

Our Ref: 24/00057/ENFNOT

15 August 2024



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South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

**Notification of Planning Appeal**

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Dear Sir/Madam

**South Cambridgeshire District Council**

**Notification of Planning Appeal – Town and County Planning Act 1990 Appeal under Section 174**

Reference: EN/00309/22

Appeal against: Without planning permission, the material change in use of the Land for the stationing of caravans for residential occupation.

Site address: Land To The East Of Chear Fen Boat Club Twentypence Road Cottenham Cambridgeshire

Appellant: Mr James Ball

Inspectorate Ref: APP/W0530/C/24/3349303

Appeal Start Date: 5th August 2024

I refer to the above details. An appeal has been made to the Secretary of State against the above Enforcement Notice issued by South Cambridgeshire District Council on 23 December 2022.

The enforcement notice was issued for the following reasons:

The alleged breach of planning control has occurred within the last 10 years.

The site is located outside of the development framework boundary of Cottenham. The development results in the encroachment into the open countryside and incremental growth in an unsustainable location. To access local services/facilities the future occupiers of the site will have to travel a significant distance via a car. The development

represents encroachment of the open countryside, incremental growth in an unsustainable location and

a need to travel, particularly by car. The development is therefore contrary to Policies S/3, S/7, H/22 & TI/2 of the South Cambridgeshire Local Plan 2018 and fails to comply with the provisions of the National Planning Policy Framework.

The development results in a significant urbanisation of the site in a rural setting. The urbanisation of this site fails to appropriately relate to its setting and significantly harms the character of the site and the wider surrounding area. Accordingly, and given the development is located outside of the development framework of Cottenham, the development contravenes Policies S/7, H22 & HQ/1 of the South Cambridgeshire Local Plan and fails to comply with the provisions of the National Planning Policy Framework and therefore allow a form of development that is not sustainable.

The development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF because it has not been demonstrated that the Mitchell Hill Quarry will not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the development; dust and noise are of particular concern. In the absence of contrary evidence, the proposed development appears to be incompatible with the adjacent quarry.

In the absence of a statement demonstrating safeguarding of the Sand and Gravel Mineral Safeguarding Area, the development is contrary to Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (June 2021).

In the absence of submission of a biodiversity statement outlining the mitigation methods of the impact the development has upon the local wildlife or existing planting, the development is contrary to Policy NH/4 of the South Cambridgeshire Local Plan.

The land appears to be contaminated. In the absence of an assessment of the extent of contamination and any possible risks, the development is contrary to Policy SC/11 of the South Cambridgeshire Local Plan.

The development partly falls within Flood Zone 3. At present the flood risk of part of the site means the safety of people and ability of people to reach places of safety or access by emergency services is compromised. The development is therefore contrary to Policies CC/8 & CC/9 of the South Cambridgeshire Local Plan and Section 14 of the NPPF.

The development leads to the creation of an access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The vehicular movements associated with the use of the access in respect to stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use leads to conflict and interference with the passage of through vehicles to the detriment of the principle function and introduces a point of possible traffic conflict, being detrimental to highway safety. The development is therefore contrary with Policy TI/2 of the South Cambridgeshire Local Plan and Section 9 of the NPPF.

The Council considers there are no steps short of those required which can be taken to remedy the breach of planning control.

The enforcement notice requires the following steps to be taken:

1. Cease the use of the land for residential use;
2. Remove all imported hardcore that facilitates the use of the land for residential use;
3. Remove all caravans, mobile homes and other structures; and
4. Restore the land to its previous condition.

The Notice gave a compliance period of Three months

The appellant has appealed the Notice on the following ground(s):

Ground (b) – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

Ground (c) – that there has not been a breach of planning control.

Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

Ground (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

Ground (g) – that the time given to comply with the notice is too short.

The appeal will be determined on the basis of an inquiry. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

The Planning Inspectorate  
Room 3B  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

All representations must be received **six weeks from the Start Date**. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the appeal reference.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal. When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents will be available for inspection at South Cambridgeshire District Council, please contact me directly if you would like to arrange this.

You can obtain a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at

<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

If you are not the owner of the property to which this letter is addressed, please ensure that the letter is brought to the attention of the owner.

Yours faithfully

Alistair Funge  
Senior Enforcement Officer

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