

OBJECTION TO PLANNING APPLICATION APP/21/01310

2 February 2022

1. I am writing to object to the planning proposal above for the same reasons as those I submitted for APP/18/00943 and APP/19/01262, namely, the numerous problems caused by vehicles using the historical right of way created in 1987 through Tournurbury Farm to access the commercial wedding venue business that has been in operation in Tournurbury Woods since 2012.

2. It is a welcome development that the applicant is prepared to reduce the overall number of wedding events to 65 a year, or 68 including 3 extras, even though this is something that would have been expected to have been imposed as a condition by HBC themselves in the event of approving APP/18/00943, an otherwise almost identical planning application. It is highly significant that even though this option was available to them, the planning authority made the correct decision not to grant permission at all, as the amenity issues regarding the right of way were overwhelming, and still are one year later. It is abundantly evident that the original right of way through Tournurbury Farm is simply not fit for purpose for the uses for which the Applicant seeks permission, regardless of whether there are 65 weddings a year or any other number. The legality of using the original right of way at this excessive level also remains a bone of contention that has so far not been resolved, which I have addressed in a separate Statement accompanying this submission.

3. It is to be hoped that HBC will not be swayed by the last minute pressure of this desperate, retrograde and dubious application to abandon their previous stance. None of the mitigation measures proposed have any chance of resolving the amenity, safety and excessive user problems that have bedevilled Tournurbury Farm and its users for nearly 10 years now. The traffic data submitted is selective and the analysis deeply flawed, ending with a statistically ludicrous conclusion claiming that reducing the number of weddings to 65 a year "might cause some minor inconvenience" to the servient tenement from wedding traffic for just 1 hour on each of the 65 days, with the remaining 300 days traffic free. Furthermore, the 10,350 visitors anticipated over 7 months in the 65 weddings/year model are greater than the 10,235 actual visitors in a busy 12 month period from September 2017 to September 2018 when there was no limit on the numbers of weddings held. There are also a number of very contentious and misleading claims in the section on Alternative Access Use in the Covering Letter. These cannot be allowed to go unchallenged.

4. The data source for traffic flow comes from the updated ITL Traffic Report which claims to have listed all 42 weddings held in 2019 (ironically, 23 weddings less than the "reduced" number of 65 weddings "on offer" in this application). It should also be noted that the total of 42 has been disputed as an undercount in the Traffic Note report submitted with APP/18/00943. The detailed traffic count data in the ITL report has been limited to just 4 weddings on Saturday 20/9, Thursday 26/9, Saturday 28/9 and Saturday 5/10 right at the very end point of the 2019 wedding season. Apart from the 26/9 and 28/9 weddings separated by one day, there are also in that year 8 sets of Friday/Saturday weddings, two clusters involving a Friday/Saturday/Sunday and Saturday/Sunday/Tuesday, and one week that includes Thursday/Friday/Saturday/Sunday weddings on 25/7, 26/7, 27/7 and 28/7. All back to back weddings require an intense level of activity to complete the dismantling, cleaning up, disposal, delivery, re-supply and setting up work between midnight and 8 am, the only available hours between the previous and next wedding. As so many items have to be sourced from elsewhere, these tightly packed events involve a high volume of traffic all night long through Tournurbury Farm with goods vehicles, staff, and members of the wedding party themselves, with additional traffic on either side of the booked wedding

days; for example, the Wednesday before and Monday after a Thursday-to-Sunday batch, leaving only Tuesday relatively clear before the next round starts again the following Wednesday. In 2021, there was one stretch of 40 separate wedding events over 48 consecutive days. I was informed this non-stop level of interruption day and night created an intolerable burden on the servient tenement.

5. If count data had been presented from the peak of the season instead, say May to August, a more comprehensive picture of real-time traffic patterns, flow and distribution over whole weeks and months would have emerged and given a better understanding of the traffic logistics than individual 24 hour periods considered in isolation. Elsewhere the narrative within the report paints a harmonious picture of up to 90 visitor vehicles/hour, considered to be well below maximum capacity, co-operatively sliding along a smooth unimpeded highway at a safe restricted speed - with no-one ever stopping, no-one shouting questions or abuse, never breaking down or getting stuck, never deciding to wake up and worry the owners in the small hours of the night, never speeding noisily over the farmyard speed bumps, never swerving or braking hard to avoid potholes or oncoming traffic or the deep water ponds immediately adjacent to the narrowest part of the track. The remaining mitigation proposals are equally unrealistic. A wedding marshal stationed at the exit of Tournerbury Woods would be ineffective at seeing around corners or through buildings and trees to the end of the right of way 325 metres away, a pointless and costly idea that will achieve nothing. The idea of lighting the narrowest parts of the track has also not been thought through. Where is the electricity supply to come from? The wedding venue is a considerable distance away for long distance cable runs, even if there were any legal grounds for forcing this measure on an understandably reluctant servient tenement who prefer their nights dark.

6. The ITL report has given insufficient weight to other types of traffic that also have to use the track in connection with the wedding business. Considerable traffic flow is to be expected (and probably welcomed) on Wedding Fair days, with no "peak times" for arrivals or departures; large tankers come in and out to collect and dispose of cesspit and portaloos waste; heavy duty vehicles are required for the landscaping, road maintenance and building works required to keep any large, commercial wedding venue such as this in tip top shape, in addition to the daily transportation of supplies and decorative materials in and rubbish and drink containers out. Occasionally oversized transporters arrive bringing in items such as vintage cars, fairground rides, bouncy castles and other entertainment paraphernalia. I have been told that one recently arrived with a large piece of a Tournerbury Farm tree stuck at the top, ripped off as it passed underneath.

7. There is no consideration of traffic affected by breakdowns, road accidents, health emergencies or blockages, for example, trees falling across the track or a vehicle breakdown on one of the single lane stretches. How quickly could any such blockage be removed, and by whom, to ensure rapid access to the wedding venue by the emergency services? Also omitted has been any discussion about what the future traffic picture might look like. Events generally, which this application is also seeking permission for but have barely been mentioned, have a whole panoply of different needs and scheduling logistics than those of weddings. It is very much a modern and evolving 21st century industry with extravagant sets and staging built and removed at speed, wow-factor props and gimmicks, and huge numbers of crew, staff, transport vehicles and lifting equipment to operate it all. Sizeable, secure and weatherproof storage buildings will undoubtedly be required in due course, and most probably plumbed in washing and lavatory facilities for campers, guests and workers. This in turn would translate into yet more heavy duty vehicles loaded with plant for building and road work, even piling equipment, streams of large

concrete lorries whilst foundations are being laid, aggregates, gravel, scalplings, soil pipes, cabling, scaffolding, timber, boarding, bricks, roofing tiles, etc. etc. etc.

8. Another issue resulting directly from the use of the right of way through Tournerbury Farm is the impossibility of any farm security due to the requirement that the right of way should be kept open at all times. The Phillips have reported many instances when cattle and horses have escaped, something that would have never happened in the old days when the very limited traffic flow was easily managed with a standard farm gate closed for most of the time, and certainly at night. They have now been obliged to install expensive, electrically powered, automatic self opening and closing gates, as well as obtrusive signage which all too few drivers take heed of. An elderly dog has been killed by an unknown careless driver and there have been several incidents of horse riders in near miss traffic incidents. The owners have informed me they are not allowed to lock their gates in the event of a major disease outbreak such as equine flu or foot and mouth disease, as would be required by law at every other farm. They have also told me they are liable in law for any injury or accidental death suffered on their property, even though they have no knowledge of, or control over, any person passing between Tournerbury Woods and the public highway.

9. A quite different but highly significant factor responsible for the numerous problems discussed above goes far beyond mere traffic numbers, types and volume. It requires a full understanding of why the kind of traffic expected at wedding venues and events creates such a heavy burden on the servient tenement. It is not far fetched to suggest that most of the potential 10,350 wedding guests will be strangers and many once-in-a-lifetime visitors. Dozens of them will have come from urban settings without mud and potholes where cautious driving is not an everyday issue, may have travelled for hundreds of miles, and be desperate to finally get to the destination where their friends and loved ones will be gathered together for a magical wedding and a superlative amount of celebratory partying. The worries and concerns of those who inhabit a 325 metre stretch at the far end of this journey is simply not on their radar - this applies just as much to some of the supply and support vehicles as it does to cars with wedding visitors. From the Phillips' perspective, their appearance in the curtilage of Tournerbury Farm is not dissimilar to a completely unpredictable flood, of humanity not water, progressing back and forth day after day (and night), and causing untold disruption, anxiety and despair for the servient tenement. Like real floods there will be unknown quantities and types of debris mixed in - loiterers, gatecrashers, uninvited persons with criminal intent, petty thieves, curious potential customers without appointments or just reckless young people out for a good time with scant respect for how much alcohol they've drunk or how much noise they make. I understand that this aspect of individual behaviour, rather than just vehicle numbers, has taken a severe toll on the physical and mental health of Mrs. Phillips who has needed medical treatment to help her manage the relentless ordeal she has been subjected to for more than 9 years. It is simply no longer possible for her, her family, her colleagues, associates, horses, pets and farm livestock to enjoy and safely operate their lives within the immediate environs of their home and place of work, due to the non stop influx of vehicles and people whose concern for the rights or welfare of the farmyard users is minimal to non-existent. Both Mr. and Mrs. Phillips have busy and active working lives running their farm, and simply cannot abandon their own commitments to take on the role of policemen safeguarding their property around the clock. This status quo will not change while uncontrollable traffic of this kind is permitted to go on using the original right of way through Tournerbury Farm.

10. As all who have followed this long running case from the beginning will know, every one of the problems listed above would be eliminated by relinquishing use of the original track and

transferring it instead to the alternative track due west of the Farm on land belonging to the Phillips. The site was agreed and granted planning permission in both 2012 and 2017 at the specific request of the Applicant, is now 3/4 built, and deliverable for final use within a matter of a months - provided there are no more delaying tactics by the Applicant blocking completion over, for example, unqualified complaints that the road is being built to an inferior standard or is in the wrong position. It is flat, open, safe, wide enough for two way traffic over its entire length with additional passing places, there are no observational hazards, ditches or ponds to fall into, and there would be space to create an additional pathway for pedestrians and cyclists along the wide 3.5 metre verge on the eastern side should that be considered desirable. It will also be considerably more attractive to drive through, in keeping with the wedding venue itself. There is a sizeable turning area at the junction with Tournerbury Lane wide enough to accommodate large buses, coaches and heavy plant vehicles.

11. It is increasingly worrying that in 2022 the Applicant, unlike in 2012 and 2017 when he actively promoted the advantages of bypassing Tournerbury Farm, now seems to have minimal interest in taking up this unique opportunity of a direct, purpose built and more than adequate means of access to his property, something that has never been available before, and which would benefit his business in so many ways. I have been given comprehensive information on an opening Heads of Terms proposal for the new right of way sent by the Phillips to the Applicant in August 2021, but which remains unanswered. It is my understanding that no part of it has been rejected or accepted, nor have any counter proposals been put forward. Instead, the Applicant has incorrectly stated in the current planning application that it is the Phillips alone who are holding up negotiations by holding the Applicant "to ransom"; an unexplained, unjustifiable and defamatory accusation. I understand the Phillips had no knowledge that this obnoxious term and all that it implies would be used in APP/21/01310 as it has never been conveyed to them in writing before, and that they have still not been informed by the Applicant what the ransom accusation refers to specifically.

12. In a subsequent paragraph in the Covering Letter, the Applicant has added an even more vexacious and irresponsible statement that "the Approval of APP/21/01310 would in fact *increase* the potential for agreement to be reached on the provision of a new access route *by removing any ransom situation* of the Applicants by A G Phillips and Son Ltd." (My italics). No supporting evidence has been given to explain any kind of link between the supposed granting of planning permission and the subsequent disappearance of the "ransom situation", whatever that ransom situation may happen to be. Nor is there any explanation of how any such an arrangement could in any way "increase" the potential for agreement to be reached on the provision of a new access route, either in this Application, or, I believe, to the Phillips directly.

13. Amongst the irreconcilable differences between the parties, a further source of intense conflict has been a 50 year overage agreement with many years left to run, and which is entirely separate and unconnected to the relative merits of the two possible means of access to Tournerbury Woods. It involves significant sums of money, complex legal rights and liabilities and a deep level of distrust on the part of the Applicant which has led him to exploit his existing right of way through Tournerbury Farm to "gather evidence" that he has decided he needs, the end purpose remaining unexplained, and which I understand the Phillips have repeatedly asked him to stop doing. The original right of way granted in 1987 does not, expressly or otherwise, grant rights to do this, nor is it necessary in any sense, for him, or for any other holder of a similar restrictive covenant involving overage. The law against using a drone on the edge of one's own property (Tournerbury Woods) and pointing its camera into the heart of the neighbouring

property (Tournurbury Farm), another means of collecting photographic evidence, is difficult to enforce due to the problems of providing hard evidence from a very small object high up in the sky unattached to the invisible human responsible for it at ground level hidden among trees. I am very aware that these intrusive activities have deprived the Phillips of any prospect of privacy, peace or quiet and have greatly added to the distress caused by excessive user over the existing right of way. Until this crucial issue has been resolved it will be even harder to make any progress on switching from the old and unsatisfactory right of way to the superior new one. Granting planning permission on APP/21/01310 at this stage in the proceedings will have no effect on changing the right of way at best, and is more likely to make matters very much worse. By then, the Applicant would have no conceivable incentive for negotiating a new access way, given that he has stated in this application that he considers the current access to be entirely adequate, and would also risk losing his all too convenient means of gathering evidence as he passes back and forth through Tournurbury Farm filming anything and anyone as he pleases.

14. A less generous explanation for the Covering Letter statements discussed in paragraphs 11 and 12 above could be that they have been knowingly construed to manipulate, mislead and exert undue pressure on the planning authorities and planning committee members at a time when they are strapped for cash and would undoubtedly welcome being able to avoid the costs of an extremely expensive Planning Appeal in June 2022. Indeed, within the last few days very disturbing evidence has come to light that these fanciful statements in the Applicant's Covering Letter are indeed having exactly this effect on local council officials with an interest in this case, and illustrate the danger and risks of resorting to distorted, unrealistic and improbable claims that sound believable, but which are bogus.

15. The decision that has to be made by HBC on APP/21/01310 must be based solely on facts, reliable evidence and the best possible planning outcome, and not on speculation, wishful thinking and short term cost savings. Whatever that decision is will have profound consequences for any future prospect of the new track ever becoming an operational reality, with all its glaringly obvious environmental, economic, social and planning benefits, or more years of problems, uncertainty and strife for the servient tenement of Tournurbury Farm. The only reasonable solution at the moment is for this application to be withdrawn until such time that the new right of way can be delivered, legally and practically, to the satisfaction of both parties. With good will and co-operation, there is no reason why this process should not be able to be completed before June 2022. Thereafter, any ultimate granting of permission on APP/21/01310 or APP/18/00943 should be made conditional on relinquishing the old right of way through Tournurbury Farm and replacing it with a new right of way over the new track, in addition to any other necessary conditions such as limiting the number of weddings a year to 65, and occasionally, 68.

16. Finally, I wish to clarify that this submission and statement have been written entirely by myself with no input from anyone else. However, much of my source material comes from conversations I have had with the Phillips over the years, and to this end, I have cross-checked each reference to them before submitting these documents to ensure there were no points they disagreed with.