

Consultee Comments for Planning Application APP/19/00889

Application Summary

Application Number: APP/19/00889

Address: Tournerbury Woods, Tournerbury Lane, Hayling Island

Proposal: Application for Lawful Development Certificate relating to the erection of log cabin and adjoining deck; erection of victorian style gazebo structure; and erection of marquee structure.

Case Officer: Steve Weaver

Consultee Details

Name: Consultee Chichester Harbour Conservancy

Address: The Harbour Office, The Street, Itchenor PO20 7AW

Email: planning@conservancy.co.uk

On Behalf Of: Chichester Harbour Conservancy

Comments

Dear Steve,

Tournerbury Woods, Tournerbury Lane, Hayling Island

APP/19/00889 Application for Lawful Development Certificate relating to the erection of log cabin and adjoining deck; erection of Victorian style gazebo structure; and erection of marquee structure

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation Partial objection, in relation to evidence related to marquee and log cabin/adjoining deck.

The Conservancy notes the rather random numbering of photographs given in evidence.

There is no mapped schedule that accompanies the photographs, indicating where the person was stood when they took the photograph and what direction the camera was pointed in.

In terms of photographs taken inside a marquee are more indicative of how that marquee is being used - (whereas the application relates to operational development, not a material change of use of the application site) - and could be a marquee erected anywhere, namely 0032-0036. 0041, 0043-0045, 0047, 0049-0051, 0056-0058, 0060-0061, 0063, 0065-0066, 0069, 0071-0078, 0083, 0085-0086, 0089-0090, 0092.

A number of photographs do not seem to relate to the structures sought to be regularised (at the application site) at all, notably

Un-numbered photographs referred to in the sworn statement as 0005-0006 and that numbered 0017 relating to property owned by the applicant in London;

0028-0029, show a white tented structure, but I am unclear whether it is the same marquee sought for retention in fact it cannot be because the sworn statement says that marquee was not purchased until 6.6.2013 and the marquee in 0028-0029 are variously dated in 2012;

0030;

0037-0038;

Upper part of 0040;

Lower part of 0041;

Upper part of 0042;

Lower part of 0043;

Lower part of 0045;

0046

Lower part of 0047;

0048;

0052;

Lower part 0056;

Lower part 0057;

Pink/patterned marquee in lower part of 0058;

Lower part of 0059;

Upper part 0060;

Lower part 0063;

0064;

0066;

Lower part 0067;

Upper part 0068;

0070;

Lower part 0074;

Upper part 0075;

Upper part 0077;

Lower part 0079;

Lower part 0080;

Lower part 0081;

Lower part 0082;

Upper part 0084;

0088;

Upper part 0090;

091;

Lower part 0092.

The plan EB0878, does correspond to where I saw these structures on site and photographed

them during my visit to review application 18/00943 on 26.11.2018.

It is not clear from the photographs and witness statement when the stretched tent awning was added over the decking structure associated with the log cabin, which is depicted 20.4.2018 in the lower part of 0087. Earlier photographs 0020 and 0021 show the deck beginning to be constructed dated 11.6.2011, yet I am in receipt of alternative electronic photography dated 14, 17, 20, 21 and 27.4.2017, showing that decked platform being enlarged (to a much greater extent than depicted in 0020-0023), but without the awning fitted.

I am aware that the timeframes to taking Enforcement Action/providing evidence relate to each structure being substantially completed, under S.171B(1) of the town and country Planning Act 1990 (as amended).

The Conservancy is of the view that the 4-year period to be demonstrated for the log cabin/decked structure at point 2 on EB0878 started when the awning was finally added, which does not appear in any of the photography submitted until 2018.

If the Marque has periodically been taken down out of season, I would say that each time it is put up has been a separate time period of existence. For the council to grant the Certificate in respect of the marquee therefore I suggest it would have needed to have been permanently up for the 4-year period sought and not taken down during that period. I understand a third party will be sending you evidence claiming that the marquee was taken down during the winter of 2015-2016 and not re-erected until sometime in the spring of 2016. If this is true, then the 4-year period would not seem to have been reached yet.

In this respect I would suggest other council officers could usefully be interviewed for their recollection of what was in place at the site, when they made their visits, especially if any (dated) photography was taken. E.g. Environmental Health Officers looking into noise matters or other officers commenting on the Premises licence granted 24.8.2017 (PL) granted by the council.

Indeed, does the PL require the marquee to be taken down at the end of every season?

I am rather surprised no builders invoices have been produced to show when the decking was built or when the marquee was purchased.

There are two items the conservancy notes the applicant is not claiming to have been in place for the 4-year period to be proven for operational development. These are

- (1) the parking areas (for which the Conservancy has been informed that stone scalping materials by the truckload have in recent time been taken onto the site according to a neighbour commenting on this to the Conservancy; and,
- (2) the Versadock pontoon (photographs on pages numbered 0079, 0081 and 0092). When I

visited on 26.11.18, this structure was not in place.

The Conservancy is unlikely to grant a works licence for such a structure described in (2) as it is its policy not to do so, given the ecological importance of the intertidal mud it would rest upon/cover in the SPA/SAC/SSSI/Ramsar designation.

Yours sincerely

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