

ADDITIONAL COMMENTS ON APP/21/O1310

It is disheartening at the onset of summer 2022, four years after the first retrospective planning application APP/18/00943, ten years after the first planning application APP/12/01333 for the construction of an alternative track to access Tournerbury Woods avoiding Tournerbury Farm, and currently when there is so much else to be done in the world post-covid, having to return once again to Mr. Snell's endless shenanigans to force through some kind of permission for his wedding and events venue in Tournerbury Woods.

It is equally exasperating to learn that, as a result of his recent withdrawal of his appeal against the refusal of APP/18/00943 in June 2021, the numerous public comments for and against that application, including my own, will now be removed from the record and public domain. At the very least I would have hoped that normal rules would be followed when withdrawing from an appeal process requiring the activity in question to stop.

My reason for writing now is my concern over comments made by the applicant's barrister during the Planning Appeal Preliminary Hearing meeting in early May 2022. The Planning Inspector asked whether there was an alternative track that could be used for access to Tournerbury Woods, which he understood would resolve all the amenity, safety and nuisance issues associated with using the original 1987 right of way. He received a point blank response from Mr. Snell's team that there was no such alternative track. No explanation, no clarification - just "no". Whatever the precise wording of the reply, this was yet another snub aimed at the owners of Tournerbury Farm who have generously devoted so much of their time and money in building a vastly superior alternative track through their land for the purpose of accessing Tournerbury Woods and its wedding venue independently. It can only be hoped that the Planning Inspector himself will make a site visit himself in due course, so that he can decide with his own eyes whether he is standing on a perfectly well constructed, wide, straight, firm and viable road, with wide verges, excellent visibility and dedicated passing places, or whether he is standing in the middle of an untouched grass paddock.

The fact that the last 10 to 20 metres of the new track on the Phillips land remains unfinished is no excuse for the answer given at that meeting. Given the number and range of objections that Mr. Snell has directed at the Phillips efforts - legal, technical and personal - it is a wonder so much of the work has been completed at all. The remainder of it, including drainage issues, top dressing, compaction and tree planting, could be finished in almost no time at all, and would be if there was any realistic point in doing so. For this new track to fulfill the purpose for which it has been granted planning permission, twice, there has to be a genuine willingness on the part of the owner of Tournerbury Woods, Mr. Snell, to take up the opportunity that is there for the taking, ready made, and at no expense or inconvenience to him.

On the contrary, as the years have passed with no resolution as to the track's use, Mr. Snell's attitude has hardened and become increasingly negative, continuously blaming his counterparts, the Phillips, both for the failure to reach agreement on the terms and conditions for switching over to the new track, and for allegedly failing to build the new track to an adequate standard. The campaign that is being waged against them is documented in hundreds of letters, planning applications current and withdrawn, consultations and independent reports. Many of these contain inaccurate and inconsistent data, misleading claims, lame excuses and grievances, as detailed in hundreds of public comments of support or objection to the different applications over the years, all available for the public to read on the HBC planning portal. Within the Hayling Island community, Mr. Snell continues to publicly denounce the Phillips and their imagined misdeeds at every opportunity. After a handful of independently written objection letters were submitted for APP/21/O1310, a torrent of well over 150 supporting letters suddenly appeared on the portal in February and March this year. A large number of them made very similar points giving the distinct impression that much of the source material came from a common crib sheet. Whilst many of the traders and suppliers sent in perfectly polite and reasonable letters of support, there were others who gleefully joined in the

wholesale condemnation of the Phillips rumoured greedy and selfish behaviour, of “feathering their nests at Mr. Snell’s expense” and many other similar insults.

Exchanges between the parties in the earlier part of this year, before the bombshell track denial meeting in May, produced more proposals for further meetings and expert reports which had the potential to advance matters, or alternatively, to add to the endless delays, twists, turns and rising costs. One very positive development however was the agreement of both parties, in writing, on the principle of a like-for-like type of right of way agreement for using the new track, the only type Mr. Snell would consider. This has the added benefit of disproving once and for all the ludicrous “ransom demand” accusation on which so much of APP/21/01310’s arguments and claims were based.

It is particularly worrying that cumulative years worth of delaying tactics and excuses not to switch to the new track have been treated with complete impunity by the very authorities who have the power to challenge and discourage such behaviour, and to make the ultimate decision on the future of the business altogether. All the while, whole seasons of weddings are allowed to carry on regardless of planning regulations or the enforcement notice to stop served on the applicant in January 2020. Instead, Mr. Snell’s current mission to convince HBC and other organisations, including Natural England, into believing that the concept of APP/21/01310 as the successor to APP/18/00943 is sound and worthwhile seems to be gaining traction. At least one county councillor has been actively campaigning in favour of APP/21/01310’s extraordinary conclusion, namely, that the original, single lane track through Tournurbury Farm could, after all, be a perfectly adequate means of access for the wedding venue and its associated traffic, primarily by reducing the number of weddings and maximum visitor numbers each year. As I pointed out in my original letter of objection in February 2022, it was surprising to learn that the proposed reduction to 65, possibly 68 weddings and 10,350 visitors per annum exceeded the 10,325 actual visitors reported between September 2017 to 2018, and the 42 weddings held in 2019, without any controls of any kind. Ideally, the entire case regarding Tournurbury Woods estate should be transferred to a different local council with officers less closely involved and temptingly swayed by Mr. Snell’s persuasive but questionable arguments.

Whatever it is that drives Mr. Snell’s hostility towards using the alternative track and to the Phillips personally may never be fully explained, but it doesn’t take a rocket scientist to have a good guess as to what it is all about. It is certainly nothing to do with best planning practice, or any desire for a good, common sense planning outcome that would benefit all parties, and which the Phillips have consistently sought from the beginning. I have no intention of spelling out my thoughts, as I too, like the National Farming Union and so many others who have disagreed with Mr. Snell do not want to be receiving a letter threatening me with court action for libel or slander. He has however made no secret of the value he places on being the dominant tenement and the disproportionate amount of power this confers over a servient tenement, and has made it very clear that he has every intention of taking maximum advantage of this prized asset. He will be in a greatly strengthened position to exert maximum pressure for the purpose of fulfilling these ambitions if he were to get the planning permission (or the legally unattainable CLUED) he so desperately wants. Mr. Snell has privately admitted to me on several occasions this year, and I believe to others loyal to his cause, that using the alternative track built by the Phillips would be a much better and more convenient option in the long term, but resolutely refuses to offer a credible explanation as to why he is being so stubborn about it now.

One final part of the jigsaw that has not been raised before is the applicant’s complete failure to make a start on, or to apply for planning permission, to build up *his* side of the new track starting at the boundary with the Phillips land where their part of the new track will meet the dividing line between the two properties. On the Tournurbury Woods side, there is a length of about 250 metres of virgin dirt track with no hardcore base material whatsoever. It will need to be significantly upgraded before there can be a satisfactory connection between the Phillips section of the track starting in Tournurbury Lane, and the existing, hard-surface, Snell track that emerges from the Bury and continues southwards to the wedding venue car park. When and if this work commences in earnest, the Phillips will happily complete the

outstanding issues on their side. As on the Phillips side, formal measures will need to be imposed by HBC's Tree Officer to protect the roots of Tournerbury Woods' large mature trees, predominantly oaks,

It is entirely obvious that none of this drama should be of any relevance in terms of planning decisions. APP/18/00943 was correctly refused on a number of planning grounds, a major one being the loss of amenity for Tournerbury Farm caused by greatly increased user of the original right of way to service the wedding venue in Tournerbury Woods. Nothing has changed on that matter, nor can the amenity problem be improved or altered as a result of the submission of APP/21/01310, nor should the veiled threats of what the "fallback" position might look like be a consideration either. The old, unfit for purpose single width track has not suddenly and magically morphed into one that is now, allegedly, as good as or preferable to the new track. Just stating that it is so does not make it so. There are no "passing places" for the old track on Phillips land, as in 1987 no such thing was required, requested or included in the sale deeds, nor are there any rights to install lighting, or to upgrade it significantly, or to trespass onto the property at random to mow grass and cut down vegetation along the route without the landowners' knowledge or permission, or to repeatedly film buildings, activities and people whilst driving over the right of way through Tournerbury Farm. There is nothing other than Mr. Snell's word to prove there is anything wrong with the new track in terms of its physical construction, its position, route, width, ease of use, safety and visibility, and even the addition of a civil engineering report that Mr. Snell has suggested commissioning will be worthless unless it can be shown to be scrupulously unbiased.

After many years of recommending that planning permission for the wedding venue should ultimately be granted, subject to uptake of the alternative track and workable controls on the number and type of events held annually, I have now reluctantly changed my mind and feel, as so many others do, that this application should be rejected in its entirety and that the business be closed down permanently. It is such a tragic waste of what could have been the most wonderful use of these particular woods, for couples wanting a magical experience in a lovely rural setting, and for the Hayling community at large, but given the environmentally sensitive nature of the site and location, its international legal status and protections, and the proximity of a working farm whose occupants deserve respect and consideration, there are, unfortunately, just too many obstacles that have been impossible to overcome since the beginning of this site's long planning history.