



Appeal Decision

Hearing held and Site Visit made on 14 July 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th July 2026

Appeal Ref: APP/W0530/C/26/3378207

Southgate Farm, Fen Road, Milton, Cambridge CB4 1GJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Amos Webb against an enforcement notice issued by South Cambridgeshire District Council.
- The notice was issued on 12 February 2026.
- The breach of planning control as alleged in the notice is “The relevant planning permission to which this notice relates is the permission granted by the Council on 12th August 2008 for use of the Land for 24 Mobile home pitches and 2 Chalets For gypsies – S/1653/07/F
The following condition has not been complied with:
Condition 2, 3, 4 and 7 of S/1653/07/F
2. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Paragraph 15 ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.
3. The number of mobile homes, which shall be stationed on the site, inclusive of the two approved chalets, shall not exceed 26. Furthermore, the units stationed on this site shall not be sub-divided to provide additional units of accommodation.
4. Mobile homes shall not be stationed other than on the area(s) detailed on the layout plan hereby approved (drawing no. 703/01 E).
7. No mobile home shall be occupied until the amenity areas have been provided in accordance with drawing no. 703/01 E and those areas shall not thereafter be used for any purpose other than as open space.
- The requirements of the notice are:
 1. Comply with Condition 2 of Planning Permission S/1653/07/F dated 12 August 2008
 - a. Cease the occupation of mobile homes by anybody that is not defined as Gypsy or Traveller
 2. Comply with Condition 3 of Planning Permission S/1653/07/F dated 12 August 2008
 - a. Return the subdivided pitches to one pitch ensuring it is one occupiable mobile home per pitch; and remove the extra mobile homes returning the site to the plan approved (drawing no. 703/01 E)
 3. Comply with Condition 4 of Planning Permission S/1653/07/F dated 12 August 2008
 - a. Return all mobile homes and occupation to comply with the approved drawing no. (drawing no. 703/01 E)
 4. Comply with Condition 7 of Planning Permission S/1653/07/F dated 12 August 2008
 - a. Remove hard standing and any mobile home or building and return the land to grassed amenity space to comply with the approved drawing no. (drawing no. 703/01 E).
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (d) 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.

Decision

1. The appeal is allowed and the enforcement notice is quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act (as amended), the conditions numbered 2, 3, 4 and 7 attached to the planning permission dated 12 August 2008, ref S/1653/07/F are discharged and the new conditions set out in the attached Conditions Schedule are substituted.

2. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for use of land as 24 No. Mobile Home Pitches and 2 No. Chalets for Gypsies without complying with conditions 2, 3, 4, and 7 of Planning Permission S/1653/07/F dated 12 August 2008 but subject to the other conditions attached to that permission and the new conditions set out in the attached Conditions Schedule.

Preliminary Matters

3. It was agreed at the Hearing that the allegation contains superfluous words in the form of the reasons for the conditions. It was also agreed that the reference to drawing no. “703101 E” in the requirements is a typographical error and should be corrected as “703/01 E”. I have set out what was agreed in the banner heading.
4. While a “*Draft*” Statement of Common Ground (SoCG) was submitted, it was confirmed at the Hearing that the content of the document is agreed by both the appellant and the Council. The SoCG confirms that the appeal on ground (b) relates only to condition 2; the appeal on ground (d) relates to conditions 3 and 7; and the appeal on ground (a) relates to conditions 3 and 4. I shall proceed on this basis.
5. The appellant confirmed at the Hearing that the ‘plot’ numbering on site does not completely adhere to the pitch numbering shown on drawing number 703/01 E. The numbering shown as pitches 1 through 12 on drawing number 703/01 E has been inverted, so that pitch 1 is nearest pitch 26 and the numbering runs through to 12 at the end of the site nearest the railway line. I shall use the pitch numbering confirmed by the appellant as this is also the numbering I saw during my site visit.
6. The appellant also confirmed at the Hearing that he owns pitches 21 through 25. He occupies pitch 25 and his children occupy pitches 21 through 24. His brother, Matthew Webb, owns pitches 1 through 4 and 26. His brother occupies pitch 26 and his children/extended family occupy pitches 1 through 4 when not travelling. The remaining pitches, 5 through 20 are own jointly by the appellant and his brother.

Appeal on Ground (b)

7. An appeal on this ground is that the matter alleged has not occurred. In this case it is for the appellant to show, on the balance of probabilities, that no persons other than those meeting the definition of gypsies and travellers specified in condition 2 has used the site.
8. The appellant provided surnames for the families purportedly occupying the mobile homes in oral evidence given to the Hearing. When asked what measures he took to confirm prospective residents complied with condition 2, the appellant’s response was that he checked they could speak Roma. Council Tax liability information also accompanied the written submissions. The ‘Day of Assessment’ (DOA) evidence provided in Appendix C of the Council’s Statement of Case (SOC) however shows that 9 of the mobile homes were used by persons of several ethnicities and that did not identify as gypsies or travellers.
9. Given the conflict between the appeal parties’ evidence, I find the appellant’s evidence to be insufficiently precise and unambiguous to show that users of the site have not occupied pitches in breach of condition 2. In the absence of any

substantive evidence to show only gypsies or travellers have used the site, the appellant has therefore failed to show, on the balance of probabilities, that the site has not been occupied in breach of condition 2.

10. For these reasons the appeal on ground (b) fails.

Appeal on Ground (d)

11. An appeal on this ground is that at the time the notice was issued the time that action could be taken had passed. It is for the appellant to show, on the balance of probabilities that the number of mobile homes has exceeded 26 and/or mobile homes have been sub-divided to provide additional units of accommodation for a period of 10 years or more without significant interruption (condition 3) and that mobile homes on the permitted 26 pitches have been occupied for more than 10 years in breach of condition 7.
12. The Council concede that mobile homes on the site have been occupied without the provision of the amenity areas required by condition 7 for 10 years or more. Therefore, the notice was issued after the date during which the use as a caravan site in breach of condition 7 could be taken.
13. Unlike condition 7, which required the amenity areas to be provided before occupation of any mobile home on the site, condition 3 is a continuing condition. While it is worded such that the number of mobile homes stationed on the site shall not exceed 26, the second part of the condition prevents the creation of additional units of accommodation through subdivision of mobile homes. This condition can therefore be breached through the stationing of additional mobile homes and/or the subdivision of individual mobile homes. In my view the purpose of this condition is to restrict the number of self-contained units of residential accommodation, which I shall hereafter refer to as 'dwellings', to no more than 26.
14. While condition 3 seeks to restrict the number of 'dwellings' to no more than 26, if would not be right that demonstrating that a 27th dwelling has been stationed on the site for 10 years or more should be sufficient to demonstrate that any number of additional 'dwellings' is lawful. It is therefore necessary to show that every additional individual 'dwelling' has been stationed on the site for 10 or more years.
15. We saw during the accompanied site visit that the alleged "*additional unit of accommodation*" located to the rear of the chalet on pitch 25 is in fact a permanent building utilised for the garaging of domestic vehicles. It is not therefore sited on the land in breach of condition 3. Furthermore, this garage is shown in aerial imagery of the site dating back as far as April 2015. The Council does not dispute that the garage was erected more than 4 years ago and accepts it was immune from enforcement action at the time the notice was issued.
16. We also saw an additional mobile home located to the rear of pitch 26, adjacent to pitch 1. This mobile home is also present in aerial imagery dated April 2015 and there is no dispute that it has been stationed on the site for 10 years or more. The appellant claims this unit is being used for purposes ancillary to the occupation of pitch 26; providing additional sleeping and showering facilities. The Council however claims it is being occupied as an additional unit of accommodation as it has two exterior access doors and the land upon which it is stationed is fenced off from the adjacent pitches.

17. I was not provided with internal access to this mobile home. However, I could see a kitchen through one of the windows, a view into other areas of the mobile home was however prevented by curtains/blinds. Aerial imagery shows this parcel of land has been fenced since at least September 2012. There is a side gate leading from pitch 26 on to the access road from which the appellant claims access to the mobile home is achieved. While I do not dispute the appellant's claim, in my view a more logical means of access would have been to provide a gate within the fence immediately between the two parcels of land. From the evidence available, it is not clear what purpose this mobile home serves. However, given its construction and the terminology used to identify it, it would not be unreasonable to conclude it contains all the required facilities for day-to-day domestic existence.
18. The Council confirmed at the Hearing that they are not seeking the removal of this mobile home as it has been stationed on the site for more than 10 years. There is also no dispute that this mobile home has been used for human habitation purposes. However, it is for the appellant to demonstrate, with precise and unambiguous evidence, that the mobile home is not used as an additional unit of accommodation. The appellant has provided no substantive evidence to that effect nor to show its use is only ancillary to the occupation of pitch 26.
19. The mobile homes stationed on pitches 1 through 4, 23 and 24 are substantially larger than those stationed on pitches 5 through 22. It is the Council's contention that as each of these larger mobile homes have two external access doors, they have been sub-divided in breach of condition 3. While it was not possible to see inside these larger mobile homes, the appellant confirmed that they do have an internal door which can be locked to create two separate units of accommodation.
20. These larger units first appear on the land in aerial images dated May 2017. No evidence has been provided to show when they were first stationed on the land or how they have been occupied or by whom. The appellant maintains that these larger units are only occupied as single units of accommodation. However, they have provided no substantive evidence to that effect nor to show these larger units have not been sub-divided.
21. I also saw that there is a mobile home located in the rear of pitches 1 and 2, a second mobile home unit located in the rear of pitches 3 and 4, and a third mobile home unit located in the rear of pitch 23. The aerial images show that these mobile homes were stationed on the land sometime between June 2023 and March 2025. There is no dispute that these mobile homes have not been on the land for 10 years or more.
22. Taking all these factors together, I find that the appeal on ground (d) succeeds in so far as it relates to the mobile home stationed to the rear of pitch 26 and the garage to the rear of pitch 25. In all other respects the appellant has failed to demonstrate, on the balance of probabilities, that additional mobile homes or the sub-division of mobile homes has not occurred.
23. For these reasons the appeal on ground (d) succeeds to this limited extent and fails in all other respects.

Appeal on Ground (a)

24. As the notice was issued under s171A(1)(b), the ground (a) appeal and deemed planning application are for carrying out the development the subject of the planning

permission without complying with the conditions being enforced against. It is not therefore open to me to review any of the other conditions imposed on the original planning permission as doing so would widen the scope of the notice.

25. In this case planning permission exists for the use of land as “24 No. Mobile Home Pitches and 2 No. Chalets for gypsies”, subject to conditions. The notice alleges that the land is being occupied in breach of conditions 2, 3, 4 and 7. If I find planning permission should be granted, then those conditions may be discharged or replaced. If I find those conditions should be maintained, then the appeal on ground (a) shall be dismissed and the deemed application for planning permission shall be refused.
26. The appellant confirmed in the SoCG that the ground (a) appeal only relates to conditions 3 and 4. In respect of condition 4, the appellant confirmed orally that they are seeking to retain the development as currently laid out on the site. They are therefore seeking the retention of the two additional mobile homes in the rear of pitches 1 through 4, the additional mobile home in the rear of pitch 23, and the use of the mobile home between pitches 1 and 26, as ancillary residential accommodation to pitches 1 through 4, 23 and 26.
27. The appellant is not seeking planning permission for the use of the caravan site in breach of condition 2. The development would not therefore have any adverse effect on the supply of pitches for travellers. If the ground (a) is successful, the occupancy condition would therefore need to be retained to ensure the pitches remain available to gypsies and travellers.
28. The ground (a) appeal and deemed application for planning permission therefore relate solely to the acceptability of the three additional mobile homes and the one between pitches 1 and 26 for ancillary residential purposes. The **main issues** are therefore the development’s effect on the character and appearance of the countryside and the living conditions of site residents.

Reasons

29. The approved site layout, drawing number 703/01 E, shows the two approved chalets fronting on to Fen Road with the central access road’s junction with Fen Road between them. The central access road divides the land behind the chalet pitches into two halves. Each half is shown divided into 12 pitches with amenity areas located at both ends. Each of the 24 No pitches are shown to have a mobile home positioned towards the outer site boundary with parking facilities between it and the access road.
30. The two chalets and the access road are largely in accordance with drawing number 703/01 E, apart from the provision of the garage building and the additional mobile home between pitches 1 and 26. It has however been established that these structures are lawful under the ground (d) appeal, and their presence on the land therefore requires no further consideration.
31. The 24 No. pitches down either side of the access road are spaced out from the rear boundaries of pitches 25 and 26 down to approximately where pitches 12 and 13 end on drawing number 703/01 E. The space for the turning head has been retained. Rather than the mobile homes being sited towards the rear of each pitch, they are located towards the front, adjacent to the access road, except for pitch 22, which is positioned as approved. The uniformity of the layout is therefore largely

maintained. The Council accept that this layout has no significant adverse effects on the character and appearance of the countryside, to which I concur.

32. The provision of the three additional mobile homes within pitches 1 through 4 and 23 do not significantly reduce the available outside amenity space for each of these pitches. Furthermore, these mobile homes are seen against a backdrop of mobile homes, both on the site and on adjacent land. They do not therefore have any adverse effect on the character and appearance of the countryside.
33. While planning permission has only been granted for the stationing of 26 mobile homes, each pitch is of a sufficient size to accommodate a mobile home along with associated vehicles, touring caravans and outside amenity space for residents. The mobile home between pitches 1 and 26 also has outside space around it capable of accommodating parked vehicles and serving as outside amenity space in addition to that which is enclosed at pitch 26.
34. The appellant explained how, as families grow, occupiers of the approved pitches require additional accommodation and/or dayrooms. He went on to assert that building day rooms is expensive, and mobile homes can be fitted out to meet specific requirements for a lesser cost. I find the appellant's claim that additional mobile homes to provide additional sleeping and wash facilities for older children/family members or to accommodate facilities usually found in a traditional dayroom to be credible. The use of the additional mobile homes and the one behind pitch 26 as ancillary residential accommodation for the occupiers of the mobile homes stationed on pitches 1, 2, 3, 4, 23 and 26 would make a positive contribution to their amenity in terms of facilitating the traditional lifestyle of the authorised users of the caravan site.
35. For the above reasons, the development does not adversely affect the character of the countryside or the living conditions of residents. The development accords with guidance set out in the Planning Policy for Traveller Sites.

Conditions

36. An agreed list of draft conditions was discussed at the Hearing. In essence, the 7 draft conditions repeat the conditions imposed on planning permission S/1653/07/F, but with variations to take account of the change in circumstances discussed above.
37. Suggested conditions 1, 5, 6 and 7 seek to repeat conditions 1, 8, 11 and 12 of the original planning permission. These conditions are not part of the breach and are therefore not matters before me for consideration. Conditions 1, 8, 11 and 12 of S/1653/07/F will remain extant in so far as they are relevant to the development.
38. The wording of suggested condition 2 seeks to prevent the use of the land as a caravan site by any persons other than gypsies and travellers, in line with condition 2 of the original planning permission. Such a condition is necessary to ensure the pitches remain available for their permitted use. It was however agreed that the suggested wording lacks precision and imposing the Planning Inspectorate's model condition would provide clarity.
39. The number of pitches needs to remain restricted to 26 to preserve residential amenity for occupied pitches. The number of mobile homes occupied as self-contained units of residential accommodation on each pitch needs to be restricted to one (1) in the interests of residential amenity and to prevent overcrowding. I have

however found the additional four (4) mobile homes considered above to be acceptable for ancillary purposes, and a condition controlling their permitted use is also necessary in the interest of residential amenity.

Conclusion on ground (a)

40. For the reasons given above, I conclude that the appeal should succeed on ground (a) and the enforcement notice should be quashed.

41. I shall discharge the conditions which are subject to the notice, and grant planning permission on the application deemed to have been made for the change of use previously permitted without complying with the conditions enforced against but subject to new conditions as described above.

M Madge

INSPECTOR

Conditions Schedule

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, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.
2. There shall be no more than 26 pitches on the site. Except for pitches 1, 2, 3, 4, 23, 25 and 26, each of the other 20 pitches hereby approved shall have no more than one (1) caravan [as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended], stationed at any time, of which only one (1) caravan shall be a static caravan.
3. Pitches 1, 2, 3 and 4 hereby approved shall have a maximum of six (6) caravans [as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended] stationed as approximately shown red on attached Plan A, of which only four (4) caravans shall be a static caravan stationed for residential purposes and of which only two (2) caravans will be stationed for ancillary residential purposes.
4. Pitch 23 hereby approved shall have no more than two (2) caravans [as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended], of which only one (1) caravan shall be a static caravan stationed for residential purposes and of which only one (1) caravan will be stationed for ancillary residential purposes.
5. The caravan [as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended] stationed between pitches 1 and 26 and coloured orange on attached Plan A shall only be used for purposes incidental to the residential occupation of pitch 26. It shall not be used as an independent unit of residential accommodation.
6. No pitches or caravans hereby approved shall be sub-divided to provide additional independent units of residential accommodation.

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Plan A



APPEARANCES

FOR THE APPELLANT:

Daniel Phillips	Principal Planner at JMS Planning and Development LTD
Amos Webb	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Tany Mutch	Senior Planning Compliance Officer, South Cambridgeshire District Council
Chris Barnes	Principal Planning Compliance Officer, South Cambridgeshire District Council

DOCUMENTS

HD1	Draft Conditions
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