

The Planning Inspectorate

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL FORM (Online Version)

Appeal Reference: APP/W1715/X/23/3331326

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mr Maurice Doe

Company/Group Name CCW Services Ltd

Address Broadway Farm Broad Oak
Botley
SOUTHAMPTON
SO30 2EU

Phone number

Email grahambeck@lukenbeck.com

Preferred contact method

Email ☒ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☒ No ☐

Name Mr Graham Beck

Company/Group Name Luken Beck

Address 30 Carlton Crescent
SOUTHAMPTON
SO15 2EW

Phone number 02380633440

Email grahambeck@lukenbeck.com

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority Eastleigh Borough Council

LPA reference number (if applicable) LDC/23/95111

Date of the application	25/04/2023
Did the LPA issue a decision?	Yes ☒ No ☐
Date of LPA's decision	29/08/2023

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☒ No ☐

Address

Broadway Farm Broad Oak
Botley
SOUTHAMPTON
SO30 2EU

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☒ No ☐

Please describe the health and safety issues

Due to the nature of the commercial estate with heavy haulage lorries and forklift vehicles, it is essential to report to security on site and wear high viz jackets

E. DETAILS OF THE APPEAL

Please give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought.

Engineering operation to create a parking apron together with the use of the land for parking of haulage vehicles and trailers

Select the section under which the application was made:

Section 191 ☒

Section 192 ☐

Section 26H ☐

Please state the actual use of the site at the time of application to the LPA. (if not in use, write "nil" and state last known use).

Parking area for haulage vehicles and trailers

Is there an effective enforcement notice on the site? Yes ☐ No ☒

F. REASON FOR THE APPEAL

1. Refused/refused in part to grant a certificate of lawful use or development. ☒

2. Failed to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development. ☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☐

2. Hearing



3. Inquiry



You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

☒ the box below

The Appellant requests that their appeal be heard by way of an inquiry. Paragraph 3.2.1 of the certificate of lawful use or development appeals procedural guidance states that Appellants must state on the appeal form which procedure they think is most appropriate for the appeal and the reasons for their preference, with reference to the criteria for procedure determination. That criteria states that "in an enforcement appeal, evidence needs to be given on oath (for example where witnesses are giving factual evidence about how long the alleged unauthorised use has been taking place)".

Though this is not an enforcement appeal, the relevant issues do go to the alleged length of time that a particular use has endured for and when operational development was carried out on site. The Council states within its reasons for refusing the application that:

i) They are not satisfied that the use described is lawful due to insufficient information for which reason the evidence does not meet the legal test 'on the balance of probability, and

ii) that the subsequent laying of Tarmacadam constitutes new engineering works which has commenced a new chapter in the planning history of the site.

There are 7 Statutory Declarations in support of the application, along with documentary evidence, which go to these issues and which clearly require the testing of witness evidence through formal examination in chief and cross examination under oath. It is also likely that legal submissions will be required, in particular relating to the Council's assertion that a new chapter in the planning history of the site has resulted which, though not a standalone reason for the inquiry procedure, is an additional reason why it might prove helpful.

(a) How long do you estimate the inquiry will last?

3 day(s)

(b) How many witnesses do you intend to call?

8

(c) Is there any further information relevant to the inquiry which you need to tell us about?

Yes

☒ No



If so, please explain the relevant information below

There are other supportive pieces of evidence namely, the Haulage Licences, Public Notices and the boreholes showing the original engineering works undertaken in 2006 the evidence of which does not seem to be in question.

H. APPEAL STATEMENT

The statement is set out in

☒ see 'Appeal Documents' section

I. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☒ No



Please give details, including our reference number(s), if known.

S78 Appeal against the refusal of planning permission for the proposed construction of a warehouse for storage and distribution (Class B8) together with relocation of existing parking apron and ancillary works. Pins Ref: APP/W1715/W/23/3326789

J. SUPPORTING DOCUMENTS

01. The application made to the LPA. ☒
02. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. Please number them clearly and list the numbers here or on a separate sheet. ☒
02. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☒
03. The LPA's decision (if any). ☒
04. All other relevant correspondence with the LPA. ☐
05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☒
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

K. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 8 week time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature Mr Graham Beck

Date 13/10/2023 17:31:37

Name Mr Graham Beck

On behalf of Mr Maurice Doe

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

L. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of

the appeal) not previously sent as part of the application to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

M. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	APPEAL STATEMENT
Document Description:	The Appeal statement.
File name:	231013 F State of Case.pdf
File name:	LDC.23.95111 - MEMO_Redacted.pdf
File name:	LDC_23_95111 - Broadway Farm_Redacted.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The application made to the LPA.
File name:	ApplicationFormRedacted (1).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Exhib 1 21003-1010-DF Existing Location and Block Plan.pdf
File name:	Exhib 2 and 6 21003-1011-DF Existing Location and Block Plan - Sample Locations.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.b. Copies of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	Exhib 1 21003-1010-DF Existing Location and Block Plan.pdf
File name:	Exhib 2 and 6 21003-1011-DF Existing Location and Block Plan - Sample Locations.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. The LPA's decision
File name:	Location plan Broadway Farm.pdf
File name:	LDC.23.95111 Letter.pdf
File name:	CLEUD- Broadway Farm Refusal Notice.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	Exhib 1 21003-1010-DF Existing Location and Block Plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

File name:	230424 F Planning Statement.pdf
File name:	Exhib 4 230424 F Tony Heathfield Statement of Declaration - V1.pdf
File name:	Exhib 5 230228 G and M Technical letter_Redacted.pdf
File name:	Exhib 23 2017 Op Licence.pdf
File name:	Exhib 28 2016 Op Licence.pdf
File name:	Exhib 16 230424 F Louisa Doe Statement of Declaration - V1.pdf
File name:	Exhib 10 Trial Hole 4.jpg
File name:	Exhib 12 2016 Op Licence.pdf
File name:	Exhib 9 Trial Hole 2 40cm.jpg
File name:	Exhib 19 230424 F Jon Moore Statement of Declaration - V1.pdf
File name:	Exhib 11 Trial Hole 3.jpg
File name:	Exhib 27 2020 Op Licence 20200602101126111224_OH1093516_GV_Licence (2).pdf
File name:	Exhib 7 Trial Hole 1.jpg
File name:	Exhib 25 2019 June Op Licence.pdf
File name:	Exhib 22 230424 F Mike Walker Statement of Declaration - V1.pdf
File name:	Exhib 15 230424 F Maurice Doe Statement of Declaration - V1.pdf
File name:	Exhib 24 2018 Op Licence_Redacted.pdf
File name:	Exhib 26 2019 Nov Op Licence_Redacted.pdf
File name:	Exhib 26 2019 Nov Op Licence_Redacted (1).pdf
File name:	Exhib 14 advert o licence.pdf
File name:	Exhib 12a 2005 MFDoe op licence Document_2023-04-10_195328_Redacted.pdf
File name:	Exhib 17 230424 F Gary Jewell Statement of Declaration - V1.pdf
File name:	Exhib 18 230424 F Gavin Boxall Statement of Declaration - V1.pdf
File name:	Exhib 13 advert CCW Services Ltd.tiff
File name:	Exhib 8 Trial Hole 2 35cm.jpg
File name:	Exhib 13 advert CCW Services Ltd (1).tiff
Completed by	MR GRAHAM BECK
Date	13/10/2023 17:31:37