



Tournerbury Woods Estate, Hayling Island, Hampshire

PINS Reference: APP/X1735/X/21/3278706

Havant Borough Council Reference: APP/19/01262

Appeal under section 195 of the Town and Country Planning Act 1990

PINS Reference: APP/X1735/C/20/3248610

Havant Borough Council Reference: APP/21/00006

Appeal under section 174 of the Town and Country Planning Act 1990

REPRESENTATIONS

ON BEHALF OF A.G. PHILLIPS & SON LIMITED

AUGUST 2021

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1. INTRODUCTION

1.1 This representation has been prepared by Thrings LLP on behalf of A.G. Phillips & Son Limited Company number 01602404 (“AGP”) in respect of the section 195 planning appeal made by Mr and Mrs Chris and Alice Snell (“the appellant”), in respect of a proposed development at Tournurbury Woods, Tournurbury Lane, Hayling Island (“the appeal site”).

1.2 AGP are content to maintain the representations made to Havant Borough Council in the course of the determination of the section 191 application (“the Certificate Appeal”) in respect of the appeal under section 195 of the Town and Country Planning Act 1990 PINS Reference: APP/X1735/X/21/3278706 and the appeal under section 174 of the Town and Country Planning Act 1990 PINS Reference: APP/X1735/C/20/3248610 (“the Enforcement Appeal”).

1.3 AGP would be content to provide a proof of evidence and be a witness in respect of their knowledge of the appeal site. If Rule 6 status is available then AGP would like to apply for it in respect of the section 191 application in respect of the appeal under section 195 of the Town and Country Planning Act 1990 PINS Reference: APP/X1735/X/21/3278706 (“the Certificate Appeal”) and the appeal under section 174 of the Town and Country Planning Act 1990 PINS Reference: APP/X1735/C/20/3248610 (“the Enforcement Appeal”). In any event AGP wishes to be give evidence at both appeals to the extent it would assist the Inspector.

Inquiry Documents

1.3 These documents are likely to have already been supplied by the local planning authority to the Planning Inspectorate as they form part of the representations to the certificate application made to the local planning authority that led to the making of the Certificate Appeal by the appellant. AGP are content to continue to rely upon these and to maintain the analysis as it is set out here as follows, subject of course to any further emerging evidence from the appellants:

AGPC1 - Representation on certificate application by Thrings on behalf of AGP

AGPC2 - photographs cited in AGPC1

AGPC3 - representation from Mr Phillips of AGP

AGPC4 - Google image

AGPC5 - Google image

AGPC6 - Letter from Thrings LLP to Case Officer at Havant Borough Council

AGPC7 - Unsigned witness statement of Sue Phillips of AGP and exhibits AGPC7A through to AGPC7C

AGPC8 - Representations from Thrings LLP dated 14 April 2021.

2. SITE AND SURROUNDINGS

The appeal site is sited to the east of the Tournembury Farm (the “AGP farm”). The greater part of the appeal site Tournembury Woods is outside the urban area, within the Chichester Harbour Area of Outstanding Natural Beauty, and in a location which is the subject of numerous national and international environmental designations. We understand the appeal site is in agricultural use.

3. A.G. PHILLIPS & SON LIMITED AND THE OPERATION OF THE FARMING ENTERPRISE

3.1 AGP is the owner and operator of the AGP Farm. The farm once formed part of the wider Tournembury Woods Estate but was sold off in around 1987, albeit the applicant retained legal access to and from Tournembury Lane through the AGP farmyard; the extent of which is not agreed but is not relevant to the issues to be decided. It is highly relevant that the alleged activities of the Certificate Appeal site require passage through the AGP Farm.

5. THE AGP REPRESENTATIONS

5.1 AGP have made a number of representations to Havant Borough Council and AGP’s Sue Phillips has also made representations in a witness statement. AGP are concerned not to duplicate the efforts of the Council, and we have asked the local planning authority to meet with us to ensure we are not duplicating efforts. For example, were AGP asked by the Council to provide a proof of evidence of use to the Council in the presentation of its case then AGP would be content to do that and co-operate.

5.2 Because the versions of what has happened on the appeal site in terms of activity passing through the AGP Farm is something to which AGP can give evidence it seems appropriate that AGP is a Rule 6 party. Another reason is because the appellant is challenging the recollections of AGP Farm’s owners.

5.3 AGP is content to rely upon its written representations, but is minded to provide a proof of evidence to introduce them if necessary with a simple explanation of AGP's first hand understanding of when activities started ramping up. This was in about 2015 or 2016.

5.6 In essence, AGP will give factual evidence in a proof of evidence that the activities did take place over 28 days until around 2016, and that the operational development took place around that time also. The appellant refutes this, but AGP are of the view that the inquiry is best placed to resolve these different recollections.

Response to other matters in the Appellant's Statement of Case

5.7 The points above deal generally with the appellant's case in so far as AGP can assist the inquiry but there are references about a private right of way which AGP reserve the right to challenge were they to be made in sufficient detail by the appellant to warrant a response. Suffice it to say that AGP has made representations in the past indicating that the appellant's representations on that matter are not planning matters.

6. CONCLUSION

6.1 AGP maintains a strong objection to the Certificate Appeal on the basis that continuous activity amounting to a single mixed use has not taken place over a rolling ten year period. The appellant has put forward little, if any, meaningful challenge to the very reasonable, sensible and justifiable decision of the Council to refuse a certificate. In respect of the Enforcement Appeal, AGP is content to participate in so far as necessary to assist the inquiry with establishing matters of fact.

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19 August 2021

