

Appeal 6015367

Submitted on 27 August 2026.

Before you start

Local planning authority	Eastleigh
Appeal type	Enforcement notice
What is the issue date on your enforcement notice?	27 July 2026
What is the effective date on your enforcement notice?	28 August 2026
What is the reference number on the enforcement notice?	ENF/2026/109

Prepare appeal

Who is appealing against the enforcement notice?	Additional appellants
What is the name of the individual appealing against the enforcement notice?	Deborah Kempster
What is the name of the individual appealing against the enforcement notice?	Mark Kempster
Select your name	I am appealing on behalf of the additional appellants
Contact details	James Brazil JHB Planning
What is your phone number?	
What is the address of the appeal site?	Land on the South East side of Grange Road Old Netley Southampton Hampshire SO31 8GD
Is the appeal site address your contact address?	No
What is your contact address?	c/o JHB Planning, 1 Southview The Haven Rd Five Oaks

What is Deborah Kempster's interest in the land?	Owner
What is Mark Kempster's interest in the land?	Owner
Will an inspector need to access the land or property?	Yes The land is not readily available form the public realm.
Are there any health and safety issues on the appeal site?	Yes The site is a part of a dog exercise arena, as such sometimes dogs may be present on site.
Enter the description of the alleged breach	Without planning permission, the laying of a hardstanding.
Choose your grounds of appeal	Ground (a) Ground (c) Ground (d) Ground (f) Ground (g)
Did anyone submit a retrospective planning application?	Yes
Was the application for all or part of the development?	All of the development
What is the application reference number?	F/25/100674
What date did you submit your application?	30 December 2025
Enter the description of development	Retrospective application for extension to area of hardstanding.
Did the local planning authority change the description of development?	No
Was the application granted or refused?	Refused
What is the date on the decision letter from the local planning authority?	19 March 2026
Did anyone appeal the decision?	No
Did you pay the ground (a) fee?	Yes
Upload your ground (a) fee receipt	EBC BACS PAYMENT INFORMATION.pdf (/document/2c87f3e2-fd82-4f53-8aaa-3867d2f671a7) 2026.08.27 - JB reciept for grounds (A) fee.png (/document/3040ffe1-2111-499a-b66f-90013a30805d)

Facts for ground (a)	Planning permission should be granted for an extension to the area of hardstanding. A large area of the hardstanding has long existed for 10+ years and as such is exempt from enforcement action, and therefore this appeal should be assessed as an extension to an existing development. The LPA also state there is no planning justification for the development, however this is not true as part of the wider site owned by the applicant is used as a dog exercise arena.
Do you have any documents to support your ground (a) facts?	Yes
Ground (a) supporting documents	APPENDIX 2 PLANNING HISTORY - F1474042 - Officers report.pdf (/document/9dd2be3a-04c3-4d66-be9a-12debd484e17) Cover Letter - LDC.25.100673.pdf (/document/2ad8c81e-9ed5-4528-bd78-45889f9cc8f7) 2026.08.27 - Rev2.1 Planning drawings Grange Road - 2511GR_R1 - Hardstanding.pdf (/document/6d691c5f-6442-46b5-a2ea-54091f1ff04f) Refusal notice - F.25.100674.pdf (/document/09adfaf6-4547-43ce-a150-671c75e63727) Delegated Officer Report F25100674.pdf (/document/54354b49-c78f-48f1-9aee-75c7ff72127d) Refusal Notice - LDC.25.100673.pdf (/document/df6deccb-8807-4828-b10a-7cb4faf94fa1) 2026.08.26 - ENF Appeal Statement - Hardstanding - Grange Road Netley.pdf (/document/8acfc434-c873-489d-8adb-8d30663019b1) 2026.08.27 - JB receipt for grounds (A) fee.png (/document/7ff028ec-46ce-4e96-b1bd-a1571e966116) APPENDIX 2 PLANNING HISTORY - F1474042 - Submitted plans.docx (/document/60274eaf-305a-4ab4-ace8-c69b1b857049) APPENDIX 2 PLANNING HISTORY - F1474042 - Application form.pdf (/document/4199d4d1-5e54-4556-967e-ef1263de378b)
Facts for ground (c)	Without prejudice to the appellant's case under Ground D, it is also contended under Ground C that, insofar as the Enforcement Notice purports to treat the entirety of the hardstanding as constituting the alleged breach of planning control, this does not properly reflect the established and longstanding nature of the hardstanding present on the site since at least

2014. For the reasons and evidence set out within this Statement, the appellant therefore maintains the appeal under Ground C, alongside and without prejudice to the case advanced under Ground D.

Do you have any documents to support your ground (c) facts?

Yes

Ground (c) supporting documents

[APPENDIX 2 PLANNING HISTORY - F1474042 - Submitted plans.docx \(/document/7d1542b2-af33-4be8-a246-0d4d20eb2aba\)](#)
[2026.08.27 - JB receipt for grounds \(A\) fee.png \(/document/dbd39571-5e66-4d78-be61-1284e86a343d\)](#)
[2026.08.27 - Rev2.1 Planning drawings Grange Road - 2511GR R1 - Hardstanding.pdf \(/document/9df3aa51-0243-4dd3-8691-234d51e74ef8\)](#)
[2026.08.26 - ENF Appeal Statement - Hardstanding - Grange Road Netley.pdf \(/document/b210341e-6c9e-47e7-94e5-4bf75e4f87e7\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Application form.pdf \(/document/79e077a5-74c6-459f-9e6f-783ce872a9ad\)](#)
[Delegated Officer Report F25100674.pdf \(/document/71ff977b-594c-4b9c-93df-8c1ad776246b\)](#)
[Cover Letter - LDC.25.100673.pdf \(/document/a4f13eee-2df6-4da1-a4a3-8ed1dfd0f626\)](#)
[Refusal notice - F.25.100674.pdf \(/document/39d1a085-2457-4cd6-a4da-96b565c31040\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Officers report.pdf \(/document/7cbe49c1-b7ec-4ecb-9ed0-d0c60f7f7de0\)](#)
[Refusal Notice - LDC.25.100673.pdf \(/document/4577bf5e-75e0-43bb-a35c-f545e5df5f0f\)](#)

Facts for ground (d)

At the date on which the Enforcement Notice was issued, no enforcement action could be taken against that part of the hardstanding shown on the submitted planning drawings and historic satellite imagery as having been substantially completed by 2014. The evidence contained within Appendix 1 demonstrates that this area had remained substantially complete and in situ for a period exceeding 10 years prior to the issue of the Enforcement Notice. Accordingly, that part of the development was immune from enforcement action under section 171B of the Town and Country Planning Act 1990. The appeal should therefore succeed

under Ground D insofar as the Enforcement Notice relates to this established area of hardstanding.

Do you have any documents to support your ground (d) facts?

Yes

Ground (d) supporting documents

[2026.08.27 - Rev2.1 Planning drawings Grange Road - 2511GR R1 - Hardstanding.pdf \(/document/e42efcb0-7959-495b-884f-10c07eb646ae\)](#)
[2026.08.27 - JB receipt for grounds \(A\) fee.png \(/document/8d7fe358-86c8-49da-8a50-279d901f0e8c\)](#)
[Refusal Notice - LDC.25.100673.pdf \(/document/b764b4f3-bac4-42ba-831f-2c5298d44b21\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Officers report.pdf \(/document/3dbc265e-7261-4142-b49b-53c030129e8d\)](#)
[Refusal notice - F.25.100674.pdf \(/document/576e9db4-51f1-44c9-a537-5894f283cd8f\)](#)
[Cover Letter - LDC.25.100673.pdf \(/document/890e8c0d-3ea5-4208-874b-6cc37e040eda\)](#)
[2026.08.26 - ENF Appeal Statement - Hardstanding - Grange Road Netley.pdf \(/document/82bff094-12cf-44d8-8c28-7faada198c11\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Submitted plans.docx \(/document/e1b14871-b208-4d34-85e5-af85bb126353\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Application form.pdf \(/document/41efb5e8-2245-4baf-bfe7-c8d2769a1ba0\)](#)
[Delegated Officer Report F25100674.pdf \(/document/70222c00-4e2c-4091-955e-ca74f063107d\)](#)

Facts for ground (f)

The requirements of the Enforcement Notice exceed what is necessary to remedy the breach of planning control. The Notice requires the removal of the hardstanding, hardcore and any sub-base from the land and the subsequent reinstatement of a grassed surface. However, the Notice does not distinguish between the more recently laid hardstanding and the area which had already been substantially completed by 2014 and which, for the reasons advanced under Ground D, was immune from enforcement action when the Notice was issued. Accordingly, should the appeal not succeed in full under Ground A, the Notice should be varied so that its requirements relate only to those areas of hardstanding against which enforcement action

may properly be taken, thereby allowing the established historic hardstanding to remain.

Do you have any documents to support your ground (f) facts?

Yes

Ground (f) supporting documents

[2026.08.26 - ENF Appeal Statement - Hardstanding - Grange Road Netley.pdf \(/document/9518114c-4565-475c-ab22-09ea0305698e\)](#)
[2026.08.27 - JB receipt for grounds \(A\) fee.png \(/document/f3f6129c-88fc-4f5f-94d7-38b12a7afd9e\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Officers report.pdf \(/document/6c4a6b8b-0d10-4867-881d-40b0bd960f2f\)](#)
[Cover Letter - LDC.25.100673.pdf \(/document/4571f1e8-379f-4da0-a257-8071396f2e3f\)](#)
[2026.08.27 - Rev2.1 Planning drawings Grange Road - 2511GR R1 - Hardstanding.pdf \(/document/6ceebb85-e811-4490-ae6f-970c344d541a\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Submitted plans.docx \(/document/4b00c786-777a-4243-a2fe-a6c8a9e1f078\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Application form.pdf \(/document/4f826022-9d7a-4829-a55c-adaae861a8ed\)](#)
[Delegated Officer Report F25100674.pdf \(/document/2c999b7a-1bd1-48bb-9a8f-c406d9e76172\)](#)
[Refusal notice - F.25.100674.pdf \(/document/1b9cba13-31a6-4b0b-9928-e54531cbc00f\)](#)
[Refusal Notice - LDC.25.100673.pdf \(/document/c9d6ae95-a535-4938-ab9b-eeac2896031f\)](#)

Facts for ground (g)

The three-month compliance period specified within the Enforcement Notice falls short of what should reasonably be allowed having regard to the extent of the works required, including the 27 removal and transportation of hardstanding, hardcore and sub-base material, the availability of appropriate contractors and machinery, and the subsequent reinstatement of the affected land. Accordingly, in the event that the appeals under Grounds A, C, D and/or F do not succeed in full, the appellant respectfully requests that the compliance period be extended from three months to nine months to provide a reasonable and practicable period within which any required remedial works can be properly undertaken.

Do you have any documents to support your ground (g) facts?

Yes

Ground (g) supporting documents

[APPENDIX 2 PLANNING HISTORY - F1474042 - Officers report.pdf \(/document/6c99adcc-a1b2-4bbf-8aa1-06d9b08df35d\)](#)
[Delegated Officer Report F25100674.pdf \(/document/377d1a87-0139-4040-9a6a-09dd90f9ba50\)](#)
[2026.08.27 - JB reciept for grounds \(A\) fee.png \(/document/d5dcdd99-b6d7-48b7-8a6a-0ce25ea427e7\)](#)
[Cover Letter - LDC.25.100673.pdf \(/document/72c1df5c-418e-4581-939b-0d15cd9fbda9\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Submitted plans.docx \(/document/3b2fadc5-ed18-4f54-9f16-3041c1db513f\)](#)
[2026.08.26 - ENF Appeal Statement - Hardstanding - Grange Road Netley.pdf \(/document/32a3953d-8355-4e5e-9e8c-3cebac3fa382\)](#)
[2026.08.27 - Rev2.1 Planning drawings Grange Road - 2511GR R1 - Hardstanding.pdf \(/document/d5e70dd6-4ab9-452a-9f70-615a400b5a7a\)](#)
[Refusal notice - F.25.100674.pdf \(/document/84d5967d-6be5-43a8-bdba-a13c9ff3be03\)](#)
[Refusal Notice - LDC.25.100673.pdf \(/document/512a8547-b206-489d-8c23-a5a415c44d70\)](#)
[APPENDIX 2 PLANNING HISTORY - F1474042 - Application form.pdf \(/document/eb32e7d8-91da-4b79-8682-f32944f28d52\)](#)

How would you prefer us to decide your appeal?

Written representations

Are there other appeals linked to your development?

Yes

Enter the appeal reference number

0000000

Upload documents

Enforcement notice

[2026.07.27 - Enforcement Notice - Mark Kempster \(ENF.2026.109\).pdf \(/document/448d6b38-26f9-444d-b106-b38af7197251\)](#)

Enforcement notice plan

[2026.07.27 - Enf Notice Plan - Hardstanding - Grange Rd.pdf \(/document/b5919ef8-a87d-4f44-](#)

Application form

[F25100674 Hardstanding Application Form Redacted.pdf \(/document/28d69366-df0c-4088-95de-19dc6df4c806\)](#)

Decision letter

[Refusal notice - F.25.100674.pdf \(/document/991d74c5-0a72-4796-a783-234f608c13ac\)](#)
[Delegated Officer Report F25100674.pdf \(/document/a4653104-e569-4813-a35c-edb4a6b8778a\)](#)

Do you plan to submit a planning obligation to support your appeal?

No

Do you want to apply for an award of appeal costs?

No

Do you have any other new documents that support your appeal?

No
