

TOWN AND COUNTRY PLANNING ACT 1990 – S174 APPEAL

PLANNING APPEAL SUBMITTED IN RESPECT OF THE DECISION OF EASTLEIGH BOROUGH COUNCIL TO SERVE AN ENFORCEMENT NOTICE FOR THE ALLEGED UNAUTHORISED CHANGE OF USE OF LAND AT BROADWAY FARM, BROAD OAK, BOTLEY, SO23 2EU TO PARKING AND STORAGE B8 WITH ASSOCIATED UNAUTHORISED TARMAC HARDSURFACING, UNAUTHORISED DRAINAGE AND UNAUTHORISED LIGHTING

APPEAL REFERENCES

APP/W1715/C/25/3361911

APP/W1715/C/25/3361912

PROOF OF EVIDENCE OF JAMES KNELLER IN RESPECT OF OPERATIONAL MATTERS

June 2025

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1. QUALIFICATIONS AND EXPERIENCE

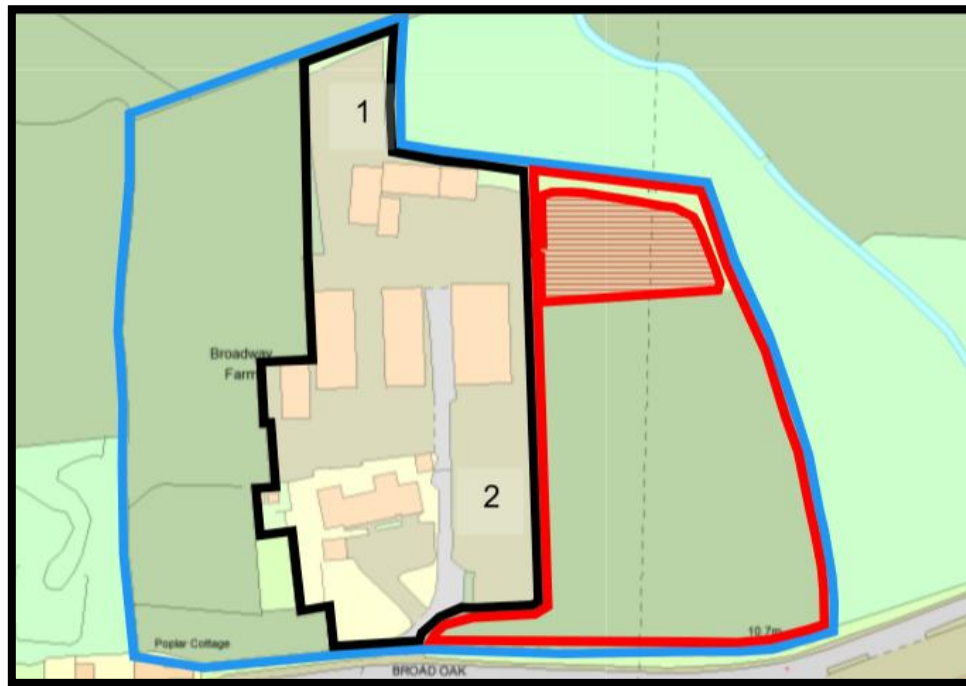
- 1.1. My name is James Kneller and I am a Management Consultant working for Kneller Human Capital Ltd. I have been engaged with CCW Services Ltd and the Doe family since 2021. I specialise in organisation performance and efficiency and work with Mr and Mrs Doe in a number of their businesses but predominantly in CCW Services Ltd.
- 1.2. I have been a Director or Senior Manager for a number of organisations including Sainsburys, Banco Santander, Dixons/Currys, Hartwell Plc, Granada Group, Commercial Bank of Qatar and Alternatif Bank Turkey.
- 1.3. For CCW Services Ltd I oversee their business strategy and operations, including as the key senior contact for their largest Customers. I lead contract negotiations on behalf of the business and chair the operational reviews in each part of the business.

2. SCOPE OF EVIDENCE

- 2.1. The scope of evidence provided relates to operational matters, to include site security, the operational limitations of the site and ongoing contractual obligations. It also refers to the use of permitted development rights in respect the temporary parking of vehicles on the northern portion of the open field in September 2024.

3. THE OPERATIONAL LIMITATIONS OF THE SITE

3.1. The following plan shows the operational area of the wider appeal site, with the B8 warehousing operation at the centre of the site (along with the existing dwelling) flanked by open fields.



3.2. The area edged blue comprises the extent of the site ownership; the area edged red the extent of the Enforcement Notice (with the hard-surfaced area hatched in red and; the area comprising the operational core of the site edged in black.

3.3. The hardsurfaced area (i.e. that hatched in red) comprises the HGV loading and unloading area and parking for trailers.. This area is essential to support the operations to the wider site - the loading and unloading of HGVs is an integral element of a storage and distribution use and there are no viable alternative areas within the remainder of the site.

3.4. It is noted that there are two other areas of hardsurfacing within the operational core of the site. The 'pallet' site is located in the northern portion of the site and identified as site '1' on the preceding map extract, whilst the 'car parking' site is located in the southern portion of the site, '2' on the map.

3.5. The 'pallet' site is relatively small and therefore constrained so cannot accommodate a meaningful number of HGVs at any one time. Moreover, it has two aviation fuel pipelines (Fawley refinery to Heathrow airport), and one British Gas pipeline). The relatively shallow nature of the pipelines in this portion of the site preclude the parking of vehicles in excess of 7.5 tonnes in weight (a typical HGV with full trailer can be up to 44 tonnes in weight).

3.6. The 'car parking' site identified as site 2 is located in relatively close proximity to neighbouring residential properties and Mr Duncan has noted that the overnight use of this site by HGVs will create significant adverse impact in respect of noise.

4. THE OPERATION AND SITE SECURITY

4.1. CCW Services provides logistics services in the form HGV Transportation, HGV Movement of Containers from and to Southampton Port, Devanning and relabelling services, Rework Manufacturing, Storage.

4.2. The Company Operates an HGV Fleet of 31 Vehicle Tractor Units-

- The company operates 53 Trailers including 30 Skeletal Trailers for Shipping Containers, 7 Curtain Siders and one Flat Bed Trailer for general haulage, 15 Box Trailers for high Security Transportation. Each HGV and Trailer can weigh up to 44 tons depending on type of goods carried.
- All trailers and HGV units are based at Broadway Farm Botley and operate on a 24-hour 7 day per week basis.
- Each driver can drive a maximum of 9 hours 3 days per week and 10 hours two days per week, with a minimum 10-hour break between shifts. Drivers must have one 48 hour break within each 14-day period.
- Vehicles leave throughout the 24-hr period with up to two drivers using a vehicle in any 24 period.
- All vehicles are subject to confidential security protocols to include continuous tracking and video surveillance.

- HGV Vehicle movements vary by day but typically we have between 60 and 90 movements in any 24-hour period. Lorries typically leave between midnight and 6.00am with some on long distance routes potentially not returning for 24 hours and others will leave and enter the site on multiple occasions throughout the day. A typical weekday is likely to see up to 20 departures between midnight and 6.00am with the remaining departures spread across the day.
 - The maximum number of vehicles on site can be up to 31 HGV tractor units and 53 trailers and the period of most significant vehicles on site is from 4.00pm until midnight. Weekends have fewer movements although this increases during the summer cruise ship months but therefore the site is at its most congested during weekends, bank holidays, and weekday evenings.
- 4.3. The site has a number of unique qualities that simply cannot be replaced, particularly in relation to site security and flexibility of operation. As such, clients are able to entrust the Appellants to store and distribute high value products on-site with a very limited risk of theft. This high level of confidence allows for the continued operation of the business on-site. Failure to provide a suitable loading and unloading area on-site will unacceptably compromise the wider operation of the site.

4.4. The unique qualities of the site include the following:

- The site is under the control of one organisation, namely the Appellants. This means access to/from the site is closely monitored 24 hours a day.
- There is only one access into and out of the site i.e. from Broad Oak. This enhances the ability to keep the site secure. The access road within the site is over 65m long with limited opportunities for large vehicles to turn round. This access road, as is the rest of the site, is subject to CCTV surveillance which should be an added deterrent to would be thieves within the site (and which provides ample space for vehicles entering the site to be suitably screened without creating a potential tailback of vehicles to the highway).
- The access point has a manned security barrier at all times.

- The site is bounded to the north, east and west by fields and woodland. There is no opportunity for motorised vehicles to access the site from these areas. These areas are largely in the control of the Appellants.
- Due to the nature of the business and client requirements the on-site operation is 24/7. Due to the relatively isolated nature of the site, being set well away from residential neighbours, this is possible in this location and no known complaints in terms of noise nuisance or any other concerns.
- The ability of clients to transfer high value goods between vehicles within a secure environment overlooked by CCTV cameras.
- There are no planning conditions with regard to hours of operation on-site and it can operate 24/7.
- The warehouse units are all temperature controlled to maintain a specific temperature range at all times.

4.5. One of the key clients at the Appeal site is Estee Lauder. Their products are of very high value and as such Estee Lauder has extremely high security requirements. As a multi-national company they have no specific allegiance to the UK with regard to a storage or logistics base and recent trends on a European level clearly indicate a tendency to relocate operations to Belgium, including moving all UK business to business fulfilment of consumer products from Fareham, Hampshire to Oevel, Belgium.

4.6. In terms of turnover in the calendar year 2024 customer revenue came from 72 different companies. However, the Estee Lauder account provides for a significant proportion of turnover, comprising of the following;

- 64.3% of overall revenue
- 49.2% of transport revenue
- 86.5% storage revenue (including de-vanning, labelling, re-palleting)
- 90.3% of pallet sales.

4.7. The Appellants provide storage to Estee Lauder for their product at various points in the manufacturing and supply chain process which must be held in a strict temperature controlled storage environment. This includes:

- Raw ingredients prior to manufacture of creams and perfumes.

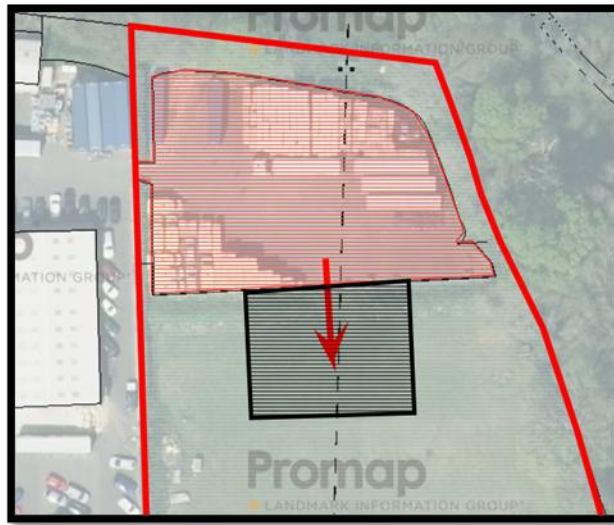
- Bulk/Mass finished product held in 1 ton IBC containers - stored under HMRC Customs Bond specific to the warehouse on the site and cannot be moved elsewhere.
- Finished product in consumer bottles / containers ready for delivery to end retailer
- The value of this product is extremely high and requires a number of security protocols to be followed across the site
- Parking on the remainder of the site would stop loading and unloading operations and block access for any vehicle departures or arrivals.

4.8. Thus far the ability of the Appeal site to meet their exacting requirements means that there is a contract with Estee Lauder for transport, storage and pallet supply until at least November 30th 2026. Any loss of any part of the operation would be in breach of the contract and cause fatal financial hardship to the business.

4.9. This is illustrated by reference to a letter from Mr. Matthew Keates, Senior Security Manager at Whitman Laboratories Limited, dated 30th May 2025. Mr. Keates advises on security arrangements on behalf of Estee Lauder. In the letter Mr Keates confirms that the removal of the hardsurfaced area subject to the appeal will result in the loss of the Estee Lauder contract and its likely relocation to Belgium.

5. TEMPORARY USE OF THE SITE

5.1. In September 2024 refurbishment works took place on site, comprising the re-roofing of an on-site warehouse. The disruption as a result of the attendance on site of construction staff and the external storage of building materials and waste lead to significant on-site constraints with regard to space. This necessitated the relocation of staff car parking and the advantage was taken for the use of part of open field for this staff parking. The area used for this purpose was as identified in the following extract;



5.2. The land in question was used for staff parking for a matter of a few days only.

5.3. In using the land for the parking of vehicles the Appellants relied on Schedule 2, Part 4, Class B of the General Permitted Development Order (2015) as amended, which allows for the temporary use of land for any purpose for up to 28 days per calendar year in this regard.

6. CONCLUSION

6.1. It is clear that the ability to provide a secure and responsive service to clients is highly valued. This has resulted in a business that requires a wide range of skills and a large number of workers. The Employment Land and Economic Impact Assessment makes it clear the actual number of workers on-site is significantly higher than what would be expected from a comparable user on-site.

6.2. The loss of the hard-surfaced area subject to the current appeal will mean that given that there is no acceptable alternative area on site for the loading and unloading of HGVs will mean the loss of the Estee Lauder contract. Given the high value of this contract this will lead to the loss of a significant number of jobs which will harm the local economy.