

General Info	
Planning Ref:	LDC/23/95111
Address:	Broadway Farm, Broad Oak, Botley, Hampshire SO30 2EU
CLEUD/CLPUD:	CLEUD
Determination Date:	1 August 2023
Existing Use:	The application form states an existing use and existing building works. A building operation by the laying of sub-base hardcore (type one crushed concrete) with concrete based cellular 'grasscrete' as illustrated on Plans 1 and 2 attached, together with the parking of motorised vehicles to include heavy vehicles and trailers in accordance with an Operators Licence dated 28 th June 2010 and subsequent renewals which remains ongoing and evidenced in affidavits.
When was the use or activity begun, or the building works substantially completed?	01.04.2006
Planning History	Z/17963/000/00 – Erection of chalet bungalow. Refuse – 11/11/1977. Z/17963/00A/00 – Erection of detached bungalow and integral garage. Permit – 23/03/1978. Z/17963/001/00 – Broadway Farm – Use of rear yard for pallet repair and storage with retention of relocated portable office and shed. Refuse – 25/07/1997. Allowed on Appeal – 30/09/1998. F/07/61818 – Broadway Farm - Single storey side extension with attached garage. Refuse – 30/01/2008. F/21/91859 – Broadway Farm - Construction of a warehouse for storage and distribution (Class B8) with ancillary works including parking area, together with retention of tarmac hardstanding for open vehicle storage. Withdrawn by Applicant – 06/01/2022. F/22/93195 – Broadway Farm - Construction of a Warehouse for storage and distribution (Class B8) together with a parking apron for first response vehicles and ancillary works. Withdrawn by Applicant – 28/07/2022. F/22/94108 – Broadway Farm - Proposed construction of a Warehouse for storage and distribution (Class B8) together with a relocation of existing parking apron for first response vehicles and ancillary works. Refuse – 01/02/2023. Further applications identified within the blue outline (land within the applicant's ownership) which may be useful to you: Q/05/53189 – Broadway Farm – Enquiry: Conversion of integral garage to habitable room. A Planning Application Is Not Required – 03/02/2005. F/07/59932 – Broadway Farm - Construction of detached double garage, annexe with first floor accommodation. Refuse – 04/07/2007. F/08/64049 – Broadway Farm - Single storey side extension to be used as annexe and detached double garage. Permit – 19/12/2008. LDC/17/80680 – Broadway Farm - Lawful Development Certificate for proposed construction of a new material handling/storage building (Use Class B8). CLOPUD Certificate Issued – 14/02/2018. F/17/81201 – Broadway Farm - Retention of 2No. product handling/storage buildings and alterations and extensions to existing pallet storage building in association with the continued use of the site for storage and distribution (Use Class B8). Permit – 13/03/2019.
Planning Opinion:	The site is not located within a Conservation Area, the site is not listed and there are no Article 4 Directions on the land. Within the local plan the area is designated as Countryside and Settlement Gap. This lawful development application relates to the use of the land (outlined in red) that the engineering operations took place more than 4 years ago (completed in 2006) and the parking apron has been used continuously for

	the parking of vehicles for more than 10 years. Evidence has been submitted in the form of affidavits, photographic information from trial holes dug, operator's licence information and public notices. There have been no planning applications submitted for these works, therefore if Legal are satisfied with the evidence provided that the engineering operations were carried out in 2006 this would fall within the time limitations for operational development under the Planning and Compensation Act 1991 and no enforcement action can be taken as four years have elapsed. Section 171B of the Planning and Compensation Act 1991 – In respect of operational development states: (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. In addition, if Legal are satisfied that the use for the parking of vehicles has been in continuous use for a period exceeding 10 years according to the evidence provided then this would be immune from enforcement action under the time limitations of the Planning and Compensation Act 1991, Section 171B which states: (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. I've attached a current aerial image of the site which does clearly show the concreted area and the parked vehicles, and I believe the Enforcement Team could provide historic aerial images which may be helpful for comparison. Planning enforcement have also had cases on this site in the past and could provide you with more information.
Case Law	
Comments	
Neighbours	Nick Roe – Springtime Cottage, Broad Oak, Botley SEE PDF CONSULTATION RESPONSE (summary below) - Refers to Google Earth Pro images and previous planning applications to conclude: a. No evidence of grasscrete from the historical photos b. No evidence of regular continued use of the area for the storage of vehicles c. Test cut holes do not show grasscrete d. Contradicting statements (an earlier planning application states that the area was for the sole use of NHS vehicles whereas this application says it is for the use of heavy vehicles) e. Planning application F/22/94108 proposed to remove the area of tarmac as it contravenes environmental regulations being too close to the adjacent SINC woodland without a buffer of 20m. f. The area of tarmac was installed in late 2020, so less than 4 years ago. Even if it is accepted that the grasscrete was already there, the tarmac is a significant change to the character of the area. Scott Meeks These works were investigated by John Saunders EBC Ref: 00154293 (June/July 2020) and were described as temporary due to COVID-19 delays and a further follow up required, unsure of the outcome.

	Alistair Rhodes SEE CONSULTATION RESPONSE (summary below) - Cannot comment on the building operation aspect of the application other than to refer to Google Earth images of the site. - Between 2000 and 2018 use of the area was minimal and sporadic (the main use was the storage of stacks of pallets and occasional overflow parking). The site was vacant the majority of the time. - Witnessed tarmac tankers and other surfacing vehicles entering the site in 2020. - No regular parking or vehicle storage on the site until 2020.
Botley Parish Council	LDC/23/95111 - Certificate of Lawfulness - Broadway Farm, Broad Oak, Botley Lawful Development Certificate for an existing use or operation: Building operation by the laying of sub-base hardcore (type one crushed concrete) with concrete based cellular 'grasscrete', together with the parking of motorised vehicles to include heavy vehicles and trailers in accordance with an Operator's Licence Objection on the following grounds: We have reviewed previous applications submitted from the same site at several times since 2017. The committee would like it noted that we realise previous applications are not in relation to the area that is currently being considered, however members feel there is sufficient evidence contained within these previous applications to propose the 'grasscrete' has not been in place for several years as suggested. In previous applications, detailed reports along with various photographs of the site, suggest there is no evidence of any 'grasscrete' having been laid in the area in question. In the 2017 application F/17/81201 (which relates to a different area on site), a ground investigation report draws reference to various bore holes having been dug and there is a full report identifying the types of soil in the area. In the current application, whilst a site map compiled by Boyle & Summers has been provided suggesting bore holes have been dug, the corresponding pictures of these bore holes could have been taken at any location around the site or otherwise. There is no evidence to place these holes into the context of the site. Referring to the previous application F/17/81201, a detailed report was submitted giving the findings of the different depth measurements and findings, yet this is missing from the current request for a certificate of lawfulness. Perhaps the full report showing the bore holes in context to the site and full findings of these bore holes, depth measurements, soil analysis and their supposed previous findings could be shared? In the absence of detailed findings, committee members do not accept that existing 'grasscrete' was installed and therefore decline to accept this is a true reflection of what has happened on the site during the past four/ten years.
Cllr Kyrle	No comment
Cllr Kinloch	No comment
Elections	N/A
Environmental Health	No records relating to the deposit of hardcore on site. Records show a

	historic FOI request, a dog barking complaint, and a number of consultations from planning.
Council Tax	N/A
Enforcement	ENF/2023/169 Received 17/04/23 Officer: John Saunders Site review of potential breach of planning permissions (Hours of operation, buildings & hardstanding) Current investigation ENF/2022/14 Received 10/01/22 Officer: John Saunders Unauthorised change of use of field from agricultural to storage following withdrawal of F/21/91859 Closed: 16/06/22 Reason: As requested a retrospective planning application has been submitted under reference F/22/93195. ENF/2021/58 Received 05/02/21 Officer: John Saunders Unauthorised change of use of field from agricultural to storage. Closed: 10/11/21 Reason: As requested a retrospective application has been received under reference F/21/91859 to retain the unauthorised development. ENF/2020/224 Received 17/06/20 Officer: John Saunders Alleged unauthorised barn Closed: 16/07/20 Reason: The land owner is constructing a permitted storage building on site, however this has been delayed due to the outbreak of covid-19. The new outbuilding is temporary and will be removed once the new structure is completed. As this sits adjacent to the new development and will be removed once complete we will not be taking any further enforcement action. A follow up inspection will be completed to check that the temporary outbuilding has been removed. E/17/16597 Received 25/02/17 Officer: Phil Wiseman Unauthorised barn extension (concealed) Closed: 26/11/18 Reason: The issue of the alterations to the barn are being dealt with under planning application F/17/81201 so no enforcement action required. F/17/81201 - Planning permission granted on 13 March 2019. E/15/15782 Received 28/04/15 Officer: Phil Wiseman Unauthorised advertisement in a residential area Closed: 04/05/15 Reason: The unauthorised advertisement has been removed from site as requested.

	E/15/15747 Received 21/03/15 Officer: Phil Wiseman Unauthorised change of use - car park on countryside land Closed: 30/03/15 Reason: The land where cars are parked has been used for such activity for a number of years and is immune from any enforcement action.	
Supporting Evidence		
Chronology of Evidence	Document	Date
	Location Plan and Block Plan (CCW-BSL-ZZ-XX-DR-A-1010-DF) – Exhibit 1	N/A
	Existing Location and Block Plan – Sample Locations (CCW-BSL-ZZ-XX-DR-A-1011-DF) – Exhibits 2 and 6	N/A
	Exhibit 3 – blank	N/A
	Tony Heathfield (director of G&M Technical Services) statutory declaration – Exhibit 4	Confirms engineering works in 2006 of laying Terram membrane and a covering of type one crushed concrete before laying a cellular reinforced concrete grasscrete. Witnessed vehicles/trailers parked on the land since 2006 on visits to the site
	Letter from G&M (dated 28 th February 2023) confirming 4 trial holes were dug to analyse the ground make up – Exhibit 5	24 th February 2023
	Sample Location Plan - Exhibit 6 –	N/A
	Trial Hole 1 showing Tarmacadam with rubble beneath – Exhibit 7	N/A
	Trial Hole 2 evidencing the layers below the Tarmacadam to a depth of 35cm and the grasscrete concrete layer immediately beneath the Tarmacadam with the sub-base below, down to the Terram membrane at the bottom – Exhibit 8	N/A
	Trial Hole 2 to a depth of 40cm – Exhibit 9	
	Trial Hole 4 to a depth of 30cm with compacted material down to the Terram membrane with the concrete grasscrete towards the surface – Exhibit 10	
	Trial Hole 3 evidences the same ground make up – Exhibit 11	
	Operators Licence for Maurice Doe (2005) – Exhibit 12A	Licence for Mr Doe of Broadway Farm March 2005
	Operators Licence for CCW Services Ltd (2010) – Exhibit 12	Licence for CCW of Broadway Farm June 2010
	Public Notice for CCW Services applying for a licence to use Broadway Farm as an operating centre for 6 goods vehicles and 2 trailers (dated	November 2009

	2009) – Exhibit 13	
	Public Notice for CCW Services applying to change an existing licence – Exhibit 14	June 2016 September 2018 May and September 2019 February 2020
	Statutory Declaration of Maurice Doe (Director of CCW) – confirming that both fields identified on Exhibits 1 and 2 were used for parking of lorries and trailers well before 2000. The areas identified were laid with cellular grass reinforced concrete in 2006. The land illustrated on Plan 1 has been used for the parking of vehicles and trailers since before 2006, and is used by the NHS since 2019 – Exhibit 15	Land used for parking of vehicles and trailers since before 2000 Grasscrete installed in 2006
	Statutory Declaration of Louisa Doe (Company Secretary and Chief Executive of CCW) – in 2006 recalls the land identified in Exhibit 1 being laid with cellular grass reinforced concrete to provide parking spaces for haulage vehicles and trailers. Up to 40 trailers were parked on the land in 2006. There has been continuous parking of vehicles and trailers on the site since 2006. In 2020, the grasscrete area was capped with Tarmacadam to stop grass and soil being transferred onto access roads – Exhibit 16	Grasscrete installed in 2006 Up to 40 trailers parked on the site in 2006 Tarmacadam installed in 2020
	Statutory Declaration of Gary Jewell (worked for CCW for 15 years) – between 2012 and 2018 he parked lorries and trailers on the land identified in Exhibits 1 and 2. Recalls up to 40 trailers parked on the grasscrete land. Grasscrete was repaired by laying tarmac on top in 2020. The land has been used continuously for the parking of vehicles and trailers (predominantly at night) since at least 2012 – Exhibit 17	Use of the land for the parking of vehicles and trailers since 2012
	Statutory Declaration of Gavin Boxall (worked for CCW for 19 years) – Gavin would drive vehicles onto the grass area identified in Exhibits 1 and 2 19 years ago. In 2006, Jon and Gavin moved all the trailers and vehicles off the grassed area to prepare the ground for the concrete grasscrete. The land has been used for the parking of vehicles and trailers since 2006 – Exhibit 18	Use of the land for the parking of vehicles and trailers since 2006 Grasscrete installation in 2006
	Statutory Declaration of Jon Moore (worked for CCW since 1992) – recalls that since 2006 he regularly parked 40 foot trailers and vehicles on the grasscrete area when it was grass. Recalls grasscrete being installed in 2006. Throughout employment at CCW, he has driven vehicles with and without	Use of the land for parking of heavy vehicles and trailers since 2006 Grasscrete installation in 2006 Tarmac installation in 2020

	trailers onto the grasscrete land. In 2020 the grasscrete area was topped with tarmac – Exhibit 19	
	Exhibit 20 - blank	
	Exhibit 21 – blank	
	Statutory Declaration of Mike Walker (worked at CCW since 2012) states he has been parking and shunting lorries and trailers on the grasscrete area since he started with CCW in 2012. Advises that the majority of vehicles are out on the road during the day and are temporarily parked on the grasscrete area at night. The grasscrete was repaired with a layer of tarmac in 2020. The grasscrete area has been used constantly over his time at CCW – Exhibit 22	Use of the land to park vehicles and trailers since 2012 Tarmac installation in 2020
	Operators Licences from 2010-2020 – Exhibits 23-28	No indication as to where the vehicles were parked/stored – Broadway Farm is a large site
Evidence		
Supporting		Against
Existing use – Parking of motorised vehicles to include heavy vehicles and trailers from 2006 (10 years +)		
SD – Maurice Doe		Consultation response of Alistair Rhodes (Mallow Cottage)
SD – Louisa Doe		Google Earth Pro images don't evidence continued use of the site
SD – Gary Jewell		
SD – Gavin Boxall		
SD – Jon Moore		
SD – Mike Walker		
Existing building works (development) – Building operation by the laying of sub-base hardcore (type one crushed concrete) with concrete based cellular 'grasscrete' in 2006 (4 years +)		
SD – Anthony Heathfield		Google Earth Pro (consultation responses from Alistair Rhodes and Nicholas Roe)
SD – Gavin Boxall		
SD – Jon Moore		
SD – Mike Walker		
SD – Maurice Doe		
SD – Louisa Doe		