

APPELLANT'S WRITTEN STATEMENT OF CASE

Appeal against an Enforcement Notice issued by Eastleigh Borough Council relating to The Bungalow, Tanhouse Lane, Botley, SO30 2SZ & Manor Farm Country Park, Pylands Lane, Bursledon, Southampton, SO31 1BH

Prepared by Pro Vision on behalf of Mr J Bowers

May 2026

APPEAL AGAINST AN ENFORCEMENT NOTICE ISSUED BY EASTLEIGH BOROUGH COUNCIL
RELATING TO THE BUNGALOW, TANHOUSE LANE, BOTLEY, SO30 2SZ & MANOR FARM COUNTRY
PARK, PYLANDS LANE, BURSLEDON, SOUTHAMPTON, SO31 1BH

APPELLANT'S WRITTEN STATEMENT OF CASE

PROJECT NO. 51867-ENF/2025/445

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1.0 Introduction

1.1 This Written Statement of Case relates to an appeal against an Enforcement Notice (EN) that was issued by Eastleigh Borough Council (EBC) – the local planning authority (LPA) – on 17 April 2026. The EN relates to land and premises at The Bungalow, Tanhouse Lane, Botley, SO30 2SZ and Manor Farm Country Park, Pylands Lane, Bursledon, SO31 1BH shown edged in red on the plan attached to the EN (“the Land”).

1.2 Pro Vision has been instructed to appeal against the EN by Mr James Bowers who was served a copy of the EN as the owner of part of the land (“landowner 1”). The remaining land is owned by Hampshire County Council (“landowner 2”).

1.3 But for this appeal, the EN would have come into effect on 22 May 2026.

Alleged Breach of Planning Control

1.4 The EN alleges:

- i. Without planning permission, the creation of an earth bund along the northern boundary;*
- ii. Without planning permission, the erection of 1.8m high fencing measuring approximately 90m in length along the southern boundary adjacent to Tanhouse Lane;*
- iii. Without planning permission, the erection of 1.8m high fencing along the western, northern, and eastern boundaries;*
- iv. Without planning permission, the installation of wooden posts on the grass verge along the southern boundary;*
- v. Without planning permission, the installation of kerbing;*
- vi. Without planning permission, the importation and deposit of hardcore and other materials to level the land and create a hardstanding.*

1.5 The Appellant’s grounds of appeal are:

- i. Ground [f] that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any injury to amenity; and*

- ii. Ground [g] that that any period specified in the notice falls short of what should reasonably be allowed.

2.0 The Land & Surroundings

The Land

- 2.1 The land is situated approximately 500m to the south of Kings Copse Avenue, which is also the defined urban area of Hedge End. The land is therefore located within 'countryside' for planning purposes.
- 2.2 The land comprises no built form (although records show that there used to be a bungalow on the site as recently as at least 1965).
- 2.3 There is broadly no ground vegetation other than a small area of amenity grassland along the frontage. There are several mature trees on the land. These are not subject of a tree preservation order (TPO).
- 2.4 Overhead cabling passes through the land.
- 2.5 There is a close-boarded fence along some of the boundary, with gated access.
- 2.6 Vehicular access to the land is via Tanhouse Lane. This route is also a public right of way (PRoW)¹.
- 2.7 The land is within Flood Zone 1 (meaning there is a low probability of flooding from rivers). The land is also at very low risk of flooding from surface water run-off.
- 2.8 There are no designated or undesignated heritage assets within the land, nor are there any within proximity. The closest, Manor Farm, is located 1km east.

The Surrounding Area

- 2.9 There is residential development along Tanhouse Lane.
- 2.10 There is woodland associated with the Manor Farm Country Park to the north, east and west. There are trees lining the frontage of Tanhouse Lane. A group TPO² is located at Kings Copse Farm, approximately 25m to the south-east of the application site.

¹ PROW Reference 026/14/3

² Reference 554-E

- 2.11 There are sites of importance for nature conservation (SINC) at Kings Copse Meadow & Pond located to the north and east – Kings Copse Meadow SINC (170m); Dockdell Copse SINC (380m); and Tanhouse Meadow SINC (200m).
- 2.12 The Upper Hamble Estuary and Woods site of special scientific interest (SSSI) is approximately 250m to the south-west. Manor Farm Local Nature Reserve (LNR), Solent and Southampton Water Ramsar Site, Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC), are all located nearby.

Planning History

- 2.13 There is no known record of any planning applications on the application site.
- 2.14 Ordnance Survey mapping for 1938-42 shows a building on the application site (see fig.1).
- 2.15 Ordnance Survey mapping for 1965 also shows a building on the application site with the annotation “The Bungalow” (see fig.2).

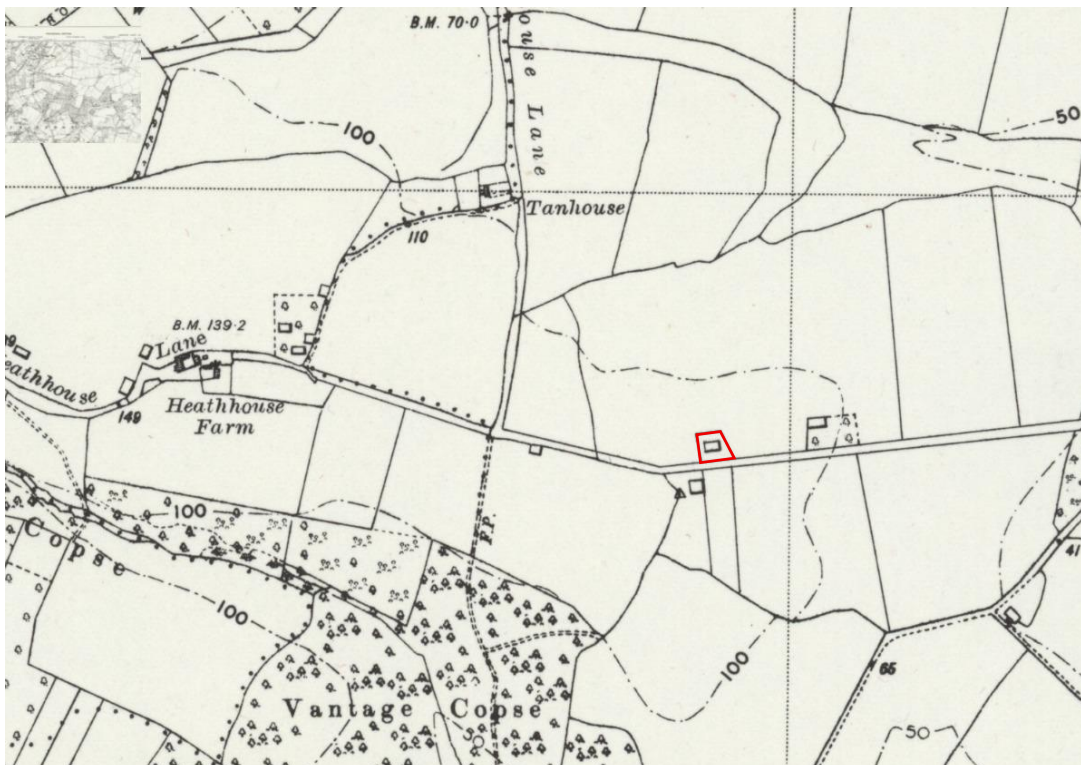


Fig.1 Ordnance Survey 1938-42 (source: National Library of Scotland)



Fig.2 Ordnance Survey 1965 (source: National Library of Scotland)

3.0 Ground [F] Appeal

- 3.1 It is considered that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control.

Requirement

- 3.2 As issued, the EN requires the following:

- i. Cease all operational development and engineering operations associated with the breach of planning control
- ii. Remove the earth bund.
- iii. Remove all gates, fencing, kerbing, posts and utility infrastructure.
- iv. Remove all hardcore and imported materials.
- v. Restore the Land to its condition prior to the breach of planning control.

- 3.3 The appellant agrees to:

- cease all operations;
- the removal of the earth bund;
- the removal of fencing from land outside his ownership; and
- restore land outside his ownership to an agreed woodland specification

Remove all fencing (3)

- 3.4 The appellant considers that it is not necessary to remove the 1.8m fence and gates on land within his ownership in order to remedy the harm to amenity.

- 3.5 The land within the appellant's ownership is subject of a current planning application for 'permission in principle' for a new dwelling which, if approved, will require approval for landscaping works. If planning permission for a dwelling is forthcoming, it would not be unreasonable or unexpected for this to also secure consent for a perimeter fence for security reasons (much of this would be permitted development in any event).

- 3.6 Planning permission has recently been granted for a 1.8m fence fronting onto Tanhouse Lane, a short distance from the land subject of the enforcement notice @ Cricketwood (ref.H/25/100598).

- 3.7 The appellant agrees to the removal of the 1.8m fence on land which is not within his ownership.

Remove kerbing (3)

- 3.8 The appellant considers that the required removal of areas of kerbing within his ownership is not necessary to remedy the harm to amenity caused by the alleged breach. It is questionable whether the kerbing is even 'development'. In any event, the kerbing is simply edging to an area of landscaping which will be considered as part of any subsequent detailed consent for the proposed dwelling which will remedy any harm to amenity caused by the alleged breach of planning control.

Remove posts (3)

- 3.9 The appellant considers that the required removal of the low posts adjacent to the public right of way is not necessary to remedy the harm to amenity allegedly caused by the breach.
- 3.10 It is questionable whether the posts represent development at all, and are at best de minimis. The posts merely prevent the public from parking on the verge which forms part of the appellant's land.

Remove utility infrastructure (3)

- 3.11 The appellant considers that the required removal of all utility infrastructure is not necessary to remedy the harm to amenity.
- 3.12 The electricity poles pre-date the alleged breach. It is acknowledged that an electricity box has been installed by the infrastructure provider on land which is potentially outside the appellant's ownership. This can be re-sited to land within the appellant's ownership if required, without harm to amenity.

Remove all imported materials (4)

- 3.13 The appellant considers that it is not necessary to remove all hardcore and imported materials in order to remedy the harm to amenity caused by the unauthorised activity.
- 3.14 The imported materials have not resulted in a material change in levels as observed from the public realm.
- 3.15 The removal of the imported material will necessitate (otherwise avoidable) additional vehicle movements along the public right of way.

- 3.16 In any event, the appellant agrees to reinstate the land outside his ownership to a woodland specification to be agreed with the landowner. Once the woodland has been reinstated (and maintained), the land outside the appellant's ownership will appear as it did prior to the alleged breach of planning control. Therefore, the reinstatement of the woodland will remedy any harm to amenity caused. Without prejudice, and notwithstanding the restoration of the woodland, if the Inspector considers that the imported material has nevertheless resulted in harm to amenity, the appellant agrees to remove the imported material on the land outside their ownership prior to reinstating the woodland.
- 3.17 The appellant considers that it is not necessary to remove all hardcore and imported materials on land within his ownership in order to remedy the harm to amenity caused by the unauthorised activity.
- 3.18 The imported materials have not resulted in a material change in levels as observed from the public realm. The removal of the imported material will necessitate (otherwise avoidable) additional vehicle movements along the public right of way. As above, the land within the appellant's ownership is subject of a current planning application for a new dwelling which, if approved, will require approval for landscaping works. The re-establishment of a dwelling (there was previously a dwelling on the appellant's land until the 1980s) and associated landscaping, including associated hardstanding will remedy any harm to amenity caused by the alleged breach of planning control.

Restoration of the land (5)

- 3.19 The appellant considers that it is not necessary to restore all of the land to its condition prior to the alleged breach of planning control in order to remedy the harm to amenity.
- 3.20 Planning permission is not required for the clearance of vegetation so there is no breach in this respect.
- 3.21 As above, the land within the appellant's ownership is subject of a current planning application for a new dwelling which, if approved, will require approval for landscaping works, including associated hardstanding will remedy any harm to amenity caused by the alleged breach of planning control.

4.0 Ground [G] Appeal

4.1 The Enforcement Notice requires compliance with the steps given within 2 months of the EN taking effect. In a letter dated 21 May 2026, EBC confirmed the variation to the compliance period from 2 months to 4 months.

4.2 Without prejudice to the Ground (f) appeal, the period for compliance specified in the notice falls short of what should reasonably be allowed.

Cease all operational development (i)

4.3 This has already occurred in accordance with the required time for compliance.

Remove earth bund (ii)

4.4 It is considered that these works can be completed within 4 months.

Remove all gate, fencing, kerbing, posts and utility infrastructure (iii)

4.5 Without prejudice to ground (f) the removal of gates, fencing, kerbing, and posts could be removed within 4 months.

4.6 Removal of utility infrastructure must be carried out by the utility company and therefore timescales will be conditional on their capacity to implement the changes. The wait for the installation of the equipment was approximately 6 months. It is reasonable to conclude that further works could follow a similar timescale.

Remove all hardcore and imported materials (iv)

4.7 To source a contractor to carry out the removal of imported materials, and for the removal to be undertaken could take 4 months (weather permitting).

Restore land to its condition prior to the breach of planning control (v)

4.8 The timescale for restoration of the land is unreasonable. As we enter the summer months, there is a high risk that new planting could fail due to higher temperatures and low rainfall. Optimum planting would be in the Autumn/Winter months.

- 4.9 The restoration of the land to woodland can only take place once the imported material has been removed (up to 4 months) and then the sourcing/delivery and planting of woodland could take between a further 4 months depending on the time of year.
- 4.10 It would be more reasonable to require the land to be restored during the next available planting season (taking into account a period of 4 months to prepare the ground for planting).

5.0 Conclusion

5.1 The decision of the Council to issue the Enforcement Notice in the terms that it did was unreasonable.

5.2 It is requested that the enforcement notice is amended to address:

- the ground [f] appeal – that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any injury to amenity; and
- the ground [g] appeal – that the period for compliance specified in the notice falls short of what should reasonably be allowed.

