

Further to the re-consultation letter 1.4.2021.

Site - Tournerbury Woods, Tournerbury Lane, Hayling Island

Application - APP/19/01262 – Application for Certificate of Lawfulness for an existing use or development relating to -

- (1) change of use of Woods Cottage and its environs into leisure/tourism use for the purposes of holiday lettings and camping, and as a commercial event venue for the purposes of both holidays and the holding of weddings and events and the utilisation of any ancillary buildings and structures that may be required as necessary for such uses;
- (2) erection of log cabin and adjoining deck;
- (3) erection of Victorian style gazebo structure; and,
- (4) erection of marquee structure.

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – Objection maintained.

The Conservancy notes the heavy redaction of photographs and other documents on-line, making it difficult to comment on the veracity and significance of such evidence. If the Council wants The Conservancy to comment on unredacted evidence, it will be happy to do so.

I comment as follows on the other evidence.

Bank statements and bank paying in book

The bank statements run from April 2010 to September 2014. This is only part of the 10 year period the applicant needs to substantiate. All relate to Tournerbury Holdings Ltd. Entries are redacted, so it is difficult to comment on what they relate to and whether the date of payment actually relates to the date of the event the applicant is seeking to evidence taking place.

The bank paying in book slips – completely redacted, albeit paragraph C.18.1 of the Pavey letter says these slips cover the period 2008 to 2012. Some of this pre-dates the period which needs to be proven and does not cover the entire 10 period to be proven.

Booking diary. This single spreadsheet indicates that the number of events per annum between 2009 and 2019 ranged from 40 to 92 and that the nights Woods Cottage was let per annum ranged from 73 to 234. What is the applicant applying for? 40 events or 92. These are significant ranges and do not demonstrate a consistent rate of usage over time. The Conservancy remains concerned that if a Certificate is granted, there will be no other control, other than through non-planning licencing legislation regimes and colder/inclement weather in respect of wedding events, as to the number of events that could be held.

Email to Mr Snell 14.8.12. It is accepted this relates to one wedding event, where hiring involved setting up and the event itself spread over 4 days. The email is referenced in the last piece of evidence (at paragraph C.14.2) –

Letter from Mr Pavey 24.3.2021 (using his paragraph numbering).

(A.1) I see Mr Pavey's letter responds to yours dated 10.3.2021. As The Conservancy has not had sight of your letter, it is difficult to fully understand what Mr Pavey is responding to, or the points being made. Are you able to share your 10.3.2021 letter with The Conservancy? Presumably this would be produced in an Inquiry into a the ground (d) Appeal against the Enforcement Notice in any event.

(A.2-A.3) The Conservancy too is concerned over the time it has taken the Council to process both this application and App/18/00943.

However, given the Appeal lodged relating to an Enforcement Notice served, it is understandable that the Council would wish to fully understand all evidence rather than unnecessarily defend a Ground (d) Appeal.

The Covid 19 situation has not helped matters, but it is still considered that the applicant had not discharged the burden of proof in respect of all the matters for which a certificate is being sought.

(B.4) That matters of operational development are mixed in with issues relating to a material change of use of the land also complicates matters, as I have never seen a Certificate given for parts of what is applied for and declined for other parts, as one sometimes sees with applications for Express Advertisement Consent or more rarely handed down by Inspectors in Appeal decisions.

(B.5 & 5.3) It is agreed that changes which took place to the Use Classes Order for England 1.9.2020, have somewhat confused matters, but The Conservancy, given the amalgam of usage being sought, has always commented on the basis of a mixed sui generis use was claimed to be being operated at the site. What does complicate matters though is that for parts of the year, certain events like corporate shoots, seem to predominate over the 'wedding season'. So not only is the rate of events variable throughout the years, but also within the years too, such that no consistent pattern of activity over the 10 year period is being demonstrated.

(B.8) The Conservancy has commented on the operational development on the basis of a 4 year period of proof being needed.

(C.16) It will be interesting to see the approach taken by the Inspector, when the Appeal against the Enforcement Notice is heard. The Conservancy considers the Enforcement Notice should not be withdrawn. Temporary use of open land not forming the curtilage of Woods Cottage can exist for 28 days in any calendar year, leaving aside uses involving firearms, motor vehicles, etc, where the General Permitted Development Order sets that 14 days (cf. Class B to Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended)). It might be argued that the trigger for a material change of use could be anything exceeding those limits. I return to The Conservancy's concern that the Council or Inspector would issue a Certificate for the upper number of events for which evidence has been submitted. Is it probable that 92 events occurred each year? 'No' is the answer.

(C.17.3) It is noted that some corporate clients paid a flat booking fee and then decided which dates they wanted throughout a season, such that one payment did not necessarily equate to just one 'event' at the application site.

Yours sincerely

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