

November 2022

Summary of content of videos and photographs submitted by A G Phillips & Son Limited to the Planning Inspectorate and Planning portal overlaid with additional and responding information which Mr and Mrs Snell respectfully request is considered.

Text in black is AGP's, text in blue is Mr and Mrs Snell's

Please subtract an hour on any videos taken during British summertime

File 1

File 1:1 - guests leaving venue late, poor driving (subjective). Loud and offensive language. Vehicles move off peacefully together. No farm type operations present.

File 1:2 - lady driver, has driven her car into ditch. The video does not show a lady driver having driven her car into a ditch. This video shows a lady talking to a breakdown vehicle before returning to her own vehicle and driving on. The conversation is inaudible, but there is no evidence that a car has driven into a ditch.

File 1:3 – vehicle parked in Farmyard engines running, lights on. Commentary appears to elaborate a situation which is not evidenced by the image in this video.

File 1:4 – cars parking in Yard and then leaving right of way. This video is not viewable but narrators can be heard having a discussion, but no evidence can be seen.

File 1:5 - noisy catering van comes through often. This video shows a white van travelling slowly along the RoW towing a miniature replica train engine (a BBQ) which has a light bell tinkling in it momentarily as it travels to the venue. The van is not noisy and no conflict with other vehicles or farm type activity is demonstrated along the RoW. The bell noise was pointed out to the catering van driver by a member of the Phillips's family at the time, and the catering van driver immediately rectified the noise as he had not realised the block preventing the bell from ringing had come loose.

File 1:7 - vehicle leaving after midnight. Shouting to each other. This video does not have any sound, so no evidence of shouting provided. The vehicle travels slowly along the right of way and no conflict is demonstrated.

File 1:8 - vehicles often parked in yard off of the right of way. No evidence that the vehicle has anything to do with the Tournbury Woods and no conflict is demonstrated. No evidence that this vehicle not on the RoW.

File 1:9 - vehicles often leave right of way and drive down in-front of our house. No evidence that this vehicle isn't actually visiting Tournbury Farmhouse – it could be a guest or delivery for AGP. If Mr & Mrs Phillips re-instated the historic signage then there would be no chance of such a claimed occurrence happening. It is telling that AGPS appear to have taken absolutely no duty of care (despite protestations and submissions to the contrary on the planning portal) to make both their own and our guests lives easier.

File 1:10 - huge fairground lorry took some of our tree with him. No evidence of where the tree came from! Asking directions and crossing 3 m track which is only just wide enough to take him. (See file 3) Track has ample width to accommodate this vehicle – it passes easily and smoothly along the RoW. No conflict demonstrated along the RoW. No evidence of farm type activities.

File 1:11 - pedestrians walking in middle of road. We gave her directions. No conflict with RoW or evidence of farm type activities. Video appears to have been cut at one point.

File 1:12 - lost car after midnight turning round headlights shine straight into our house. 12:17 summertime. Constantly happening. No evidence that this vehicle hadn't been visiting Tournerbury Farmhouse. No conflict with RoW and no evidence of farm type activities. Refer to earlier comment on AGPS own duty of care and personal responsibility.

File 1:13 - showing wrong route cars often take as in file 1:9 Video unviewable, but commentary can be heard. No evidence that this vehicle was visiting the venue, no farm type activities shown. Simple signage (removed by AGP) resolved any issues claimed in this clip. Refer to earlier comment on AGPS own duty of care and personal responsibility.

File 1:14 – vehicle with noisy trailer leaving at 12:53 -summertime. Video shows a vehicle towing a horse trailer and another vehicle following this. The RoW is not in conflict and no farm type activities are shown. As AGP have their own horses and tenants using their fields for horses this could be one of these tenants leaving early for an event. No noise is available.

File 1:16 - people talking loudly and laughing walking through at 01:12 summertime. Horses neighed as disturbed. This clip shows our venue manager and co-worker leaving the site following close-up. They live on Tournerbury Lane. The video does not provide any noise so we cannot confirm if horses were neighing. They are using the RoW on foot and at any time, as permitted in the deeds.

File 1:17 - large, very noisy fairground lorry leaving venue at 12:49 very bright lights lite up bedroom and reversing to get around corner. Video has no noise, so unable to confirm. Vehicle is travelling slowly and carefully and simply using the RoW.

File 1:23 - Another lost guest. No video available. Commentary between narrator and guest politely asking for directions as they explain the sign is a long way ahead. NB helpful direction signs originally positioned on the gates to Tournerbury Farm have been removed by AGP. Refer to earlier comment on AGPS own duty of care and personal responsibility.

File 1:25 - Taxi drivers knock on door (frequently) to get directions. Even if house in darkness. This latter statement is not evidenced. The narrator explains that a taxi driver has knocked to ask for directions to the venue, but this is not evidenced in the film itself. Refer to earlier comment on AGPS own duty of care and personal responsibility.

File 1:26 - Very noisy vehicle early hours. No evidence of “very noisy vehicle” – footage shows a vehicle carefully driving along the RoW.

File 1:27 - Taxi parked outside house with engine running. Wedding guests in golf car park. No evidence from the narrator that the customer that the taxi is picking up is from the wedding. The narrator assumes that they are from a wedding, but the taxi driver doesn't confirm this. He could be picking up a customer from a party or event at a house nearby, but the guest has suggested the Golf Course car park as a good place to meet up. The narrator's comments are unsubstantiated.

File 1:28 – email from our tenants who lived in the Farmhouse, the right of way passes between that house and ours. Not video/photo. AGPS unlawfully commercially let this property in breach of the agricultural tie on it. Havant Borough Council are aware of this planning breach but appear to take no action.

File 1:29 – Double decker buses are passing over the narrow track. Summary of content of videos and photographs submitted by A G Phillips & Son Limited to the Planning Inspectorate, as evidence

of the disruption and disturbance, on the farmers lives, home, and business by events in Tournurbury Woods. Buses are able to traverse the RoW safely and may be used by hirers to transport guests and reduce traffic to and from the venue. No incident has occurred along the RoW involving a bus/coach which are able to travel safely to/from the venue transporting guests to avoid car movements which AGP object to.

File 2

2:1 - Sale particulars. Showing Track in 1987 when AGP Farm purchased. Both Files 1 and 3 show the conditions and health and safety dangers of the track. Sale particulars do not show “health and safety dangers of the track” – this is not a true statement regarding this document.

File 3

File 3:1 - showing the track recently resurfaced. Where the bushes are on either side the track, it is at its narrowest and there are ponds on both sides, very deep water on the left with almost no verge and also a smaller pond on the right. Commentary of the suitability of this part of the RoW is provided in document “Analysis of transport note” published on the planning portal on 31 October 2022.

File 3:2 - showing the lack of verge, tyre tracks and water through the bushes. Please note this is after the road was recently resurfaced by Mr Snell. Double decker buses, coaches, and lorries cross this, as do event guests. Commentary of the suitability of this part of the RoW is provided in document “Analysis of transport note” published on the planning portal on 31 October 2022.

File 3:3 - showing poor visibility on single track. This photo does not demonstrate or show poor visibility – the visibility of this part of the RoW is clearly demonstrated in document “Analysis of transport note” published on the planning portal on 31 October 2022.

File 3:4 - shows how close the track is to the water’s edge. The track is of ample width at this section to accommodate safely all sizes vehicles travelling to/from the venue and has done so for many years.

File 3:5 - same As above

File 3:6 - same As above

File 3:7 - same As above

File 3:8 – A car driven wrong way, leaving the wood, and driving down to the marsh and into a ditch. This is trespassing and a long way off the right of way. This has happened several times over the years. With a car even stuck on our sea wall and in the mud on the marsh. There is no evidence that this vehicle is associated with the venue, but in any event we strongly refute the comment that this has happened several times over the years – certainly we have not been informed of these incidents and we wonder why not? If this is true, once again, simple signage could avoid such events for any guests. Refer to earlier comment on AGPS own duty of care and personal responsibility.

File 3:9 – A recently taken photo of current track from standing on corner of the yard so to give idea of route from the woods and through the yard. Rubbish, glass, and bottles are often discarded on the track and exit through the farmyard. There is no evidence that such rubbish is from the venue as insinuated in this comment. Tournurbury Farm run their own licensed hospitality venue that is adjacent to the farm area and the rubbish bins for this venue are sited within the farm and along the RoW.

File 4

4:18 - Car lost and driven up the pedestrian path and turning around on the grass. This is the entrance to the cafe with people stepping in and out. [This video/photo has not been provided to us.](#) In any event this is a publicly accessed area and there is no evidence that the “car lost” is anything to do with the wedding venue. It could be someone visiting the golf course, picking up a meal takeaway from AGPS’s own licenced venue, The Tee Caddy Café etc.

4:7 - Another vehicle trespassing after sitting in front of direction sign for venue. [No evidence that this vehicle has anything to do with the wedding venue.](#)

4:8 - The same vehicle where the driver has opened gate to turn around in field but then drives off without re shutting gate. Cattle out on the marsh. [No evidence that this vehicle has anything to do with the wedding venue.](#) The narrator suggests the vehicle has opened gates, but there is no evidence of this statement provided. There is no evidence of where this vehicle goes following filming so it may not have been anything to do with the venue but instead a trade delivering material to Tournerbury Marsh area as has been common practice in the past and evidenced through EA correspondence.

4:9 - The sign at entrance to pro-shop. Many people still drive up there. Summary of content of videos and photographs submitted by A G Phillips & Son Limited to the Planning Inspectorate, as evidence of the disruption and disturbance, on the farmers lives, home, and business by events in Tournerbury Woods. [Unable to view this file.](#) The area is open to the public as it is part of the business enterprise run by AGP. Many of the suggestions made by these videos appear to have been staged and at least one individual is heard being coerced into making a statement they are not comfortable about making (see 4.22).

4:10 - Wedding guest retrieving wedding signs that we have allowed. Holding up traffic [The hold up to traffic lasts 20 seconds and cannot be construed as inconvenient.](#)

4:11 - Showing that we need to cross the yard and dangerous when cars not following speed guide. [Video shows a lady wheeling a wheelbarrow. There is no conflict with any user of the RoW – no other vehicle in sight. No farming activity shown.](#)

4:12 – The horses are brought in and out, from their fields to their stables across the drive. [There is no conflict with any user of the RoW – no other vehicle in sight. No farming activity shown.](#)

4:13 - Same. This lady has recently been knocked by a wing mirror from a car not giving the horse and her enough room, trying to pass on a narrow part of the track, and she has hospital records for head injury when horse was spooked by a speeding car braking suddenly and skidding on the loose surface. We can no longer allow her to use the field next to the wood entrance as too dangerous, high risk from careless drivers. [This video shows a lady leading a horse along the RoW. There is no conflict with any other user and no farming activity shown. The narrative provided here or elsewhere does not include any evidence that this alleged incident has anything to do with anyone associated with the venue. We were not informed of this incident at the time and if it did have anything to do with the venue we would have expected that to be the case.](#)

4:14 - The forklift working every day in the yard and has restricted visibility. Cars driving through are a constant worry. [This video shows no conflict between users of the RoW. The forklift and the cars are able to easily avoid each other, and the pause in the short journey by the forklift lasts 7 seconds which cannot be viewed as inconvenient. This is the only video of the forklift provided and its use is not something we see every day that we travel in and out of the Woods.](#)

4:15 - The mucking out is done twice a day and yard crossed many times, every day. It has to be there as can't be on other side of yard because of ponds and run off. Video shows a lady with a wheelbarrow and no other vehicles using the RoW. No conflict on the RoW and no farming activity shown. It must be pointed out that because of the many alternative business uses to which the farmyard area is currently put there are likely to be a variety of users in this area. These will all have differing agendas and journeys to make and yet are able to do so without conflict or incident.

4:16 - Hay making. Again, a worry as visiting drivers seem to have no sense and have even driven under the forks carrying a bale. They don't seem to see the danger. No evidence provided of this statement. The video shows moving haybales from a flatbed into a barn. No traffic passes the worker along the RoW – no conflict demonstrated or evidenced.

4:17 - Taken from within the Pro shop. Another lost person being politely redirected. This video shows a lady politely asking directions to the venue and being redirected – this could not be classified as an inconvenience. Refer to earlier comment on AGPS own duty of care and personal responsibility.

4:19 - Another lost car on pedestrian route. There is no evidence that this vehicle has anything to do with the wedding venue. It could be a visitor to the golf centre or pro-shop or Tee Caddy café.

4:20 – Same. As above – this video shows a car moving through the car park. It is taken from inside the pro-shop. No evidence that this has anything to do with the venue – it could be a golfing client.

4:21 - Same and redirected This video shows a lady walking out of the golf centre shop. It is not clear where she is pointing or where she is directing another individual. The person she is directing is appropriately dressed for playing golf rather than going to a wedding – it is likely the person is simply a client of the golf centre.

4:22 - Same This video is not viewable, but the narrative is audible. The individual states “err feel a bit awkward doing this but if you want me to (laughs nervously) – OK, right OK, cheers bye” Evidence suggests that the shop worker is being coerced into doing something he feels uncomfortable about.

4:23 - Same Video shows footage taken from inside the golf shop – shows a car moving through the car park. No evidence provided that this has anything to do with the venue – likely to be a golf centre client.

4:24 - The cattle going back out after being brought in for worming and other treatments. Had to shut gates and wedding cars waiting. This video is referenced in the document “Analysis of transport note” published on the planning portal on 31 October 2022. It shows farm hands moving 28 head of cattle from the barn to the marsh. This is the single time cattle are moved out of the farm each year. The film ends with the videographer showing that 3 cars are held behind the gate leading into the Woods. The whole event takes less than 2 minutes – i.e. the movement of cattle from the barn to the marsh track happens in a single event lasting less than 2 mins once a year. The cars are waiting patiently, and 2 minutes cannot be considered an inconvenience. There is no long term conflict between the different user types along the RoW.

4:25 - Opening gates after cattle are let out. No inconvenience to users of RoW – no conflict. Event happened once a year.

4:26 - Showing great caution needed to back out of barn with cars passing. Video shows no conflict between users of the RoW. This video was taken on a Tuesday when no event was taking place and yet there is still traffic using the RoW as permitted and no conflict is shown.

4:27 - Same Video shows no conflict between users of the RoW.

4:28 - Same Video shows no conflict between users of the RoW.

4:29 - 4:31 A mobile home, that has driven the wrong way to venue, turning around on our grassed Putting Green area. No evidence that this mobile home has anything to do with the venue. Tournerbury Farm has a mobile home / caravan storage business on site so it could be related to this.

4:32 - Coach's driving through, again a worry where the track is narrow, and forklift is working No evidence of forklift in image.

4:33 - People walking through at night chatting loudly, wakes the dog up and we have to get up and check out the window when we hear voices, for security reasons as we have Diesel tanks and farms are often targeted. An unsubstantiated suggestion that the venue might be associated with such targeting activity. This video is not viewable. A false narrative within the planning balance as even if planning permission is not granted, that does not extinguish the Right of Way.

4:34 - Showing the everyday problem of working in the yard with through traffic. Image not viewable.

4:35 – 4: 36 There are hundreds of trips through the yard on an almost daily basis, starting just after 4.30am and sometimes not finishing, from the night before, until 2.00am resulting in very little sleep Image not viewable. The wording regarding the use of the RoW was agreed in 1987 – it is very clear as follows:

“EXCEPT AND RESERVED unto the Vendor a right of way in favour of the Vendor and his successors in title being the owners or occupiers for the time being of Tournier Bury Wood Tournier Bury Plantation and Wood Cottage and their tenants agents licensees and others authorised by them at all times and for all purposes with or without vehicles over and along the tracks shown hatched black on the said plan making good any damage thereby caused.”

Again, a false narrative within the planning balance as even if planning permission is not granted, that does not extinguish the Right of Way.

File 5

5:1 – 5:4 – Photos of the base of the new track A report regarding the nature of the construction of this track has been submitted titled “Report on Road Constructions” labelled on the planning portal as “Access Road Report 9.8.22”

Our heads of terms have been sent to Mr and Mrs Snell for agreement to give up the right of way in favour of the new track. Heads of Terms provided are not on a like for like basis in favour of the new track and instead are onerous, restrictive and unlike the use of the existing RoW in any way. They also originally included a requirement to release the covenants owned by Mr & Mrs Snell and we have no assurance or trust that this ultimate aim will not be reintroduced by AGP at the 11th hour of any future negotiations.

File 6

6:1 to 6:3 In both the applications for a new track, in 2012 and in 2017, AGP are of the view Mr Snell freely admitted he had concerns about the safety, security and disturbance, to us, our animals and our staff, from the small amount of traffic that was passing through the Farm at that time. This has been discussed previously and comments made by Mr Snell have repeatedly been taken out of context. In 2017 the amount of traffic was seen to be similar to that in 2012 see File 6:1. The traffic was extremely light in 2012, with no mention of a wedding venue and was used for agricultural purposes as the current track, and in 2017, although mentioning servicing the wedding venue it was stated that there had been no significant change of circumstances. Again file 6:1. Evidence has been repeatedly provided to show the evolution of use at Tournerbury Woods over a significant length of time. The false narrative from AGPS in regard to letters sent to the Council in 2012 and 2017 has been addressed in the Analysis of Transport Note submitted on the planning portal.

Further photographs have been submitted to the Planning Portal, but which were not previously submitted as part of the Appeals paperwork. They are labelled AGP 22 – 31.7 and are described on the portal as below in black. Blue text is description by Mr and Mrs Snell. All these images show the lawful use of the RoW, no conflict between users of the RoW and no evidence of farming type activity.

These seem to be representing use of the RoW during the 2022 venue season. Only 4 dates are represented, and none indicate any conflict between users of the RoW. Users are simply using the RoW as they are permitted to do so. The images also do not indicate any farming type activity during 2022 and yet AGP have surveillance cameras filming 24/7.

AGP 25 – “Heavy goods vehicle on site”. This is a copy of the vehicle shown in video 1.10 the same comment applies i.e. the track has ample width to accommodate this vehicle – it passes easily and smoothly along the RoW. No conflict demonstrated along the RoW. No evidence of farm type activities.

AGP 26 “Vehicles at farm complex after wedding” – undated image, shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 27 “Vehicles at farm complex on CCTV” – dated 30/04/22 – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 28 “Vehicles at farm complex on CCTV” – dated 03/07/2022 – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 29 “Vehicles at farm complex on CCTV” – dated 30/04/2022 - image shows vehicles and a pedestrian using the RoW, no conflict of users of RoW shown.

AGP 30 “Vehicles at farm complex on CCTV” – dated 30/04/2022 -- image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 31.1 “Vehicles at farm complex in early hours after weddings” – dated 10 July no year – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 31.2 “Vehicles at farm complex in early hours after weddings” – dated 10 July no year – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 31.3 “Vehicles at farm complex in early hours after weddings” – dated 16/07/22 – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 31.4 “Vehicles at farm complex in early hours after weddings” – dated 10 July no year – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 31.5 “Vehicles at farm complex in early hours after weddings” – dated 10 July no year – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 31.6 “Vehicles at farm complex in early hours after weddings” – dated 10 July no year – image shows vehicles using the RoW, no conflict of users of RoW shown.

AGP 31.7 “Vehicles at farm complex in early hours after weddings” – dated 10 July no year – image shows vehicles using the RoW, no conflict of users of RoW shown.

We would ask decision makers to carefully consider two factors in regard to the ‘evidence’ submitted by AGPS in these files –

- 1) Given all of the substantial objection comments made by AGPS and their supporters in opposition to both the previous application and the extant application on the basis of Tournerbury ‘farm’ being a “*fulltime working farm*” as is continually quoted, farming activity is **noticeably non-existent** in all of these photos and videos.

Given the strength of opposition by AGPS, it is realistic to assume that with two permanent 24/7 video cameras overlooking the centre of the farmyard, and two more at the entrance to the farm, that over the last 4 years of opposing the Tournerbury Woods planning applications (2019, 2020, 2021 and 2022), there would be reels and reels of footage of “*large machinery*” and of bulk loads of grain and crops being transported and of livestock and herds of animals being moved and bulk deliveries of feed and fertiliser etc etc. In other words, all of the activity that a reasonable third party would expect to see in a “*fulltime working farm*” and that has been so carefully narrated and presented in opposition submissions to decision makers as being in situ at Tournerbury ‘farm’, is in reality, absolutely and actually no-where to be seen. **It does not exist.**

The most footage that AGPS can supply of ‘agricultural activity’ and purported conflict in Tournerbury ‘farm’ is one 2 minute video of a very small herd of beef cattle being herded from a barn to the marsh, causing negligible interference with the Right of Way and zero interference to this one rare agricultural movement. Mr & Mrs Phillips have had over 1400 days (since the previous application was validated) with their security cameras recording 24/7 to show just how busy their “*fulltime working farm*” is and all that can be presented is a single short 2 minute video clip of a small number of cattle being herded safely to the marsh.

The lack of credible evidence of Tournerbury ‘farm’ being used as a ‘*working farm*’ is plainly demonstrated in Mr & Mrs Phillips’s files here and as this evidence has already been submitted to the Planning Inspectorate, it will be used by the applicants at Appeal to demonstrate the continual and continuing false narrative painted by AGPS of life and activity at Tournerbury ‘farm’.

- 2) The use of the Right of Way does not extinguish or cease if planning permission is not granted and new activities at Tournerbury Woods will not come under planning control so the 'amenity' for the two residential houses at Tournerbury 'farm' such as being able to lock the farm gate at night will not improve.

In fact the 'amenity' of the two houses at Tournerbury farm will most likely decrease substantially (if planning permission is not granted) as other activities and uses of the Tournerbury Woods Estate will need to be invoked and these will generate 365 day a year vehicle and pedestrian movements along the Right of Way at all times. The fallback business plan that we have worked up to use if planning permission is not granted is not subject to planning permission control and so the 'residential amenity' at Tournerbury farm will become much worse.