification must be assessed.
17. The Council is of the view that the caravan in question is not within the footprint of the current developed area of the site because it is within an area identified on a previously approved plan as a late arrivals area. It is unclear why this area is not considered by the Council to form part of the developed area of the site. It was presumably used by visitors arriving late/out of hours with touring caravans or camper vans and being unable to obtain access through gates or barriers or to book in, to pitch-up in the touring area, when that previously existed. As such, it would have been occupied by caravans overnight.
18. The caravan is located within the enclosed boundary of the site, in an area forming part of the approved 1983 permission, as shown on the plan which the Inspector in relation to the 2025 LDC appeal confirmed remained in force. I am therefore satisfied that the mobile home is stationed within the footprint of the current developed area of the approved caravan site.
19. It is also unclear from the notice or the Council's report and statement, what harm the development causes. Policy HOU 7 states that development or intensification of mobile home and residential caravan parks must have no adverse impact on the character and appearance of the locality, amenity of nearby residents, the scale and nature of traffic generated, must not be at unacceptable risk of flooding, must adhere to the Model Standards for Caravan Sites in England, and must have regard to colour, massing and materials used and appropriate landscaping.
20. The caravan is tucked into a corner of the site and is screened by established mature boundary landscaping, with very limited glimpsed views through from the road. It is also viewed in context with the rest of the developed caravan park site, including its office, car park and bin store, the adjacent marina and a former public house, which appears to now be occupied as a dwelling. There is some photographic evidence of a caravan having been stationed on this part of the site before, dating back to 2015. Although the caravan has been changed, and the site was vacant for approximately six weeks between that time, it appears that the caravans were stationed in the same spot and were of the same size, utilising the same brick skirt and steps. As such, the effect of the replacement caravan, which is similar in size, materials and colour to the one it replaced and others nearby, on the character and appearance of the area will be very little different.
21. The stationing of the caravan results in a small loss of parking. However, this has not been identified as a concern, and it was apparent from my visit that most residents and visitors park alongside their caravans. No cars were parked in the vicinity of the caravan at the time of my visit and plenty of parking space remained available. The caravan is not immediately adjacent to any nearby residents, and its occupancy would not generate any significant increase in traffic. There is no

evidence before me to suggest that the site is at risk of flooding or that the stationing of the caravan fails to adhere to the Model Standards for Caravan Sites.

22. The stationing of this additional caravan on the site for residential purposes is an efficient use of previously developed land that makes a modest contribution to the local supply of housing. In this respect, I note that the supporting text to policy HOU 7 recognises that mobile home and residential caravan parks play an important role in providing low-cost housing for local people.
23. I therefore conclude the mobile home is within the existing developed area of the caravan site and does not result in any harm to the countryside. As such, it accords with policy HOU 7 of the local plan. The development also accords with policy Growth 5 of the local plan, which applies a presumption in favour of sustainable development. I do not consider policy Growth 2 of the local plan to be relevant to this case given the exception set out in policy HOU 7 for the intensification of mobile homes and residential caravan parks in the countryside.

Other Matters

24. I acknowledge the comments from interested parties regarding council tax and the caravan site licence not covering the caravan in question, but this is not relevant to my assessment as to whether a MCU of the land has occurred. The siting of the caravan does not prevent or obstruct access to the pond area. Reference is made to vehicles parked besides the caravan and a lorry. I have very little information regarding this concern, however, given that the caravan is adjacent to a hardstanding access and late arrivals area, the parking of domestic vehicles adjacent to the caravan, in connection with its residential use, would not result in any harm to the character and appearance of the site or its surroundings. The parking of lorries is not a matter before me.

Conditions

25. The Council has requested that the drawing of the caravan is conditioned. However, it is not the caravan itself that is being granted planning permission, it is the use of the land for the stationing of a caravan for residential purposes that is being permitted. As such, the existing caravan could be replaced with any other falling within the same definition, as set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, without the need for a new permission. As the permission granted relates to the matters stated in the notice, and the corrected plan attached to it, a plans condition is not necessary.

Conclusion

26. I conclude that the appeal on grounds (b) and (c) fail. However, the appeal succeeds on ground (a), and I shall grant planning permission for the matters described in the notice. The appeal on ground (g) does not therefore fall to be considered.

Formal Decision

27. It is directed that the notice be corrected and varied by:
 - 1) Substituting the plan attached to the enforcement notice for the plan attached to this decision.

- 2) Replacing the words at paragraph 5 (i) and (ii) of the notice with “(i) Cease the use of the land for the stationing of a mobile home for residential purposes by removing the mobile home from the land.” And by renumbering (iii) as (ii). The time periods for compliance at paragraph 6 should be corrected accordingly, by deleting (i) and renumbering (ii) and (iii) as (i) and (ii).
28. Subject to the above corrections and variations to the notice and plan, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the stationing of a mobile home for residential purposes on Land at Lazy Otter Meadows, Cambridge Road, Stretham, Ely, Cambridgeshire, CB6 3FS.

R Bartlett

INSPECTOR

Plan

This is the plan referred to in this decision dated: 24 July 2026

by R Bartlett

Land at: Lazy Otter Meadows, Cambridge Road, Stretham, Ely, CB6 3FS

Reference: APP/V0510/C/25/3376525

Scale: Not to Scale

