

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**Appeal on behalf of Maurice Doe
[CCW Services Ltd]**

Against the decision of Eastleigh Borough Council to refuse a Certificate of Lawful Existing
Use or Development

at

Broadway Farm,
Broad Oak,
Botley
SO30 2EU

LPA Reference: LDC/23/95111

Appeal Ref: APP/W1715/X/23/3331326

Rebuttal Statement

Antony Heathfield

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Appendix 1 – Annotated Photograph of Trial Hole 1 [CD-A7]

Appendix 1A – Annotated Photograph of Mr Blakemore’s Trial Hole 1

Appendix 2 – Annotated Photograph of Trial Hole 2 [CD-A9]

Appendix 2A – Annotated Photograph of Mr Blakemore’s Trial Hole 2

Appendix 3 – Annotated Photograph of Trial Hole 3 [CD-A11]

Appendix 3A – Annotated Photograph of Mr Blakemore’s Trial Hole 3

Appendix 4 – Annotated Photograph of Trial Hole 4 [CD-A10]

Appendix 4A – Annotated Photograph of Mr Blakemore’s Trial Hole 4

Appendix 5 – Sketch of the grasscrete laid in 2006

1 Personal details and introduction

- 1.1 I am Antony Heathfield, Director of G&M Technical Services, St Francis, 66 St Johns Road, Hedge End, Southampton SO30 4AG.¹
- 1.2 I have taken the opportunity to read and address the proof of evidence provided by Ross Blakemore and there are a few matters upon which I wish to comment taking into account paragraph 11.13 of the advice² given in the planning appeals procedural guide.
- 1.3 This Rebuttal Statement is proposed to cover only those points in respect of which the Inspector might find it helpful to have further information.

2 Scope of Evidence

- 2.1 Mr Blakemore refers at paragraph 2.4 that he was looking for distinct layers of Terram membrane, hardcore, grasscrete and tarmac. However, it would be difficult to see distinct layers. The original material was laid down in 2006 and with heavy vehicles using the site for 14 years between 2006 and 2020 there would have been a degree of compaction. When the works were undertaken in 2020, a 13 tonne steel tracked machine and roller was used to overlay the material with crushed concrete and type 1 to make a hard level surface upon which to lay the tarmacadam. It is not surprising that there is no clear demarcation of the various materials.

¹ CD – A5 and submitted Proof of Evidence

² Paragraph 11.13 Guidance on Procedural Guide: Planning appeals – England January 2024.

3 Examination of Trial Holes

- 3.1 At paragraph 3.4 of the proof of evidence³ there are 3 definitions used for each of the materials namely ‘grasscrete’, ‘crushed concrete type 1 stone hardcore’ and ‘Tarmacadam’.
- 3.2 There are different forms of grasscrete that were available in 2006 and the example put forward by Mr Blakemore in Appendix 01 is not what was used. The depth of the grasscrete was minimal because that was what Maurice Doe wanted. Also, I should point out that I did not fill the grasscrete with soil but left it alone, completing the contract to lay the Terram membrane, the type one crushed concrete hardcore with the cellular grasscrete blocks on the top. Whilst there is no photographic record of the grasscrete available as laid in 2006, I append a sketch of the material I put down⁴.
- 3.3 I would not disagree with the overall definition of ‘crushed concrete hardcore’ because it is accepted that such material comes in many different forms depending on its source. The material will be different, for example, from a residential demolition job as opposed to an industrial type of demolition. I could order 6 loads of crushed concrete from the same firm and all 6 loads might be different.
- 3.4 Moving on to the third definition of ‘Tarmacadam’⁵ I would add that there are many different types of tarmac, permeable and impermeable.

³ Mr Blakemore’s proof of evidence – paragraph 3.4

⁴ Appendix 5 – Sketch of the grasscrete

⁵ Mr Blakemore’s proof of evidence paragraph 3.4 (c)

4 Methodology of Inspection

- 4.1 Whilst I accept the methodology of inspecting the trial holes employed by Mr Blakemore, I would have adopted a different approach by firstly removing all the water to see more clearly and I would have made inquiries regarding the history of the works to enable me to better understand what I was looking at.

Trial Hole 1 – southwest corner

- 4.2 Regarding paragraph 3.10⁶ the trial holes were first excavated in February 2023 by me but I would agree there would be little difference in the layering within the hole a year later when Mr Blakemore made his inspection.
- 4.3 I disagree with the finding at paragraph 3.11 that there is only a single layer of stone hardcore because there is a Terram membrane at the bottom, on top of which there is type one hardcore with cellular concrete grasscrete blocks with a further layer of crushed hardcore with tarmac on top. It might look like a single layer for the reasons explained above but it is difficult to see with the water and using your fingers is not that reliable in my opinion.
- 4.4 I have read paragraph 3.12 of the document⁷ and attach an annotated image of Trial Hole 1 (Appendix 1) compared to an annotated image of Mr Blakemore's Image 2, Trial Hole 1 (Appendix 1A) to assist. The grasscrete is present but not in its original form due to the compaction.

⁶ Ibid – page 8

⁷ Ibid – page 8

4.5 At paragraph 3.13 it is suggested, “*A grasscrete layer, if present, below the tarmac would remain of solid construction and show visible pockets of organic material in between the concrete grid/ mesh formation*”⁸ but with the compaction, as I have explained, the trial holes do not show this. In an ideal world you might expect to see a clear grasscrete solid construction but with compaction of the 13-tonne steel tracked machine and a roller machine this will not always be the case. The 4 trial holes were taken from the 4 corners of the site and perhaps if additional trial holes were taken from elsewhere on the apron, they might show something different but for Health and Safety reasons (being an operational parking apron) the trial holes were taken out of the way on the apron.

Trial Hole 2 – Southeast corner

4.6 My comments are very similar to those made on Trial hole 1 but to assist I have annotated an image of Trial Hole 2 (Appendix 2). Mr Blakemore’s photograph, although half filled with water, happens to show some root matter which may be a result of grass or weeds caught up within the grasscrete which was not removed prior to the 2020 works. (Appendix 2A – annotated)

Trial Hole 3 – Northeast corner

4.7 My observations on Image 4: Trial hole 3⁹ are also similar to the above only this hole is virtually full of water. The surface tarmac is visible but there is nothing much more to see. I believe it would assist to refer to the original photograph of Trial hole 3

⁸ Ibid – page 9

⁹ Mr Blakemore’s Proof of evidence – page 13

submitted with the LDC application which is dry with the Terram membrane clearly shown at the bottom¹⁰. I provide annotated images of Trial Hole 3 to show where I say the materials can be seen Appendix 3, compared with Mr Blakemore's Trial Hole 3 (Appendix 3A)

Trial Hole 4 – Northwest corner

Once again, I do not agree with the findings of Mr Blakemore. Regrettably the Image 5: Trial Hole 4¹¹ is inconclusive and shows very little due to the poor imagery. Again, I believe it would assist to refer to the original photograph of Trial hole 4 submitted with the LDC application, and with annotations to show where I say the materials can be seen at Appendix 4. I provide an annotated image of Mr Blakemore's Trial Hole 4 (Appendix 4A).

Anthony Heathfield - 20th February 2024

¹⁰ CD-A11 Exh 11

¹¹ Mr Blakemore's Proof of evidence – page 15