



THE RESIDENT
CRICKETWOOD
TANHOUSE LANE
BOTLEY
SOUTHAMPTON
SO30 2SZ

Application EA/26/101530
Please ask Phil Wiseman
for
Direct dial 023 8068 8448
Working
hours
Email phil.wiseman@eastleigh.gov.uk

Wednesday 10 June 2026

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 174**

Address of site to which the appeal relates: BUNGALOW, TANHOUSE LANE SO30 2SZ

Alleged breach: (i) Without planning permission, the creation of an earth bund along the northern boundary;

(ii) Without planning permission, the erection of 1.8 metre high fencing measuring approximately 90 metres in length along the southern boundary adjacent to Tanhouse Lane;

(iii) Without planning permission, the erection of 1.8 metre 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.

Application Reference: EA/26/101530

Appellant's name: Mr James Bowers

Planning Inspectorate appeal reference: 6010104

Appeal start date: Friday 5 June 2026

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Eastleigh Borough Council on Friday 17 April 2026

The enforcement notice was issued for the following reasons:

It appears to the Council that the above breach of planning control has occurred within the last ten years and that steps should be taken to remedy the breach in accordance with s.173(4) of the above Act.

The site lies within the countryside where policies seek to protect the intrinsic character of the rural area. The removal of a substantial number of trees, the introduction of extensive hardstanding, engineered bunding, the extensive run of close-boarded fencing and

engineered kerbing has resulted in a visually intrusive and incongruous form of development that is urbanising in appearance. The development fails to respect the site's rural and wooded context and erodes the openness and undeveloped character of the countryside, causing demonstrable harm to landscape character and visual amenity.

The Council has considered whether planning permission should be granted for the development as carried out. However, the scale, extent, and form of the works are such that they conflict fundamentally with countryside protection policies of the adopted Eastleigh Local Plan. There are no material considerations or public benefits that would outweigh the identified harm, nor is there evidence that the development could be made acceptable through the imposition of planning conditions.

The requirements of the Notice have been carefully drafted to remedy the identified harm and are limited to what is necessary to achieve that purpose. They do not exceed what is required to address the breach of planning control. In particular, the removal of the bunding, fencing, and

imported hardcore, and the restoration of the land to its former condition, are necessary and proportionate steps. No lesser measures would overcome the harm identified.

Accordingly, it is considered expedient to take enforcement action.

The above breach is in contravention of the following policies:

- (1) Policy S5– New development in the countryside;
- (2) Policy DM1 – General criteria for new development.

The enforcement notice requires the following steps to be taken:

- 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.

The appellant has appealed against the notice on the following grounds:

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 breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

Ground (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

The appeal will be determined on the basis of written representations. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments you can do so online at

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

The Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

All representations must be received by Friday 17 July 2026. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and the Council and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by Friday 17 July 2026.

Details of this appeal can be found on our website at <https://planning.eastleigh.gov.uk/s/public-register>. The appeal documents are available for inspection at Eastleigh House. The Council's statement should be available within a month of the date of this letter. Should you wish to see the documents please contact Phil Wiseman on the above number.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

A handwritten signature in black ink that reads "N Parker". The signature is written in a cursive style with a horizontal line underneath the name.

Nicholas Parker
Planning Manager