

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 ("TCPA 1990")

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

SERVED BY: Eastleigh Borough Council ("the Council")

To: CHIEF EXECUTIVE
HAMPSHIRE COUNTY COUNCIL
The Castle
Winchester
Hampshire
SO23 8UJ

1. THIS NOTICE

THIS NOTICE ("Notice") is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex to this Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

The Bungalow, Tanhouse Lane, Botley, Southampton, SO30 2SZ and Manor Farm Country Park, Pylands Lane, Bursledon, Southampton, SO31 1BH as shown edged in red on the plan attached to this Notice ("the Plan") and hereinafter referred to as "the Land".

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

- (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.

4. REASONS FOR ISSUING THIS NOTICE

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.

5. WHAT YOU ARE REQUIRED TO DO

- 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.

6. TIME FOR COMPLIANCE

2 months after this notice takes effect.

You must comply with steps (i) to (v) above in full by the end of a period of 2 months following the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 22 May 2026 unless an appeal is made against it beforehand.

Date of Issue: 17th April 2026

Signed: 

Head of Legal Services (Deputy Monitoring Officer)

On behalf of: Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, Hampshire, SO50 9YN

Nominated Officer: Phil Wiseman, Planning Enforcement Team Leader

Telephone Number: 07787 275735

ANNEX

THE RIGHT OF APPEAL

There is a right of appeal for anyone who has a legal or equitable interest in the land to which this Notice relates or who is a relevant occupier, whether or not they have been served with a copy of the notice. Any appeal must be in writing and received (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received) by the Planning Inspectorate acting on behalf of the Secretary of State before 22 May 2026. The enclosed information sheet published by the Planning Inspectorate provides details of how to make an appeal.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal against this enforcement notice is not received, it will take effect on 22 May 2026 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice.

FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

GROUND OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- a) 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 or, as the case may be, the condition or limitation concerned ought to be discharged;
- b) Those matters have not occurred;
- c) Those matters (if they have occurred) do not constitute a breach of planning control;
- d) At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) Copies of the Enforcement Notice were not served as required by section 172 of the TCPA 1990;
- f) 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 such breach;

- g) Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on ground (a) – that planning permission should be granted for the unauthorised development or use – a fee of £1,220 is payable to the Council when the appeal is lodged. If this fee is not paid, that ground of appeal will not be valid and will not be considered by the Planning Inspector.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

RECIPIENTS OF THIS NOTICE

The names and addresses of all the persons on whom this Notice has been served are:

1. James Michael Jesse Bowers
Bungalow
Tanhouse Lane
Botley
Southampton
SO30 2SZ
2. Chief Executive
Hampshire County Council
The Castle
Winchester
Hampshire
SO23 8UJ

