



BY EMAIL

Application	EA/26/102009
Please ask for	John Saunders
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Working hours	
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Thursday 1 October 2026

Dear Sir/Madam

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

Address of site to which the appeal relates: Land on West Side of Shamblehurst Lane North, Botley, SO32 2BY (Shamblewood)

Alleged breach: Without planning permission, the material change of use of the Land to a bike park.

Application Reference: EA/26/102009

Appellant's name: Mr Shaun Goddard

Planning Inspectorate appeal reference: 6015313

Appeal start date: Tuesday 22 September 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 Wednesday 22 July 2026

The enforcement notice was issued for the following reasons:

(1) It appears to the Council that the above breach of planning control has occurred within the last 10 years and steps should be taken to remedy the breach in accordance with s. 174(4) of the above Act.

(2) The Land lies within designated countryside and a settlement gap where policies seek to protect the intrinsic Character of the rural area. The unauthorised use and ancillary development is considered unacceptably harmful to the open character and natural setting of the countryside and strategic gap. The ancillary development and structures upon the Land, owing to their layout, extent and design, represent an unjustified form of development and are contrary to the requirements of Policies S5, S6 and DMI of the Eastleigh Borough Local Plan 2016-2036, and Paragraphs 135 and 187 of the National Planning Policy Framework.

(3) It has not been demonstrated that the use of the Land does not generate noise, light or traffic that is detrimental to the local amenity and that the local road network can safely accommodate. This includes an assessment of the access to the Land to ensure safety for vehicles and other road users.

(4) The excavation of land to create drainage channels to a watercourse constitutes an engineering operation for which planning permission has not been granted. The local planning authority has been unable to assess whether water discharged from the land into the watercourse has been adequately filtered and is free from contamination nor an assessment of the impact of the discharge on local hydrology (i.e. how it will impact conditions on neighbouring land, including impact on any watercourses). The use is contrary to policy DM5 of the Eastleigh Borough Council Local Plan 2016-2036 because the Land is located within a flood zone and it has not been demonstrated that the use complies with the policy requirements and will not increase flood risk.

(5) The Local Planning Authority has not been provided information to demonstrate that the development would not have a detrimental impact upon arboricultural features in the proximity of the site which provide significant amenity value and contribute positively to the character of the area, contrary to the provisions Of Policy DM1 of the Eastleigh Borough Local Plan 2016-2036, Paragraph 136 of the NPFF, and the Council's adopted Trees and Development Supplementary Planning Document.

The enforcement notice requires the following steps to be taken:

- i. Cease the use of the Land as a bike park.
- ii. Remove the office building, track, trail jumps, ramps, runs, tyres, boxes and other structures and items associated with bike activities from the Land.
- iii. Restore the levels of the Land to adjacent land levels by backfilling the manmade trenches.

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

(a) that, 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.

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 Tuesday 3 November 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 Tuesday 3 November 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 John Saunders 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