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30th January 2023

Director of Planning
Havant Borough Council
Public Service Plaza,
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For the attention of Mr S Weaver

Dear Mr Weaver

Tournerbury Woods

Resubmission following Meeting of Planning Committee 1st December 2022

Following a meeting of the Council Planning Committee on 1st December 2022, to which our planning application 21/01310 was presented, we now submit a revised proposal in line with subsequent discussions.

A decision on application 21/01310 was deferred by the Committee to allow further investigations into the possible use of an alternative means of access to the site – all other matters having been demonstrated as satisfactory in planning terms. An alternative access route was suggested as a possible solution to claimed loss of amenity by the (partial) owners of Tournerbury Farm, through whose land the existing lawful right of access to the event site passes. The loss of amenity suggested is from the claimed potential disturbance of patrons passing to and from the event venue along the existing access through the farm.

Whether or not a true loss of amenity exists, or is at the scale claimed, is a moot point to which we have provided substantial contrary evidence to the Council. It remains our position that taken in context, any claimed loss of amenity is limited and insufficient to warrant provision of an alternative access across land owned by those claiming harm.

Nevertheless, our client has for some considerable time indicated a willingness to provide an alternative access to the site as an enhancement of the planning situation. To this end, a planning application for the same was made and approved – APP/17/00207. Despite assurances to the contrary offered by the landowner at the time of the application, and no objection being raised during its consideration and approval, delivery of the route has proven most difficult due to the subsequent uncooperative attitude of the landowner. Our client had no option other than to pursue an application continuing the use of the existing, lawful right of way. It was that application, APP/21/01310, which was presented to the planning committee on 1st December 2022 and is now in abeyance pending investigation of an alternative access being deliverable.

All parties acknowledge an alternative means of access to the application site is desirable, but delivery of a route has been precluded to date through the sole actions of the landowner over whose land such an access might pass. However, an opportunity has presented itself following the Planning Committee consideration. Representations to the Committee and officers by the partial owners of Tournerbury Farm,

indicate they are willing to permit use of an alternative access across their land, if the existing right of way through Tournerbury Farm is removed; the two routes in effect being 'exchanged' on a 'like for like' basis.

We have indicated to you our client's continued willingness to proceed on that basis and we have since the Committee meeting sought from the Tournerbury Farm owners, Heads of Terms (HoTs) for a 'like for like' exchange of routes, as they indicated they were willing to offer. Preparation of the HoTs were delayed due to the end of year holiday period but have since been received by our client. Unfortunately, these are not the very simple, 'like for like' terms suggested and further discussions will be required between the parties to secure a final agreement.

To await final agreement before making an application will result in an unnecessary delay and further prolong a decision on this proposal, which for the greater part is now acceptable. Delay will provide uncertainty to the applicant for his business, to Tournerbury Farm for its business, and to the community in terms of economic benefit and the costs and uncertainty of pursuing major appeals currently held in abeyance.

For this reason, the application is submitted now, in anticipation the HoTs will be agreed, as the form and content of the application will not change. In fact, its approval could assist in speeding up the agreement.

As discussed and agreed with you the application now made comprises a combination of change of use and operational development contained within our extant application 21/01310 and provision of a new access, as contained in our determined application 17/00207; the latter amended by permission 21/00536. The application contains all relevant supporting material contained within those applications, that will allow the continued use of Tournerbury Woods as an event venue, served by an alternative access. Permission for the access road extends to the boundary with Tournerbury Woods, to a point where an internal vehicular track extends to the boundary on the other side. The permission was designed to link these tracks and the only element that has not been proposed previously is the breaking through of the boundary fence to establish the link. This provision is shown clearly on the drawing A102 Site Plan and Sections prepared by I J Murray Associates (on behalf of the applicant) and picked up in the amendment drawing (H125/2021.06.04/SPRr) prepared by BJC (on behalf of AGP).

A number of supporting documents (such as the proposed Visitor Management Strategy) reference the existing right of way and its use. Such issues are not relevant in this submission and should be set aside. The documents are submitted unamended to demonstrate no change of circumstance from the proposals previously considered and or approved. Please let us know if you wish to have copies of these documents suitably amended to remove such references. The Transport Statement however, refers to traffic numbers using the existing access. This same quantum is transferred by this proposal to the new access, which has already been determined as appropriate for the level of traffic movements assessed. For ease of reference each document is entitled with the relevant application number.

The application is made before 1st February 2023 as agreed with you in order that it may have an opportunity for the earliest possible consideration by the planning committee during March, which will avoid a further period of delay introduced by Spring local elections. This proposal has been promoted continuously for a number of years, and the two elements comprising the application (the access and the events site with associated development) have both been accepted in principle as appropriate by the Council. An early resolution will deliver the potential for delivery of a scheme which meets the wishes of both main parties. It overcomes the claimed loss of private amenity at Tournerbury Farm and provides certainty for the applicant to continue to run his successful business for the economic benefit of the local community and the environmental benefits to the Tournerbury Woods Estate and Chichester Harbour SSSI through positive husbandry, paid for by the events business.

There has been no change of circumstance since the December committee that indicates conclusions drawn about the suitability of the uses and operational development at Tournerbury Woods should be changed. Similarly, there is no change of material planning consideration arising that should cause any change to the decision reached in respect of the access permission 17/00207, and its amendment 21/00536 (application APP/20/00626 also applying to the same access road proposal was withdrawn).

All objections and representations to applications 21/01310, 17/00207 and 21/00536 have been fully examined and, access excepted, there appears to be no sound planning reason for setting-aside the presumption in favour of the proposed development. The proposal accords with the NPPF, taken as a whole, and relevant local planning policies. Previous concerns about noise generation in the wider

community and environmental harm arising from the matters subject to this application have been considered and addressed; it has been demonstrated that no harm arises.

While HoTs over the exchange of access are being discussed and to secure the earliest possible Planning Committee consideration, we believe it is prudent to progress application 21/0130 in parallel with you. This progression will include the submission and consideration of an appropriate package of additional mitigation, which addresses the claimed loss of amenity and allows for the continued use of the existing right of way to serve the event site, should discussions with the landowner regarding alternative access use, prove intractable. That position will be understood soon after determination of this application, and in such a circumstance, it is requested the deferred application, as amended, is considered as soon as possible thereafter.

We are conscious that we have raised concerns in respect of the part implementation of the access subject to permission 21/00536, and the failure of the owner to comply with planning conditions relating to its construction. While these concerns remain, as does the breach of conditions, it is our intention following the grant of permission, and if permitted by the landowner, to replace permission 21/00536 through the implementation of a new consent pursuant to this application. For that reason, we do not submit any information relating to the discharge of conditions, nor propose any change to the details previously approved that might seek to address planning breaches, but enable us to pursue the implementation in accordance with the submitted and approved plans. Should it be necessary for us to change any aspect of the access route (we have previously raised concern at the suitability of the access design of permission 21/00536 for our proposed use, and the amended landscape proposal) we will do this by subsequent amendment. To make further adjustment to the route at this time could give rise to potential confusion and delay.

Should you require clarification of any matter raised above, please let me know.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'H. Morris', with a stylized flourish at the end.

Haydn Morris
For and on behalf of HMPC Ltd