



Appeal Decisions

Hearing held on 8 and 9 July 2025

Site visit made on 9 July 2025

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal A Ref: APP/W1715/C/25/3361911

Appeal B Ref: APP/W1715/C/25/3361912

Land at Broadway Farm, Broad Oak, Botley SO30 2EU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Maurice Doe of CCW Services Limited (Appeal A) and Mrs Louisa Jane Doe (Appeal B) against an enforcement notice issued by Eastleigh Borough Council.
 - The notice was issued on 3 February 2025.
 - The breach of planning control as alleged in the notice is, without planning permission, the unauthorised material change of use of land at Broadway Farm, Broad Oak, Botley, SO30 2EU to parking and storage B8 with associated unauthorised tarmac hardstanding, unauthorised drainage and unauthorised lighting.
 - The requirements of the notice are to:
 - Remove the tarmac hardstanding from the land.
 - Remove the sub base hardcore and any other materials associated with the laying of the tarmac hardstanding from the land.
 - Once the tarmac hardstanding, sub base and all other materials have been removed, reinstate the grassed surface.
 - Remove all drainage and drainage infrastructure from the land.
 - Remove all lighting from the land.
 - Remove all vehicles, rubber matting, materials and other items associated with the B8 storage and parking use from the land.
 - Cease the parking and storage (B8) use of the land.
 - The period for compliance with the requirements is 6 months after the notice takes effect.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (b), (c) 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.
 - Appeal B is proceeding on the grounds set out in section 174(2)(b), (c) and (g) of the Town and Country Planning Act 1990 (as amended).
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Summary Decision: Appeal A is allowed in part, and planning permission is granted for the use of part of the land to which the enforcement notice relates. Otherwise, the appeals are dismissed, and the enforcement notice is upheld with corrections.

Applications for costs

1. An application for costs was made by Eastleigh Borough Council against Mr Maurice Doe of CCW Services Limited and Mrs Louisa Jane Doe. This application is the subject of a separate decision.

Preliminary Matters

2. A case management conference (CMC) was held on 2 June 2025, the purpose of which was to discuss the ongoing management of the appeals and identify any matters relevant to the hearing, including the matters that would be the topic of discussion at the hearing. A note was issued to the parties before and after the CMC.
3. The grounds of appeal, as originally made, included ground (d) and (f). These were later withdrawn by the appellants. A ground (c) appeal was, however, added.
4. It was originally intended for the appeals to be considered by way of a public inquiry. Accordingly, the appeals timetable allowed for the submission of statements of case, final comments and proofs of evidence. The procedure was changed to a hearing shortly before the opening of the appeal event. This procedure does not allow for the formal presentation of the parties' cases. Accordingly, in the interest of procedural fairness, I gave both parties the opportunity to make oral representations in response to the case made by the other party in their proofs of evidence. This was in addition to the oral responses given during the hearing to my questions.

The Notice

5. Before considering the grounds of appeal, I have a duty to put the notice in order, if necessary. The powers transferred to Inspectors under section 176(1)(a) of The Town and Country Planning Act 1990 as amended (the 1990 Act) include to correct any defect, error or misdescription in the enforcement notice or, under section 176(1)(b), to vary the terms of the enforcement notice. In each case, the only test is whether the correction or variation would not cause any injustice to the appellant or the local planning authority. These powers are relevant to the ground (b) appeals that have been made.
6. I have noted the appellants' case on ground (b), which is entirely relevant to whether or not the notice contains any errors or misdescriptions. This will be considered under the ground (b) section of this decision. At the hearing I also discussed with the parties my concerns with regard to the 'B8' reference in the allegation. Whilst this is a matter that is separate to the appellants' case under ground (b), it is relevant to my ground (b) considerations. I will, therefore, consider this in that part of this decision.
7. Although a minor matter, the reference to 'unauthorised' in the allegation is unnecessary. The allegation is of development (i.e. a material change of use) without planning permission. In particular, the reference to associated unauthorised works (i.e. the hardstanding, etc.) suggests that these might be a separate allegation, whereas the Council has confirmed that these works are part and parcel of the material change of use alleged. In the interests of precision and certainty, I will remove reference to 'unauthorised' from the allegation.
8. On a separate matter, there is reference in the notice to 'the land'. The normal convention is to confirm in part 2 of the notice that the land to which the notice relates is referred to elsewhere in the notice as 'the Land'. In the interests of certainty, I intend to correct the notice to include this abbreviation in part 2 and to replace the site address repeated in part 3 with this abbreviation.

9. I am satisfied that the appellants have read the notice as it was intended. As such, having regard to the minor nature of these corrections, no injustice would be caused to any party.

Ground (b) – Appeals A and B

10. A ground (b) appeal is that the matters alleged in the enforcement notice, which appears to the Council to constitute the breach of planning control, have not occurred. In order to succeed on this ground, the appellants must demonstrate that on the balance of probability the matters stated in the enforcement notice have not occurred.
11. The appellants do not dispute that a material change of use of the appeal site has occurred. However, their position is that the use taking place is a mixed use comprising parking, storage and an agricultural use. The Council's position is as set out in the notice, that a material change of use of the entirety of the appeal site to a parking and storage use has occurred.
12. I drew to the parties' attention the case of *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207, which is a leading case for the determination of the planning unit and uses of it. In applying the approach in *Burdle*, I have considered the occupation of the site, the activities that have taken place on it, and the relationship between these activities. I have also considered the relationship between the activities on the appeal site and others taking place on land that is not the subject of these appeals.
13. The appellants confirmed that there is a single owner of the appeal site and, unlike other parts of the wider site, the indication is that there is at present a single occupier, CCW Services Limited.
14. As for the activities taking place on the appeal site, the appellants confirmed that at present the land is used to park HGVs and, on occasion, staff vehicles, and that HGV trailers and pallets are stored on the land. It was also confirmed that emergency services vehicles (e.g. ambulances) have been stored on the site in the recent past. Such an activity might have been carried out by a separate occupier (i.e. the NHS). Nevertheless, the reference to parking and storage in the allegation is accurate in terms of the existing activities taking place on the land.
15. As for any other activities taking place, the appellants refer to an agricultural use. They confirmed, however, that no agricultural activities are taking place on the site at present. Indeed, it was confirmed that there have been no agricultural activities on the land since the parking and storage activities commenced. Whilst I noted that a large part of the appeal site (i.e. that to the south of the tarmac hardstanding area) is laid to grass, there is no indication that any agricultural activity takes place on this land. Furthermore, there was no suggestion that the items stored and vehicles parked on the appeal site are associated with any agricultural activity. Since the parking and storage activities commenced, the evidence indicates that there has been no other activity taking place on the appeal site.
16. In view of the above, the evidence indicates that the only activities taking place on the appeal site at present are parking and storage. For this reason, I am satisfied that the only uses taking place on the appeal site as a whole are a storage use and a parking use.

17. I can agree with the appellant, that there is a difference between parking and storage. This does not appear to be disputed by the Council. Whilst the evidence indicates that in recent years these uses have primarily occurred in the northernmost part of the site (a matter I will come to below), the uses appear to occur together and not separately. By this I mean that the uses do not appear to be physically or functionally separate. I would, therefore, regard these two uses as comprising a mixed use in this case.
18. I have no reason to doubt that the former use of the appeal site was for agriculture and that this was a lawful use. Indeed, should the use of the appeal site return to an agricultural use, such a use might be lawful, having regard to the provisions of section 55(2)(e) and section 57(4) of the 1990 Act. This does not mean that an agricultural use is extant. The appeal site is not used for the purposes of agriculture at present and it has not been used for these purposes since the parking and storage use commenced. For these reasons, I cannot agree that the mixed use taking place on the appeal site includes agriculture.
19. I acknowledge that the parking and storage activities do not take place on all parts of the appeal site and that, since the laying of the tarmac hardstanding, the use has been concentrated on this part of the site. I have, therefore, considered whether the material change of use to a parking and storage use has taken place on the entirety of the appeal site. Indeed, this is relevant to the appellants' case regarding the spread of the parking and storage activities across the site.
20. The tarmac hardstanding referred to in the notice is confined to the northernmost portion of the appeal site. This part of the appeal site was the subject of a previous application for a certificate of lawful use or development (LDC), which was dismissed at appeal¹. This part of the site is, therefore, shown on the site plan for the LDC application². Whilst the use for which the certificate was sought in that case was for the 'parking of motorised vehicles to include heavy vehicles and trailers', the activities described in the decision reflect those described in the appeals before me, which I have regarded as a mixed use for parking and storage.
21. At the site visit I noted a bund along the majority of the southern boundary of the tarmac hardstanding. There is a wide gap in the bund, providing access between the northern and southern part of the appeal site. Across this I saw what the appellants describe as a temporary gate. The gate was opened for me to walk between the two parts. This bund provides a form of boundary between the tarmac hardstanding area and the southern part of the site.
22. All of the above might indicate that the material change of use to a parking and storage use has only taken place on the tarmac hardstanding area, and that this part of the appeal site is physically and functionally separate from the remainder of the appeal site. Indeed, at the hearing the Council suggested that there had not been a material change of use of the appeal site until 2020. This coincides with the time the tarmac surface was laid and this part of the appeal site was more intensively used for parking and storage. The appellants also indicated that from 2020 onwards the southern part of the appeal site was used only on one occasion, for staff parking.

¹ Appeal reference APP/W1715/X/23/3331326.

² Document 9 of the appellants' statement of case

23. However, I cannot entirely agree that 2020 marks the date of the breach on the appeal site. Nor can I conclude that, on the balance of probability, the breach (the material change of use in this case) has only occurred on the northern part of the site. Here I turn to the previous Inspector's decision. Having regard to this, I can see why the Council refer to 2020 as the date of the breach. This is referred to in the decision as the time at which the use of the site in that case intensified, following the laying of the tarmac surface and the use of it by the NHS.
24. However, the Inspector clearly refers to the use in question having taken place on the site prior to this date. Having regard to the evidence before them, they find it more likely than not that the site in question (which is, of course, only the northern part of the current appeal site) was not 'used for parking of vehicles and trailers' (consistent with a parking and storage use) 'until at least 2016'³.
25. When referring to the 2020 date at the hearing, the Council went on to say that before this date the use was intermittent. It may be the case that the use of the appeal site had not continued substantially uninterrupted until 2020 and that there were periods prior to this date that the Council could not have taken enforcement action. It does not, however, follow that the breach had not occurred prior to this date. Indeed, the previous Inspector appears satisfied with the evidence that demonstrates that the use was taking place between 2016 and 2020. I have no reason to disagree with this.
26. As for the extent of the land upon which the breach has taken place, I have been provided with an aerial photograph from August 2016, which I assume is the same as that before the previous Inspector. At paragraph 29 of the Inspector's decision, they refer to the 2016 photograph and a 2017 photograph, which they say 'show HGVs parked on the appeal site in a manner which may be consistent with overspill from the main Broadway Farm site'. In the 2016 photograph I can not only see the large HGV trailers in the northern part of the site, but other items elsewhere on the site, outside of the current tarmac hardstanding area. I can also see vehicle tracks emanating from the former entrance to the appeal site, referred to by the appellants in evidence, into the more southern part of the site. I also note that the appeal site was a single, open field parcel at this time, without the current bund or, it would appear, any means of sub-division.
27. I have noted the extent of rubber matting on the land to the south of the tarmac hardstanding, which the appellants say was originally laid in around 2016 (and subsequently added to) to facilitate vehicle access. Whilst this matting may have been laid for the purposes of access, rather than to provide a parking and storage area, the activity on this part of the site was clearly associated with, and therefore, part and parcel of the parking and storage use. Although this part of the site is not actively used at present, it does not mean that the use has not occurred on this part of the site.
28. I am also mindful of the appellants' admission that since 2020, the southern part of the appeal site has been used for parking. This is illustrated in the aerial photograph from September 2024, in which I can not only see what appear to be domestic vehicles, but also other items on the land such as those visible in the December 2020, March 2022 and August 2023 aerial photographs. Whilst I note the appellants' case regarding this use, made under ground (c), there is no doubt

³ Paragraph 32 of the appeal decision APP/W1715/X/23/3331326.

that parking activities have recently taken place outside of the tarmac hardstanding area.

29. All of the above considered, I find it more likely than not that the parking and storage use has occurred on land beyond the current tarmac hardstanding area.
30. I am also satisfied that, despite the erection of the bund and tarmac surface, the appeal site remains as a single parcel of land. Whilst the bund has resulted in a degree of separation, I have had regard to the gap within the bund, which would appear to be intentional; the appellants say that this was to provide direct vehicular access from one part of the site to the other. There is no suggestion that the bund and hardstanding has resulted in a subdivision of the appeal site, such that separate distinct parcels in their own separate use have been created. Indeed, there have been no other uses taking place on any part of the appeal site.
31. Accordingly, I find as a matter of fact and degree that a material change of use of the appeal site as a whole to a parking and storage use has occurred. The ground (b) appeal must, therefore, fail.
32. The above does not mean that the appeal site is a planning unit of its own. My conclusion is only that the allegation of a material change of use of the appeal site has occurred. On the matter of the planning unit, at the hearing I asked the parties about any connection between the activities taking place on the appeal site and the wider site, which is also used by the appellants. The indication was that the use of the appeal site was wholly connected to the main operational area of CCW Services Limited, which is to the west of the appeal site. I will refer to this land to the west from hereon in as the Operational Land. The indication is, therefore, that the appeal site is used in a way that is part and parcel of the use of the wider Operational Land, whether that be an ancillary use or the same as the main use of the site. It is not, however, necessary for me to conclude on this matter. Neither is it necessary for the notice to specify whether the use alleged is taking place on a planning unit of its own or as part of a wider planning unit; in the case of an enforcement notice alleging a material change of use, the notice need not identify the planning unit. To comply with section 173(1)(a) of the 1990 Act, the notice need only identify the matters that appear to constitute a breach of planning control. Save for the minor corrections I intend to undertake, including that set out below, I am satisfied that the notice identifies the breach (a material change of use in this case) and the land that is the subject of the breach with the necessary degree of certainty.
33. On a final matter, I have already referred to my concerns with regard to the slightly ambiguous 'B8' reference in the notice. The Council confirmed that this is reference to Class B8 of Part B, Schedule 1 of The Town and Country Planning (Use Classes) Order 1987 as amended (the 1987 Order), hereinafter referred to as Class B8. This was understood by the appellants. Class B8 is a use for storage or as a distribution centre. Whilst such a use might include parking (i.e. vehicle parking) that is ancillary to the storage or distribution centre use, vehicle parking would not be a primary use falling within Class B8. If the use of the appeal site is ancillary to the use of the wider adjoining land, reference to Class B8 would also not be accurate. I have concluded above that the parking and storage use is a mixed use. A mixed use is, ordinarily, a single sui generis use that would not fall within any particular class of the 1987 Order. In particular, it would not fall within Class B8. Accordingly, the reference to Class B8 in the allegation is not correct.

The parties agreed that the omission of any reference to Class B8 in the allegation would not cause injustice, and I agree with this.

Ground (c) Appeals A and B

34. To succeed on ground (c), the appellants must demonstrate that, on the balance of probability, the matters alleged in the notice, corrected as I intend, do not constitute a breach of planning control. The burden of proof is on the appellants.
35. The appellants refer to Class B of Part 4, Article 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 2015 Order), hereinafter referred to as Class B, which in most circumstances permits the temporary use of land for not more than 28 days in a calendar year. The appellants suggest that the occasional use of a particular part of the appeal site⁴ for vehicle parking, as illustrated in the September 2024 aerial photograph, is a discreet use of the land permitted by Class B.
36. To support their case, the appellants refer to the case of *Crawley BC v Hickmet* (1998) 75 P. & C.R. 500 which draws a distinction between a use for the parking of cars and a storage use. I have agreed above with this distinction, but have nevertheless concluded that, in this case, the parking use and the storage use have occurred on the appeal site as a mixed use of the land. I have not found them to be uses that have taken place on the appeal site in a physically or functionally separate manner.
37. I acknowledge that the vehicles parked on the site in the 2024 aerial photograph might be different to those parked on the appeal site at other times and that these vehicles were on the land for a particular reason; otherwise, such parking would not ordinarily occur on the appeal site. However, as the indication is that the vehicles in the 2024 photograph were staff or business vehicles, these are vehicles associated with the wider Operational Land. For this reason, this vehicle parking is not materially different to the usual types of vehicle parking referred to in evidence, including the HGV parking, which I have concluded occurs as part of a mixed use of the site.
38. Furthermore, there is no suggestion that the appeal site has been subdivided in any way to create a parcel of land used only for the type of parking observed in September 2024. Indeed, I have concluded above that the appeal site is still a single parcel in a single, albeit mixed use.
39. In view of the above, I am not persuaded that vehicle parking, such as that seen in September 2024, is a separate and discrete use of part of the appeal site. The evidence indicates that it is simply part and parcel of the ongoing mixed use of the site.
40. I acknowledge that Class B grants planning permission for a material change of use of land for a temporary period, which would include permission for a mixed use. Nevertheless, in the 2024 period referred to, the evidence indicates that the mixed use of the appeal site had already occurred on what would appear to be a continuous basis throughout 2024 and, therefore, in excess of 28 days.
41. For the reasons given above, I conclude that the material change of use of the land alleged in the notice, of which vehicle parking is part, is not permitted by Class B,

⁴ Shown in black on the plan included after paragraph 6.18 of Mr Sennitt's proof of evidence.

on the balance of probability. Furthermore, there is nothing to indicate that the use is permitted, either by any other Class of the 2015 Order or by another means. Accordingly, the matters alleged in the notice, corrected as I intend, constitute a breach of planning control. The appeal on ground (c) must, therefore, fail.

Ground (a) and the deemed application for planning permission – Appeal A

Preliminary Matters

42. The appeal on ground (a) is 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. The ground (a) appeal relates to the entirety of the matters alleged. By this I mean the deemed planning application is for the development comprising the material change of use of the entirety of the appeal site. Notwithstanding this, section 177(1)(a) of the 1990 Act informs that, on the determination of an appeal under section 174, the Secretary of State may grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters **or in relation to the whole or any part of the land to which the notice relates**. In making their ground (a) appeal, the appellant has invited me to exercise the provisions of section 177(1)(a) and grant planning permission for the northern part of the appeal site, upon which the tarmac hardstanding has been laid. Whilst I must consider the deemed planning application as submitted (i.e. the use of the site as a whole) I will also move on to consider the grant of planning permission for what is sought by the appellant.

Main Issues

43. Having noted the substantive reasons for issuing the enforcement notice, I identified a number of main issues prior to the hearing. These were discussed during the hearing and the main issues were narrowed as follows:

- i. Whether or not the location of the development is acceptable, having regard to the relevant policies and guidance on the matter of its location, with particular regard to the settlement gap;
- ii. The effect of the development (including site lighting) on the character and appearance of the surrounding area;
- iii. The effect of the development on ecology, with particular regard to lighting and the drainage of the site; and
- iv. The effect of the development on the adjoining ancient woodland (AW) and site of interest for nature conservation (SINC).

44. Having regard to the policies relevant to the first two main issues, it is logical to deal with these together. I say the same for the third and fourth main issues.

45. It was confirmed that the effect of the development on the living conditions of nearby residents was entirely a visual amenity matter. Accordingly, this falls to be considered within the second main issue.

Reasons

Location, Character and Appearance

- Relevant policy and guidance

46. The development plan for the area includes the Eastleigh Borough Local Plan (2016-2036) dated April 2022 (EBLP). There is no dispute that, for the purposes of applying the policies of the EBLP, the appeal site is located in the countryside and that its use is wholly associated with a business use.
47. Part 1 of EBLP Strategic Policy S5 (New development in the countryside) informs that planning permission will be granted for new development in the countryside, provided it is related to, amongst other matters, the extension and replacement of existing employment uses. There is no dispute that the use of the appeal site is an extension to an existing employment use. I have, therefore, no reason to conclude that the material change of use in this case would not have the support of part 1 of the Policy.
48. On the matter of the extension of an existing employment use, the Council also refer to Policy DM18, which is referenced in the above-mentioned part of Strategic Policy S5. I am not persuaded that this policy is relevant in this case. This Policy specifically relates to the extension and replacement of non-residential buildings in the countryside. Its meaning is clear to me. Indeed, I note the repeated reference to the extension or replacement of a building within the criteria of the Policy. Furthermore, part 2 of the policy specifically relates to the change of use of a building.
49. If the Policy was meant to apply to a change of use of land, I would expect it to refer to the extension or replacement of existing non-residential uses, in the same way that Strategic Policy S5 refers to the extension and replacement of employment uses. However, as Policy DM18 is clear in what type of development it relates to, I cannot agree that there is flexibility within it, such that it can be read as applicable to a material change of use of land in the countryside. I acknowledge that the supporting text of the policy could be read as applying to a policy that relates to the material change of use of land. This does not mean that Policy DM18 can be interpreted as applicable to such development. I have had regard to the caselaw drawn to my attention in the Council's closing submissions on the matter of the meaning and effect of a planning policy. This does not change my conclusions with regard to the clear meaning and effect of Policy DM18. The development subject of this appeal does not include the extension or replacement of a building. The criteria imposed by this Policy do not, therefore, apply.
50. Part 2 of Strategic policy S5 relates to the effects of development. The Policy states that 'in permitting new development in the countryside the Borough Council will seek to' achieve a number of outcomes, listed as criteria. The first two of these were suggested as relevant, which are to:
 - a. avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area; and

- b. secure long-term beneficial management practices that will enhance the landscape and biodiversity of the countryside and coast.
- 51. That the Borough Council will 'seek to' achieve compliance with the criteria listed does not suggest that any failure to comply with the matter specified in the list will mean that development would fail to have the support of the Policy. Accordingly, as the development is of the type listed in part 1 of the Policy, it would appear to have its support.
- 52. Notwithstanding this, it is necessary to consider whether the development complies with the list, not least because these are matters that are required in order to comply with other policies of the development plan. Whilst I will move on to consider the effect of the development on biodiversity later in this decision, the effect on the landscape is wholly relevant to whether the development complies with Strategic Policy S6 (Protection of settlement gaps) and with certain criteria of Policy DM1 (General criteria for new development).
- 53. The appeal site is within the 'Settlement Gap' (SG), identified in the policies map and subject of Strategic Policy S6, between Hedge End, Botley and Boorley Green. Strategic Policy S6 only permits development in the SG, provided that:
 - a. it would not undermine the physical extent and/or visual separation of settlements; and
 - b. it would not have an urbanising effect detrimental to:
 - i. The character of the countryside; or
 - ii. The separate identity of the adjoining settlements.
- 54. The Council refer to the supporting text of the Policy, which says that new development should seek opportunities to enhance the function of the SG. Whilst the Council suggests that this should be read as a requirement of the Policy, in my judgement the text of the Policy is clear and does not include such a requirement.
- 55. The Council has drawn to my attention the appeal decision⁵ relating to a proposal on land to the south of the appeal site, within the same SG, on land off Cobbett Way. In this I note the Inspector's assessment of Strategic Policies S6 and S5 and I have no reason to disagree with their comments regarding the purpose and value of the EBLP designated countryside. That is that, despite some land within the designated countryside having an urban fringe character, land within the SG plays a role in helping to differentiate the character and identity of adjacent settlements. They say that, for this reason, it forms a key component of the Borough's designated countryside.
- 56. Although requiring a slightly different assessment, criteria a., c. and d. of Policy DM1 is of relevance to the matter of the effect of the development on the character and appearance of the surrounding area. These require, amongst other matters, that development should:
 - a. not have an unacceptable impact on the character and appearance of the countryside;

⁵ Appeal reference APP/W1715/W/24/3350858.

- c. take full and proper account of the context of the site, including the character and appearance of the locality; and
- d. not involve the loss of or damage to trees, woodlands, hedgerows, priority habitats or other landscape features of value to the character of the area.

Some of these criteria are also relevant to matters I will turn to later in this decision.

- 57. The National Planning Policy Framework (the Framework) is of relevance, including the guidance in chapter 15 which informs that planning decisions should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic character and beauty of the countryside.
- 58. The Council's Supplementary Planning Guidance on Quality Places, dated November 2011, has been drawn to my attention. I have not, however, been referred to any particular part of this guidance that might be relevant to my determination of the appeal. Furthermore, having had regard to the guidance, its relevance in this case is not obvious to me, particularly as it relates more to built development, rather than to material changes of use of the type that is the subject of this appeal.

- Use of the whole of the land to which the notice relates

- 59. Having in mind the requirements of Strategic Policy S6, the above mentioned criteria of Policy DM1 and the aims of Part 2 of Strategic Policy S5, the appeal site sits within the countryside, in a part of the SG that is not absent of urban development. The adjoining Operational Land comprises a number of buildings, other open storage and parking areas and internal routs and turning areas. This adjoining land is prominent within the context of the appeal site and this part of the SG, in terms of the activity upon it and the development on the site. Its presence is most notable from Broad Oak, which is the highway that runs west to east, between the settlements of Hedge End and Botley. Whilst the Operational Land sits fairly centrally between the two settlements, it is surrounded on three sides by predominantly undeveloped land. This surrounding land is dominated by field parcels with hedge enclosures and woodland.
- 60. The gap between the two nearby settlements is fairly narrow, such that the extent of the SG in this location cannot be described as expansive. This does not change that the land within which the appeal site is located is predominantly rural in character, albeit in a location that forms part of the urban fringe. Nevertheless, I am satisfied that the area surrounding the appeal site fulfils the purpose of the SG, by differentiating the character and identity of the two adjacent settlements. I say this, having regard to the Inspector's decision on the Cobbett Way site, where at paragraph 23 they say that, 'passing between the 2 settlements the continuity of development is broken by open and wooded gaps on both sides of the road'. They go on to say that 'the loose ribbon of dwellings on the south side of Broad Oak can otherwise be readily distinguished from the denser development which helps to define the adjacent settlement edges'.
- 61. As for the appeal site itself, the more historic aerial photographs indicate that, prior to the development subject of this appeal, it had a rural character typical of the prevailing character of this part of the SG. I have had regard to the Landscape and Visual Appraisal (LVA), dated March 2025, provided by the appellant. I

understand that this was prepared in respect of the northernmost part of the appeal site. Nevertheless, I note the comments in the assessment with regard to the value of that part of the appeal site, that its landscape value is low and that it makes an extremely limited contribution to the SG designation. In summary, the LVA says that this is due to the visual enclosure and limited views of the site.

62. Whilst I can agree that the appeal site is enclosed, it is no more so than other field parcels within this part of the SG. Indeed, much of the landscape immediately surrounding the site is bound by mature tree lines and woodland, giving this area a rural character. Furthermore, I cannot regard the appeal site as an insubstantial parcel of land. Prior to the development, it was open and devoid of built development and urban activity. The site may not be highly visible. This does not mean that its contribution to the SG is limited to the extent suggested. Whilst it may have a low value in terms of landscape character, I cannot agree that the contribution it makes to the SG is as suggested in the LVA and in Mr Wandsworth's representations. Prior to the development, the appeal site made a positive contribution to separating the physical extent of the nearby settlements.
63. The activity on the appeal site resulting from the breach, and the development that has facilitated this, including the tarmac hardstanding and enclosures, has extended the urban character of the Operational Land into the appeal site, resulting in a wholesale urbanising effect that has caused detriment to the character of the countryside in this location. In particular, the movement and storage of HGV vehicles and trailers is a particularly prominent activity that is entirely at odds with the site's former rural character. I acknowledge that, in view of the activity on the adjoining Operational Land, the current use of the site is not out of keeping with the character, appearance and land uses in the locality. It is, however, an obvious extension of urban activity into the otherwise rural landscape, causing harm to this surrounding landscape that the above-mentioned policies of the development plan seek to protect.
64. In finding as such, I have had regard to the representations of Mr Wandsworth, who acknowledges that the development has changed the landscape, but suggest that this effect is only localised. Mr Wandsworth has relied upon the LVA, referred to above. Much of his assessment concentrates on the effect of the development in the northern part of the appeal site. However, the deemed planning application before me is for a use taking place on the entirety of the appeal site, going forward. The change to the landscape, acknowledged by the appellant, is not a positive change. The site may not be of high landscape character value and the degree of harm caused to the character and appearance of the surrounding area may not be substantial. Nevertheless, the effect of the development is such that it has not taken full and proper account of the context of the site, as required by Policy DM1.
65. Furthermore, despite the suggested low landscape value of the site, the former condition of the site was of value to the SG. The wholesale change in the character of the site has had an urbanising effect that is detrimental to the character of the countryside. Although not an extension to the boundary of the nearby settlements, the introduction of urban development within the SG nevertheless undermines the physical extent and visual separation of settlements.
66. Whilst I acknowledge that the operational development on the land is limited, if the activity were allowed to continue on the wider appeal site (the movement and

storage of HGV vehicles and trailers in particular), extending up to the boundary of the site with Broad Oak, it would be particularly visible in views from Broad Oak, Cobbett Way and the short public right of way that joins them. The appeal site as a whole, upon which the use and its associated activities are taking place, is a substantial parcel of land within the SG.

67. For the above reasons, I can only conclude that the use of the appeal site as a whole does nothing but undermine the physical extent and visual separation of the nearby settlements, which is detrimental to maintaining the separate identity of these settlements. The location of the development and its effect on the character and appearance of the surrounding area is unacceptable. It is contrary to Strategic Policy S6 and Policy DM1 of the EBLP. It also fails to achieve the aims of part 2 (a) and (b) of Strategic Policy S5. The development also fails to accord with the relevant guidance within the Framework.

- The use of part of the land to which the notice relates

68. Notwithstanding the above, the hardstanding and fencing is confined to the northern part of the site and I am being invited to grant planning permission for the use of this part of the site alone. I have viewed, or attempted to view, the appeal site from several vantage points, including Broad Oak, the housing estate and bridleway to the south of Broad Oak, the historic park and garden to the east of the site, and the bridleway to the north, accessed off Holmesland Lane. In doing so, I note that any views of the activity on the northernmost part of the site are far more limited, when compared with the views of the wider appeal site.
69. Furthermore, I am mindful of the more limited extent of land for which I am being asked to grant permission. Its location is separated from the highway by the southern part of the appeal site, and it is enclosed by the existing bund across the site and the woodland to the north and east. Accordingly, and having regard to the landscape value of this site, the landscape effect of the development on this northern part of the appeal site alone would be limited. Furthermore, the appellant has proposed certain mitigation measures that would enhance the native planting around the boundaries of this part of the site.
70. I have noted reference to the effect of lighting at night, which is at present confined to this northern part of the site. There is no dispute that neither the appeal site nor the surrounding area is a 'dark sky'⁶. Furthermore, the Council's concerns with regard to lighting appear to relate more to its effect on ecology, rather than landscape. Having regard to the extent of lighting on site, I cannot conclude that it has an unacceptable landscape effect.
71. Having regard to the above, whilst the use of the northern part of the site alone still results in a change to the character of the land, this change would be limited. I am, therefore, unable to conclude that the harm caused would be unacceptable, in conflict with Policy DM1.
72. I cannot, however, agree that the harm caused to the SG would be limited to the extent suggested, not least because the visual effect of the development on this part of the site is not as decisive a matter as the appellant would appear to suggest. I acknowledge that there would be a very limited effect on the appreciation of the SG, when travelling along Broad Oak and when viewed from

⁶ CPRE on line 'England's Light Pollution and Dark Skies' interactive map at appendix 2 of Mr Wandsworth's evidence.

other public vantage points. Nevertheless, the development would still have an urbanising effect on the character of the countryside within the SG. It would still, therefore, undermine the physical extent of the nearby settlements. Accordingly, even if the use of the site were confined to the northernmost part, I would still find the development in conflict with Strategic Policy S6. The extent of conflict with this policy would, however, be less than that identified with regard to the existing use of the whole of the appeal site.

- Summary on main issues i. and ii.

73. With regard to the use of the site as a whole, whilst I have found that failure to achieve the aims of the criteria in part 2 of Strategic Policy S5 does not necessarily mean that the development conflicts with this Policy, I have found conflict with Strategic Policy S6 and Policy DM1. I have also found conflict with the Framework. For this reason, I cannot conclude that the location of the development is acceptable, having regard to the SG development plan policy; or that the effect of the development on the character and appearance of the surrounding area is acceptable.
74. Notwithstanding this, if the use of the northernmost part of the site alone were to continue, I conclude that the effect of this on the character and appearance of the surrounding area would be acceptable. The harm caused to the SG would also be reduced, however conflict with Strategic Policy S6 would remain.

Ecology, the SINC and the Ancient Woodland

- Relevant policy and guidance

75. I have already noted the requirements of criterion d. of EBLP Policy DM1. In addition to the requirements listed above, criteria a. and c. also require, amongst other matters, that development should not have an unacceptable effect on biodiversity and that it be compatible with adjoining uses. Policy DM11 (Nature conservation) of the EBLP is comprehensive. In short, this policy informs how planning applications will be determined, having regard to the effect of development on habitats, species, and sites with nature conservation designations. It also sets out what is expected in terms of biodiversity net gain and buffers. Paragraphs of the Framework have also been drawn to my attention, which include the general duty in chapter 15 for planning decisions to contribute to and enhance biodiversity.
76. The appeal site is directly adjacent to an established woodland, referred to as Woodhouse Gully, part of which is designated as AW. The AW is to the east of the site; the entirety of its western boundary is shared with the eastern boundary of the appeal site. At paragraph 193c), the Framework identifies AW as an irreplaceable habitat and advises that, except in certain circumstances, development resulting in the loss or deterioration of irreplaceable habitats should be refused. This requirement is repeated in part 6 of Policy DM11.
77. Woodland (particularly AW) will often have a rich ecological value and, in this regard, I note that the adjoining site is also identified as a SINC. The boundary of the SINC is broadly the entirety of the woodland adjacent to the northern and eastern boundary of the appeal site. The SINC is a local designation, specifically referred to in part 4 of Policy DM11. This informs that development will not be

permitted if it is likely to have a direct or indirect adverse effect on, amongst other designations, a SINC unless it can be demonstrated that certain criteria are met.

78. The national guidance on 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (the AW National Guidance) informs that, when assessing the effect of development on AW (i.e. whether it would result in its loss or deterioration), both direct and indirect effects should be considered. It indicates that such effects might include damaging roots and understorey; damaging or compacting soil; breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species; reducing the amount of semi-natural habitats next to AW that provide important dispersal and feeding habitat for woodland species; reducing the resilience of the woodland or trees and making them more vulnerable to change; and increasing the amount of dust, light, water, air and soil pollution.
79. The Eastley Borough Council Biodiversity Supplementary Planning Document, dated December 2009, has been drawn to my attention. It pre-dates the EBLP and does not, therefore, refer to the above-mentioned policies of the local plan. Notwithstanding this, whilst I have not been directed to any particular part of the document, I have noted its advice on the consideration of biodiversity in the planning process.
80. There was also reference during the hearing to the Council's Supplementary Planning Document on Trees and Development, dated April 2022. This was not, however, identified as key guidance and I have not been directed to any particular part of it, either in written evidence or at the hearing.

- Use of the whole of the land to which the notice relates

81. The Council indicates that it is in broad agreement with the appellant's Preliminary Ecological Appraisal, dated 29 October 2021. The appraisal notes the location of the site within the impact risk zone of the Solent and Southampton Water RAMSAR, SPA, SAC, and the River Itchen SAC. The appraisal concludes that the development does not meet the criteria, such that consultation with Natural England regarding potential impacts upon nearby protected sites is required. The appraisal was prepared to assess the effect of an extension of the Operational Land and a new building. It was not, therefore, prepared in respect of the particular development subject of this appeal. Nevertheless, there is no suggestion that this conclusion would alter in these circumstances. Furthermore, whilst the Council say that the site drains to the stream within the adjoining woodland, which is connected to the above-mentioned SAC and SPA, I have no reason to conclude that an appropriate assessment⁷ must be undertaken.
82. The appraisal also includes an assessment of the likelihood of protected species and habitats on the site and in the adjoining woodland. Of particular note is the conclusion that the adjoining woodland is likely to be of local importance to the local bat community. The Council does not point to any particular ecological value of the appeal site itself and there are no woodland trees within the site boundary. The Council has, however, emphasised the importance of the woodland edge, which would include part of the appeal site close to the woodland boundary. The appellant's tree survey plan, number 25005-TRS-02, also shows that the

⁷ Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

calculated root protection area (RPA) of some woodland trees would be within the appeal site.

83. In view of the above, the Council's principal concerns are the effect of lighting on bats, the effect of the drainage of the site into the adjoining woodland, and the effect of hard surfacing and activity within the woodland edge and in the RPA of woodland trees. The Council refer to noise in the section of its closing submissions on ecology, but the Council does not set out there or elsewhere what harm might be caused as a result of noise generated by the use of the site to ecology and the adjoining woodland.
84. In view of the proximity of the appeal site to the adjoining woodland, there can be no dispute that the use of the entirety of the appeal site would result in the movement and storage or parking of vehicles, including large HGV lorries and trailers, within the canopy and RPA of trees within the adjoining woodland. Indeed, I observed trailers stored within the tree canopy at the site visit. I see no reason why this would not occur across the whole of the eastern boundary if the unmitigated use of the appeal site as a whole were to continue. In view of this, I share the Council's concerns with regard to the compaction of the ground within the RPA, but also the potential for pollutants from vehicles entering the ground within the RPA and into the woodland itself. In addition to this, there is also the effect of root compaction and filtration from the hard surfacing that has been laid in the northern part of the site.
85. Having regard to the above, I note the evidence of the appellant's arboricultural specialist, Phillip Brophy with regard to the effect of the development on the adjoining woodland and the assessment he undertook. Whilst I consider this in more detail below, it is important at this stage to note that Mr Brophy confirms that the assessment is directed at the northernmost part of the site, which is understandable given the case made by the appellant on ground (a). Nevertheless, the evidence does not demonstrate that, going forward, the unmitigated use of the entirety of the appeal site, including along the boundary of the site shared with the entire western boundary of the AW, would not result in the loss or deterioration of this irreplaceable habitat. In finding as such, I am mindful of the wider extent of the appeal site boundary shared with the entire western boundary of the AW, most of which appears to have been beyond the scope of Mr Brophy's assessment.
86. Whilst I acknowledge that there is no fixed lighting in the vast majority of the appeal site, the appellant acknowledges that the existing lighting in the northern part of the site is 'not fit for purpose' with regard to its effect on ecology, bats in particular. Furthermore, there is no suggestion that the unmitigated effect of light spill on ecology caused by moving vehicles across the entire appeal site is acceptable, or would be going forward.
87. In all, the evidence does not satisfy me that there are not (and would not be going forward) any adverse effects to the adjoining irreplaceable habitat and the SINC resulting from the unmitigated use of the site as a whole. Accordingly, I can only conclude that the development across the appeal site has an unacceptable effect on ecology, the adjoining AW and the SINC. In these circumstances, I move on to consider whether any alternatives or mitigation, including a reduction in the size of the site used, would be sufficient to achieve compliance with EBLP Policies DM1 and DM11, as well as the Framework and the AW National Guidance.

- Alternative sites

88. Where development is likely to have a direct or indirect adverse effect on a SINC, criterion 4 a. of EBLP Policy DM11 requires a demonstration that there are no alternative solutions. I turn, therefore, to consider whether the development could take place elsewhere and not on the appeal site.
89. The evidence indicates that the appeal site is used in a way that is wholly connected to the Operational Land to the west. At present the site is primarily used for the storage of HGVs and trailers. On the whole, the trailers have either been emptied and are waiting to be loaded again with items to be transported off site, or are loaded with items waiting to be transported. The Operational Land is occupied by warehouses used to store the items to be transported and, as such, I understand that close proximity to these buildings for the HGV and trailer parking and storage is desirable.
90. The essential need for this close proximity is apparent, in light of the high value items that are often stored on appeal site. Indeed, the appellant has indicated that some of their clients require certain security measures to be in place as part of their contract with the appellant. The appellant says that this can only be achieved either within the existing Operational Land or on a site that is physically connected to it, as the appeal site is. I have been given no reason to dispute any of this evidence.
91. In light of the above, I note the two areas⁸ within the existing Operational Land that the Council suggests could be used for the purposes of storage and parking. The first (site 1) is an area within the northern part of the adjoining Operational Land. In light of the aviation fuel lines that run beneath and across site 1, I can only agree with the appellant, that this area is not suitable for the storage of large HGVs and trailers.
92. The second area (site 2) is close to the entrance to the Operational Land. Site 2 is already in use for the storage of vehicles from a nearby car sales garage and, as such, has an active use as part of the appellant's business interests. Site 2 is not, therefore, an available alternative. Notwithstanding this, the appellant suggested that site 2 would not allow for sufficient manoeuvring space for the HGV's with trailers. Whilst the appellant has not provided any evidence of HGV vehicle tracking in support of their claims, I have some sympathy with this element of the appellant's case, having regard to the narrow width of site 2 and the existing confines of the wider Operational Land.
93. The appellant also suggests that the use of site 2 would not be suitable, in view of its close proximity to residential properties across Broad Oak. They say that the use for HGV and trailer parking and storage would have an adverse effect on the living conditions of the occupiers of these premises. I acknowledge that the existing HGV and vehicle movements into and out of the Operational Land take place from the access off Broad Oak and that these movements must already cause a degree of noise and disturbance. However, I have been given no reason to disagree with the appellant's evidence, that additional HGV movements on site 2, including the coupling and uncoupling of vehicles, would not cause an additional degree of harm to the living conditions of nearby residents. I say this, mindful of the appellant's evidence, that this activity often takes place during night

⁸ Identified in various parts of the evidence, including page 3 of Mr Kneller's proof of evidence.

time and early morning hours, whereas there was no suggestion that the existing car storage activity involves any vehicle movements at such times of the day.

94. It may be the case that site 2 could be used in any event for the purposes of HGV and trailer parking and storage in the future, resulting in the above adverse effects, without the need for planning permission. This does not, however, change that its use in the alternative to the appeal site would also cause harm. Nevertheless, as the site is not available at present, I cannot regard it as an alternative solution.
95. All of the above considered, I am satisfied that relocating the use of the appeal site elsewhere or to a location within the existing Operational Land is not an alternative solution for the purposes of criterion 4 a. of Policy DM11.

- Are the adverse effects unavoidable?

96. Turning to criterion 4 b. of Policy DM11, the very nature of the use involves heavy vehicles, trailers and other such items stored and driven across the land. I can see no means by which the adverse effects that result from this activity could be avoided. I conclude the same with regard to the potential for pollutants from the vehicles that are driven and parked on the site.

- Mitigation and use of part of the land to which the notice relates

97. The focus of the appellant's ground (a) appeal is for the grant of permission for the use of the northern part of the appeal site alone. The hard surfacing was laid in 2020 and the evidence indicates that the activity on the northern part of the appeal site increased from this time, which is some 5 years ago. Prior to this, the evidence indicates that the use of the appeal site was intermittent and not active close to the northern and eastern boundaries of the site. Despite the 5 years of activity on the northern part of the site, I note the appellant's suggestion, that the negative effect on the adjoining woodland of the use so far is regarded as low.
98. It is for this reason that the appellant suggests that any specialist drainage of the hard surfacing is not required or that a buffer between the boundary of the woodland and the hard surfacing (and the activity upon it) is not necessary. This is despite the recommendations in the AW National Guidance, which recommends a buffer zone of at least 15 metres from the boundary of AW to avoid root damage. There is also reference in Policy DM11 to buffers free from development for designated sites.
99. To support the appellant's position, the Appellant's arboricultural specialist, Mr Brophy, suggests that the hard surfacing has resulted in a very minor encroachment into the RPA, that the works were carried out without significant adverse impact, and that any impact would have been limited to the immediate short term. He says that the visual indicators of health and vitality of trees within the woodland 'are demonstrative of those that would be associated with good and sustainable condition arising from freely available resource and low levels of negative influence'. The appellant's evidence, given both in writing and orally, is that the existing development on the northern part of the site appears not to be having an adverse impact on the trees that boarder the perimeter of Woodhouse Gully Wood.
100. Whilst the above is noted, the appellant's assessment of the effect of the development so far on the adjoining woodland is based on a visual inspection and

only considers the trees at the woodland edge. Mr Brophy confirms that his 'observations were of a preliminary nature and did not involve any climbing or detailed investigations beyond what was visible from accessible points at ground level'. I acknowledge that trees closest to the activity in question, rather than those further into the woodland, might be more likely to show signs of any adverse effects. In this regard, the assessment is of value. However, its value in determining the effect of the development on the woodland as a whole, including the AW, must be limited, having regard to the extent of the assessment undertaken.

101. In addition to the above, I cannot ignore that the calculated RPA of trees within the AW is on land that has been laid with the hard surfacing and used for the storage of large vehicles and trailers. Furthermore, the evidence of the appellant's drainage specialist indicates that there is a gradual slope on the site, such that the hard surfacing is likely to drain to the north east corner. The appellant does not dispute that activity on the site is likely to result in pollutants in the surface water. Accordingly, any pollutants on the site are likely to drain directly towards the northern part of the AW and into the SINC. Whilst I note the appellant's position with regard to the effect of the development so far, the evidence is not, in my judgement, sufficient to demonstrate that the continuation of activity on the northern part of the site as it exists at present is unlikely to cause harm. I am also mindful of the appellant's acknowledgement regarding the effect of the existing lighting on site.
102. For the reasons given above, the evidence before me is not sufficient to demonstrate that, even if limited to the northern part of the site, the unmitigated use is acceptable. Neither is it sufficient to demonstrate that the direct and indirect effects, such as those described in the AW National Guidance are unlikely to occur going forward. Consequently, my conclusions on the effect of the development on ecology, the adjoining AW and the SINC remain unchanged. Accordingly, limiting the use to only a part of the appeal site alone is not sufficient to achieve compliance with criteria 4 c. and part 6 Policy DM11 and Policy DM1 of EBLP, the Framework and the AW National Guidance.
103. In view of the above, I move on to consider the additional mitigation measures proposed by the appellant. These include measures to introduce a 15 metre buffer along the boundary of the AW, where all hard surfacing would be removed and replaced with 'habitat'. Its provision would accord with the minimum recommended in the AW National Guidance and I see no reason why such a buffer should not be planted and retained so as to contribute to wider ecological networks and be part of the green infrastructure of the area.
104. The Council suggests that this buffer should be increased to 20 metres. The AW National Guidance refers to the circumstances where a larger buffer zone is likely to be needed. The appeal site is not, however, steeply sloping and is not a residential area. Whilst I acknowledge that it is less densely wooded than the AW itself, there is little before me to demonstrate that the impacts of the development have extended beyond 15 metres and are likely to do so in the future. I am not, therefore, persuaded that a buffer greater than 15 metres is required in this case.
105. There was a dispute between the parties on where the 15 metres should be measured from. The AW National Guidance refers to the buffer measured from the boundary of the woodland. The appellant has provided drawing number

BLA423-08 'Landscape Proposals Plan with 15m buffer to woodland' to show the location of the buffer. The appellant says that their measurement has been taken from the boundary of the AW identified on the plan included at page 5 of the statement of common ground. Whilst the tree canopy might extend into the site beyond this boundary, I have no reason to find that the position of the buffer does not accord with the guidance.

106. The Council criticises the proposed mitigation measures, suggesting that they do not include a buffer along the northern boundary of the site. The woodland to the north is not designated as AW and is not, therefore, the subject of the AW National Guidance, which refers to a minimum buffer of 15 meters. The land to the north is designated as a SINC and so falls within the 'buffers' requirements of Policy DM11. I have not, however, been pointed to any guidance on determining the appropriate depth of buffers adjacent to such sites.
107. Nevertheless, the existing fencing and hard surfacing is some distance from the boundary of the SINC to the north. Indeed, the depth of this part of the site is greater than that between the existing fence and the AW. There is, therefore, an existing buffer which is occupied by a bund constructed in 2020. The appellant suggests that this adds to the effect of the buffer, which I have no reason to doubt. Furthermore, the notice does not require its removal in any event. In all, I have no reason to conclude that this existing buffer along the northern boundary of the site is not sufficient to mitigate the effect of the development on the SINC going forward, in compliance with Part 7 of Policy DM11.
108. In addition to the proposed 15 metre buffer, the appellant has proposed a drainage strategy for the site. This includes the provision of a drainage ditch along the northern boundary, with the aim of directing surface water from the site away from the AW. A three stage treatment for surface water from the hard surfacing prior to its discharge to the ditch is also proposed, which includes the construction of a large, below ground attenuation crate. The Council acknowledge that the proposed drainage strategy would overcome the harm caused by any pollution of surface water from the site. Whilst the plans indicate that the proposed attenuation crate might fall within the 15 metre buffer, a revised location for this element of the drainage scheme could be secured by way of a condition. Having regard to the area of the site that would remain hard surfaced and the drainage strategy proposed, I am satisfied that the use of the northern part of the appeal site going forward would comply with EBLP Policy DM6 (Sustainable surface water management and watercourse management).
109. With regard to the harm caused by the existing lighting on the northern part of the site, the mitigation measures proposed include the removal of the existing fixed lighting and the erection of a solid timber enclosure along the northern, eastern and southern boundaries with downward pointing directional lighting set within a recess on the enclosure. Whilst the plans show an enclosure up to the existing eastern boundary of the site, I am satisfied that a condition could be imposed to require a revised scheme that takes account of the proposed 15 metre buffer. This would also overcome the Council's concerns with regard to the need to excavate in the RPA of the AW trees in order to construct the enclosure. The enclosure would also mitigate the effect of light spill from vehicles into the adjoining AW and SINC.

110. I have considered the effect of the proposed 2.5 metre high enclosure on the character and appearance of the surrounding area. I note the natural screening provided by the woodland itself and the Operational Land to the west. Any views of the enclosure from the south would be from a distance and partially screened by the existing bund across the appeal site, which is an extant feature that the notice does not require to be removed. Although the enclosure might well be an overtly domestic feature that is out of character with the rural landscape, it would not be wholly out of character with the surrounding area. I say this, having regard to the adjoining Operational Land to the west.
111. Having regard to all of the above, I am satisfied that the proposed measures, which include limiting the use to the northernmost part of the site, would adequately mitigate the adverse effect of the development going forward on the adjoining SINC and would be sufficient to prevent loss or deterioration of the AW in the future.

- Biodiversity net gain

112. Turning to 4 d. of Policy DM11, the appellant has submitted a landscaping proposal plan, reference BLA423-06. The proposals shown on this include the planting of areas of species rich woodland edge grass mix along the northern and part of the eastern part of the appeal site; the infilling of the gap in the bund across the site; and the removal of the existing laurel hedge and its replacement with new planting. The plan also shows the addition of a band of 'structure planting', along the boundary of the AW in the southern part of the appeal site. These measures would allow for the creation of habitat with local and appropriate native species, in accordance with the AW National Guidance, not only in the buffer zone, but along the entirety of the western boundary of the AW. Subject to conditions securing and managing the landscaping and biodiversity enhancement, I am satisfied that these proposals would provide biodiversity net gain in accordance with criterion 4 d. of Policy DM11 and the duty to contribute to and enhance the natural and local environment in the Framework.

- Residual adverse effects

113. Having regard to the mitigation measures considered above, I have been given no reason to conclude that any residual adverse effects either to the SINC or the AW would remain. The concerns highlighted by the Council with regard to the construction of a new enclosure and the drainage scheme would be overcome, subject to the location of these outside of the proposed buffer to the east and north of what would become the actively used part of the appeal site.

- Summary on main issues iii. and iv.

114. All things considered, subject to the imposition of conditions to secure the proposed mitigation measures, I conclude that the use of part of the land to which the notice relates would, going forward, have an acceptable effect on ecology and on the adjoining AW and SINC. The development would, therefore, continue in accordance with EBLP policies DM1 and DM11, as well as the Framework and the AW National Guidance.

Other Matters

115. To the east of the AW is land associated with the property at Holmesland, off Holmesland Lane, which is identified in the historic features of the LVA as a small parkland. The Council say that this is a historic park and garden, and the documents submitted by the Council, including the Eastleigh Borough Settlement Gap Study, dated 15 October 2020, and the Eastleigh Borough Council Heritage Background Paper, dated July 2014, indicate that this park and garden is a locally listed heritage asset, rather than a designated heritage asset.
116. Whilst the Council suggest that the appellant has not addressed the effect of the development on this nearby heritage asset, it has not pointed to any particular harm to it caused by the existing development. Neither has it provided any detail regarding the significance of this non-designated heritage asset. The Council only suggest that there is a potential for harm in the future, although it has not indicated what that harm might be. It is for this reason I have not included this matter as a main issue.
117. I have had regard to the requirements of Strategic Policy S8 (Historic Environment) of the EBLP and the advice in the Framework with regard to non-designated heritage assets. However, I have been given no reason to conclude that the development has affected the heritage asset, including its setting, either in a positive or negative way, or that there is conflict with any of the requirements of Strategic Policy S8 or chapter 16 of the Framework.
118. The Council suggest that criterion i. of EBLP Policy DM1 is relevant, which requires new development to incorporate design measures to inhibit criminal and anti-social behaviour. Having regard to the security measures already implemented on the site, I have no reason to find conflict with this Policy.
119. On a final matter, the parties' reference to criterion b. of policy DM1, which requires new development to make efficient use of the site, maximise opportunities to increase density and have regard to potential development opportunities on adjoining land. I have considered above the potential for the use of other parts of the Operational Land for the activities carried out on the appeal site, but have concluded that this is not a viable option for the appellant. Furthermore, by utilising the appeal site (or part thereof), the appellant has had regard to potential development opportunities on adjoining land, in accordance with this criterion. Compliance with criterion b. of Policy DM1 does not add weight in favour of the development. Nor does it overcome the conflict with other criteria of the Policy that would result from the harm caused by the unmitigated use of the site going forward.

Material Considerations

120. I have found the use of the appeal site as a whole (i.e. the land subject of the deemed planning application made under ground (a)) to be in conflict with the development plan. I have been invited to grant planning permission for the use of part of the land to which the notice relates. In considering doing so, whilst I have had regard to the mitigation measures proposed, I have still identified conflict with the development plan. This is, however, limited to conflict with Strategic Policy S6 alone and I have concluded that the harm caused to the SG would be less than that caused by the use of the appeal site as a whole. I will, therefore, move on to consider whether there are any material considerations of sufficient weight to

indicate that determination of this appeal should be made otherwise than in accordance with the development plan.

121. At this point I note the objections to the development from Botley Parish Council. Its concerns with regard to the effect of the development on the SG and conflict with the relevant development plan policies are noted and have been considered earlier in this decision. As for any conflict with the emerging Botley Neighbourhood Plan, I have not been pointed to any particular policies of this plan that the development might not comply with. Even if there were conflict with the policies of the plan, I note that it is an emerging plan. For this reason, any conflict would carry limited weight in the planning balance, as the policies in such plans would not have the same statutory force as those in adopted plans.
122. Moving on to the matters that weigh in favour of the grant of permission, whilst the appellant does not identify a need for the use of the entirety of the appeal site, they say that the business taking place on the adjoining Operational Land could not operate as it does at present without the storage and parking facilities provided by the northern part of the appeal site. Having regard to the number of HGV vehicles and trailers used by the business, I have no reason to dispute the reliance the appellant has on this additional land for parking and storage. There is no suggestion that the adjoining Operational Land is underutilised and, having the benefit of the site visit, I have no reason to find otherwise. Indeed, I have considered the prospect of the activity on the appeal site taking place on other parts of the Operational Land and note that the use of site 1 is limited whereas site 2 is simply not available.
123. Notwithstanding the above, the appellant says that the use of site 2 generates between 15% and 20% of the profit of the business. The loss of this would, therefore, have a detrimental effect on the appellant business, and is likely to have a negative effect on the local vehicle sales business who use site 2. This would in turn have a detrimental effect on the local economy.
124. With regard to the prospect of moving the parking and storage activity from the appeal site to land elsewhere, I have already noted the unique operational features of the Operational Land and the appeal site that the appellant has drawn to my attention. They say the entirety of the appeal site and some adjoining land is within the ownership and control of the appellant. They point to the lawful use of the Operational Land on a 24 hour basis and that the appeal site can also be used for this purpose without any adverse effect on nearby residents. They say that this is essential, in light of the times at which vehicle movements off the site primarily take place. They also point to the site security that can be secured on the appeal site, in light of the appellant's presence on the Operational Land 24/7; the single, controlled access to the site; and the features around the appeal site that prevent access other than from the Operational Land. Importantly, the appellant says that in order to secure some of their more lucrative contracts, many of their clients require particular security features and measures that are in place at the site, including on-site storage within the trailers awaiting transportation. I am, therefore, persuaded that, if the parking and storage use were carried out on land divorced from the Operational Land, this would affect the viability of the business.
125. As for the economic benefits of the development, I have had regard to the appellant's Employment Land and Economic Impact Assessment, dated April 2025 (ELEIA). This provides certain financial information that demonstrates the growth

(turnover) of the business between 2017 and 2020 and then the effective maintenance of this level of turnover (with some marginal growth) up to present⁹. The appellant acknowledges that much of the dramatic growth of the business was prior to the laying of the hardstanding and the more intensive use of the appeal site. Nevertheless, they suggest that since the changes to the economic climate in recent years (the appellant refers specifically to the Covid 19 pandemic) there has been a need to increase the activity of the business in order to generate the same level of turnover. They say, therefore, that the use of the appeal site is necessary to maintain the current levels of turnover.

126. The hard surfacing may not have been initially laid in response to the current needs of the appellant business. Nevertheless, the evidence is sufficient to demonstrate the existing business need for the hard surfacing and the existing activity upon it.
127. The ELEIA indicates that the primary suppliers to the appellant business are within the local area. The evidence also indicates that the appellant employs 75 full time employees, with 110 members of staff in total¹⁰, and that many of these employees live locally. The wage bill for 2024 was £2.4 million. On this basis, I have no doubt that the economic benefit of the appellant company as a whole to the local area is substantial.
128. As for the contribution made by the appeal site alone, whilst the ELEIA refers to the 'proposed development', rather than the existing, it suggests that this supports around 24 additional full time operation jobs on site. I can see that this is based on employment density for a Class B8 use, and is not specific to the use for which permission is sought. Nevertheless, I have no reason to doubt the estimate of jobs created by the use of the northern part of the appeal site, having regard to its use in association with the storage and distribution use of the wider Operational Land.
129. I have had regard to the short duration of some of the appellant's contracts, including those that are the most lucrative. However, the evidence of growth and then the maintenance of turnover over a period of some 8 years is an indication of the likely viability of the business going forward.
130. All of the above considered, I conclude that the existing use of the appeal site results in a substantial benefit to the local economy that weighs in favour of the grant of planning permission in this case.
131. Notwithstanding the above, I find the evidence persuasive with regard to the suggested potential effect of the loss of the appeal site on the appellant business. I have no reason to doubt that many of the contracts, some of which are the most lucrative to the business in terms of turnover, could not be fulfilled without the close operational links between the appeal site and the Operational Land, and the security measures that can be achieved on this land. It is for this reason the appellant suggests that the loss of the appeal site would have a substantially detrimental effect on the viability of the business going forward.
132. This is of particular concern in this case, in light of the evidence of the appellant's specialist on economic need. He suggests that the appellant business performs far better than would be expected when compared to other similar businesses.

⁹ Taken from Figure 22 of the ELEIA.

¹⁰ The reference to 75 temporary workers in the appellant's initial statement might account for the 110 total given in the ELEIA.

The indication is that, if permission were refused, whilst the appellant or some other operator might continue to use the Operational Land, the benefits of this to the local economy in terms of jobs, income and connection with other local businesses would not be as great as those that result from the appellant's existing use of the Operational Land, with the benefit of the appeal site. I have been given no reason to doubt this.

133. The appellant has considered the relocation of the business as a whole to an alternative site that would fulfil their needs. An initial 11 alternative sites within the Borough were considered, with a further 17 alternative sites considered outside the Borough area. The appellant concludes that none of these were appropriate alternatives due to, amongst other matters, site security, size and viability.
134. Whilst the Council suggests that the net was not cast far in the appellant's initial search, a move of the business further afield and outside the Borough's area would remove from the local economy the benefits of this particular business. Nevertheless, I am satisfied that the total number of sites considered is sufficient for the purposes of this appeal. It may well be the case that an alternative site might eventually be found that would fulfil the needs of the appellant, in terms of site security, accommodation size, and permitting a 24/7 operation, whilst being a viable alternative. However, having regard to the evidence of available alternatives before me, I am satisfied that, at this time, there are no suitable alternatives for the appellant business, in particular alternatives that would keep the benefits of this business in the local area.
135. Having regard to the above, in weighing the benefits of the development to the local economy, I must have regard to the extent of detriment that is likely to be caused in the event that I refuse permission.
136. I have noted the appellant's case with regard to the supply of employment land in the Borough and the suggestion that the development plan has failed to deliver employment sites. I have not considered this for reasons I will come to.
137. On a final matter, I do not condone the carrying out of development without the necessary planning permission in place. Nevertheless, the enforcement procedure is intended to be remedial rather than punitive. That the development was carried out in breach of planning control does not weigh against the grant of permission in the planning balance. Neither should it afford any advantage to the appellant. I have considered this case on its merits, having regard to the matters that are relevant to my determination. That there may be a need to expand the area occupied by the business in the future is not reason to refuse the application that is before me. Any such proposal should also be considered on its merits.

Conditions

138. I note the lists of suggested conditions. I consider all suggested conditions as follows and where necessary I have amended the wording suggested in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance: Use of Planning Conditions (the PPG).
139. Planning permission will not be granted for development as shown on a set of plans listed, but will be for the development that is alleged in the notice, once corrected as I intend. It is not, therefore, appropriate to impose a condition requiring the development to be implemented in accordance with a list of plans.

Neither is it appropriate to impose a condition to limit the use to a use falling within Class B8.

140. I intend to grant planning permission for the use of land that not only excludes the southern part of the appeal site, but also excludes the land between the northern boundary and the existing hard standing, and land within the proposed 15 metre buffer adjacent to the AW. Despite this, I am satisfied that it is reasonable for me to impose conditions that relate to this excluded land. This is because the appellant owns and controls the entirety of the appeal site and, therefore, the land to which these conditions will relate.

141. Having regard to my conclusions on the effect of the development on the adjoining AW and SINC, conditions to secure the following are necessary:

- The installation and retention of a scheme of drainage of the hardstanding area;
- The provision and retention of a buffer free from activity and any new development along the northern and eastern boundary of the appeal site (i.e. the boundaries adjacent to the AW and the SINC);
- The landscaping of the buffer (including along the boundary of the AW and the SINC within the southern part of the appeal site) with planting appropriate to a woodland edge (i.e. local and appropriate native species) that would create or establish habitat and be of benefit to the rich ecology within the AW and the SINC. Such measures would accord with the recommendations in the AW National Guidance;
- The management of this landscaping and the habitat it would create, ensuring that it is appropriately maintained and remains free from new development and any activity associated with the use to be permitted; and
- The provision and retention of a means of enclosure and scheme of lighting of the remaining hardstanding area.

142. These conditions are comprehensive and include requirements for the implementation of any landscaping and measures in accordance with a timetable to be submitted and approved, and the management of the site in accordance with the approved landscaping and biodiversity management plans. It is not, therefore, necessary to impose a separate condition relating to replacement planting, in the event that any new planting fails.

143. I acknowledge that a scheme of landscaping has been provided in drawing number BLA423-08 'Landscape Proposals Plan with 15m buffer to woodland', submitted during the hearing, and I note the lack of any objections from the Council to the details shown on this plan. Nevertheless, there is a need for a comprehensive scheme of landscaping and biodiversity enhancement. Whilst the landscaping scheme required to be submitted should be in broad accordance with the submitted plan, the landscaping condition will allow for any additional planting to be included that might provide the biodiversity enhancement and management required by the BEMP condition.

144. I have no reason to find the scheme of drainage and the details of the proposed scheme of lighting and means of site enclosure to be unacceptable, save for that

the details before me do not account for the removal of some of the hardstanding area and the provision of a 15 metre buffer between the remaining hardstanding and the boundary of the AW to the east. It is, therefore, necessary to require the submission of revised details that take account of the buffer. As the means of enclosure is primarily proposed to address the harm to ecology, I have included the requirements for the submission of its details and its implementation within the BEMP condition. That the site is used in accordance with an approved scheme of lighting is also necessary in the interests of ecology, particularly the local bat community.

145. It is important to note that I intend to grant planning permission for the existing use of only a part of the appeal site. My decision will, therefore, mean that the requirements of the notice will remain in effect for the remainder of the appeal site. These include the requirement to remove the extent of tarmac hardstanding that lies within the 15 metre buffer. The manner in which this tarmac surface must be removed is set out in the notice. It is not, therefore, appropriate for me to impose additional requirements controlling how these works are carried out.

146. Having regard to the above, I have not imposed the condition requiring the submission of a construction environment management plan. Neither have I imposed the conditions relating to the hours of 'construction, demolition or deliveries', and the burning of materials during the 'demolition, construction and fitting out process'. This is despite these conditions being included within the appellant's list of suggested conditions. The requirements of the conditions I am able to impose should not result in any demolition or any 'fitting out process'. Furthermore, the only construction or works that the conditions would require would be limited to the construction of the perimeter enclosure, the drainage works and any works approved by reason of the landscaping and BEMP conditions. Having regard to the likely scale, nature and duration of these works, any adverse effects are likely to be limited and can adequately be addressed by the schemes required to be submitted by the drainage, landscaping and BEMP conditions. For example, the landscaping scheme should include details of the means of disposal of any cleared vegetation, including the laurel hedgerow.

147. Any excavation and works required by the conditions would be limited. Other than any works to be included within the proposed landscaping and biodiversity measures, they would only comprise the works necessary to construct the means of enclosure of the remaining hardstanding and the drainage scheme. Nevertheless, in view of the sensitive location of the site adjacent to a SINC and AW, a condition requiring tree protection measures to be submitted, approved and adhered to during any excavation and works is necessary.

148. Drawing number BLA423-08 includes the removal of the existing laurel hedge in certain locations. This proposal should be included within the landscaping scheme required to be submitted and, as such, a condition to protect existing habitats (e.g. nesting birds) during vegetation clearance is also necessary.

Planning Balance and Conclusion on ground (a)

- Use of the whole of the land to which the notice relates

149. I have concluded that the use of the appeal site as a whole is harmful and in conflict with several of the development plan policies. The appellant does not make the case that the benefits of the development are of sufficient weight to

indicate that my determination of the deemed planning application for the use of the entirety of the appeal site should be made otherwise than in accordance with the development plan when considered as a whole. I have no reason to conclude otherwise.

150. Even if I were to agree with the appellant's case regarding the existing supply and delivery of new employment land within the Borough, I am satisfied that the provisions of paragraph 11d) of the Framework would not be engaged in this case. This is because the policies in the Framework that protect areas of particular importance, including irreplaceable habitats, provides a strong reason in this case to refuse planning permission for the use of the whole of the land to which the notice relates.

- Use of part of the land to which the notice relates

151. In considering whether planning permission ought to be granted for the use of the northern part of the site alone, I have concluded that, subject to the implementation of certain mitigation measures, including the provision and retention of a buffer between the AW and the SINC, the harm caused by the development would be limited to that caused to the SG. Conflict with the development plan would remain, but would be limited to conflict with Strategic Policy S6 alone.
152. The area of the appeal site that would remain developed (both in terms of hard surfacing and commercial activity) would be small when considered within the context of the SG within which the site sits. The harm caused to the SG would not, therefore, be as great as that caused by development on an area the size of the appeal site. It is against this reduced harm and conflict with the development plan that I balance the benefits of the development.
153. Having regard to the particular circumstances of this case, I conclude that the benefits of the development are substantial. I say this, mindful of the area of land that leads to these benefits. The benefits to the rural economy are, in particular, matters that are supported by the Framework and are in line with the economic objective in chapter 2.
154. All things considered, I conclude that the benefits of the development are of sufficient weight to indicate that my determination should be made otherwise than in accordance with the development plan when considered as a whole, and that planning permission ought to be granted for the use of part of the land to which the notice relates, subject to the imposition of conditions. In concluding as such, it is not necessary for me to consider whether or not employment land within the Borough is being delivered in accordance with the Council's strategy or to consider the relevance of this to my determination of this appeal. I am satisfied that the material considerations I have considered are sufficient to outweigh the harm caused by the use of only part of the appeal site.
155. Having regard to my findings above, I conclude that the ground (a) appeal should succeed in part and I will grant planning permission for the development specified in the notice, once corrected as I intend, on part of the land to which the notice relates. The planning permission will, therefore, be granted for the use of the land occupied by the area of tarmac hardstanding labelled as the 'COMMERCIAL VEHICLE HARDSTANDING AREA' on drawing number BLA423-08, which excludes the hardstanding falling within the 15 metre buffer indicated on this plan.

For the avoidance of doubt, I have attached an extract of this plan at the end of this decision and have indicated with a thick red outline the part of the land to which the notice relates that will be the subject of the planning permission I intend to grant.

156. As a consequence of the above, the enforcement notice will not be quashed. However, its requirements will cease to have effect in so far as they are inconsistent with the planning permission which I will grant. Accordingly, it is still necessary for me to consider the ground (g) appeals.

Ground (g) – Appeals A and B

157. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed. In view of my conclusions on the ground (a) appeal above, the requirements of the notice will remain in effect only in respect of the part of the appeal site that will not be the subject of the planning permission I intend to grant.
158. The notice gives a period of 6 months for compliance with its requirements. The appellants suggest a period of 2 years would be necessary to comply with the notice, however this is suggested in the event that I conclude that the use of the appeal site should cease in its entirety.
159. Whilst I note that the appellant's current contractual commitments rely only on the use of the hardstanding area, I have concluded that planning permission ought to be granted for the use of the vast majority of this part of the site. There is no suggestion that the use of a smaller part of the existing hardstanding would mean that the appellants could not fulfil their existing contractual obligations. I acknowledge that in order to comply with the requirements as they relate to the remainder of the appeal site, some disruption might be caused. Nevertheless, there is no suggestion that temporary arrangements cannot be made while these works are carried out. Furthermore, in view of the way that the appeal site has been used in recent years, it is not obvious to me how disruption might be caused by the requirement to remove the remaining rubber matting on the appeal site.
160. All things considered, and having regard to the parts of the appeal site that will continue to be subject to the requirements of the notice, I am not persuaded that the period specified in the notice falls short of what should reasonably be allowed. For this reason, I conclude that the ground (g) appeals should fail.

Overall Conclusions – Appeal A and Appeal B

161. For the reasons given above, and subject to the corrections I intend to make to the notice, I conclude that the ground (b), (c) and (g) appeals on Appeal A and Appeal B should fail. However, I conclude that the ground (a) appeal on Appeal A succeeds in part. I shall grant planning permission for the material change of use of part of the land to which the notice relates to parking and storage as described in the notice, but otherwise I will uphold the notice with corrections. In accordance with section 180 of the 1990 Act, the requirements of the notice will cease to have effect in so far as they are inconsistent with the planning permission which I will grant.

Formal Decision – Appeal A and Appeal B

162. It is directed that the enforcement notice is corrected by:

- The insertion in Part 2 of the words “(“the Land”)” after the words “Land at Broadway Farm, Broad Oak, Botley SO30 2EU”;
- The deletion from Part 3 of the words “land at Broadway Farm, Broad Oak, Botley, SO30 2EU” and their substitution with the words “the Land”;
- The deletion from part 3 of the words “unauthorised” and “B8”; and
- The deletion from Part 5 of the word “land” and its substitution with the word “Land”.

163. Subject to these corrections, Appeal A is allowed insofar as it relates to the land edged with a thick red line on the plan appended to this decision and labelled “Plan 1” and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, for the material change of use to a use for parking and storage on part of the land at Broadway Farm, Broad Oak, Botley SO30 2EU identified with a thick red line on Plan 1 and subject to the conditions listed in the schedule of conditions appended to this decision.

164. Otherwise, the appeals are dismissed and the enforcement notice is upheld as corrected and planning permission is refused in respect of the material change of use to a use for parking and storage on land at Broadway Farm, Broad Oak, Botley SO30 2EU, identified with a red outline on the plan attached to the enforcement notice, but excluding the land identified with a thick red line on Plan 1, on the application deemed to have been made under section 177(5) of the 1990 Act.

J Moss

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Robert Walton KC	Counsel
Phillip Brothy HND Arb MA ArborA CEnv FIC For RCArborA	Associate Director, Barrell Treecare Ltd
Jamie Duncan BSc (Hons) MIOA	Director, Venta Acoustics Ltd
Matthew Johns BSc (Hons) MSC CEnv MCIEEM FGS MIFM	Director, Johns Associates Ltd
James Kneller MSc	CEO, Kneller Human Capital Ltd
Adam Place MRTPI MIED FRSA	Director, Viable Placemaking Ltd
Mark Sennitt B.A.(Hons) B.PI P.G.Dip.Law MRTPI	Planning Consultant, Sennitt Planning Ltd
Daniel Spreadborough MSC	Principle Engineer, DFL-UK Ltd
Stephen Wadsworth BA(Hons) DipLA, DipUD CMLI	Director, Briarwood Landscape Architecture Ltd
Meagan Weedon HND Civil Engineering	Senior Associate, Paul Basham Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Poonam Pattni	12 College Place Chambers
Gary Osmond, BA (Arch), MA, LRTPI	Principal Planning Officer, Eastleigh Borough Council
Paul Howe, BSc MSc, PhD MCIEEM	Ecology and Trees Manager, Eastleigh Borough Council
John Saunders, Certificate in Planning Enforcement	Planning Enforcement Officer, Eastleigh Borough Council
Tim Dyer, Ba (Hons) DipLA CMLI	Urban and Landscape Design Team Leader, Eastleigh Borough Council

INTERESTED PERSONS:

Councillor Stephen Wildin	Botley Parish Council
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HEARING DOCUMENTS

- HD1 Drawing number 1760a 01 Rev P01 General Arrangement
- HD2 DFL document - Lighting calculations dated 02/07/2025
- HD3 Botley Parish Council statement
- HD4 Plans and documents relating to the planning application subject of appeal
reference APP/W1715/W/24/3350858
- HD5 Drawing number BLA423-08 'Landscape Proposals Plan with 15m buffer to
woodland'
- HD6 Drawing number BLA423-06 'Landscape Proposals Plan'
- HD7 Drawing number 104 Rev A 'Site Layout'

Schedule of Conditions

1. The use hereby permitted shall cease, all equipment and materials brought onto the land for the purposes of such use shall be removed and the tarmac area shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to v) below:
 - i. Within 3 months of the date of this decision a scheme of surface water drainage shall have been submitted to the local planning authority for its written approval. The scheme shall include, but shall not be limited to, the details of the means for the filtration of surface water, the means and location of below ground water storage and the details of the discharge of surface water off the site.
 - ii. Within 3 months of the date of this decision a timetable for the completion of the drainage shall have been submitted to the local planning authority for its written approval.
 - iii. If within 6 months of the date of this decision the local planning authority refuse to approve the timetable and scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iv. If an appeal is made in pursuance of iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - v. The completion of the surface water drainage in accordance with the approved scheme and the approved timetable.

Upon completion of the surface water drainage in accordance with the approved scheme and the details specified in this condition, the drainage shall thereafter be retained for so long as the use hereby permitted continues.

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.

2. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed and the tarmac area shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to vi) below:
 - i. Within 3 months of the date of this decision a scheme of landscaping of the land identified on drawing number BLA423-08 'Landscape Proposals Plan with 15m buffer to woodland' shall have been submitted to the local planning authority for its written approval. The land subject of the scheme includes the land identified by the key on drawing number BLA423-08 as:
 - Existing Laurel hedgerow to be removed;
 - Proposed infilling of existing earth bund;
 - Proposed species rich woodland edge grass mix; and
 - Proposed structure planting.The scheme shall include details of trees and planting proposed, including species, age and planting densities; and trees and planting to be retained and the means for their protection;

- ii. Within 3 months of the date of this decision a timetable for the completion of the landscaping scheme shall have been submitted to the local planning authority for its written approval;
- iii. Within 3 months of the date of this decision a scheme for the management of the landscaping shall have been submitted to the local planning authority for its written approval. The landscaping management scheme shall include measures for the replacement in the next planting season with others of a similar size and species of any trees or planting that dies, is removed, or becomes seriously damaged or diseased.
- iv. If within 6 months of the date of this decision the local planning authority refuse to approve the timetable, scheme or management details, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- v. If an appeal is made in pursuance of iv) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- vi. The completion of the landscaping in accordance with the approved landscaping scheme and the approved timetable.

Upon completion of the landscaping in accordance with the approved scheme and timetable, the planting shall thereafter be maintained in accordance with the approved landscaping management details for so long as the use hereby permitted continues.

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.

- 3. No vegetation clearance shall occur during the bird nesting season (between 1 March & 31 August) unless supervised by an appropriately qualified ecologist.
- 4. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed and the tarmac area shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to v) below:
 - i. Within 3 months of the date of this decision a Biodiversity Environmental Management Plan (BEMP) shall have been submitted to the local planning authority for its written approval. The scheme shall include:
 - the provision of a buffer to the north and east of the site shown on drawing number BLA423-08 'Landscape Proposals Plan with 15m buffer to woodland' as lying between the site, annotated as the 'COMMERCIAL VEHICLE HARDSTANDING AREA' and the area identified in the key as the 'Existing tree and woodland vegetation'; and
 - details of the means of enclosure of the site as a means to minimise light spill from the site.
 - ii. Within 3 months of the date of this decision a timetable for the completion of the works specified in the BEMP shall have been submitted to the local planning authority for its written approval;
 - iii. If within 6 months of the date of this decision the local planning authority refuse to approve the timetable and BEMP, or fail to give a decision within

the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iv. If an appeal is made in pursuance of iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- v. The completion of the works specified in the BEMP in accordance with the approved BEMP and the approved timetable.

Upon completion of the works required in the approved BEMP in accordance with the approved BEMP and timetable, the site shall thereafter be maintained in accordance with the approved BEMP for so long as the use hereby permitted continues.

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.

- 5. All external lighting shall accord with and be used at all times in accordance with external lighting details that shall first have been submitted to and approved in writing by the local planning authority.
- 6. All excavation or works required to be carried out by conditions 1 to 5 shall be carried out in accordance with a tree protection plan and a tree protection method statement, the details of which shall first have been submitted to and approved in writing by the local planning authority. The submitted details shall accord with the British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations).



Planning Inspectorate

Plan 1

This is the plan referred to in my decision dated: **30 September 2025**

by **J Moss BSc (Hons) DipTP MRTPI**

Land at: Broadway Farm, Broad Oak, Botley SO30 2EU

Appeal A Ref: APP/W1715/C/25/3361911

Appeal B Ref: APP/W1715/C/25/3361912

Not to scale

