

Tournerbury Woods Estate, Hayling Island, Hampshire
Appeal under section 78 of the Town and Country Planning Act 1990

Havant Borough Council Reference:
18/00943

STATEMENT OF CASE
ON BEHALF OF THE APPELLANTS

July 2021

Haydn Morris BA(Hons) Dip TP MRTPI

Tournerbury Woods Estate, Hayling Island, Hampshire

Appeal under section 78 of the Town and Country Planning Act 1990
against the decision of Havant Borough Council to grant planning permission
retrospectively, for

Change of Use of land and woodland (retrospective) as a wedding venue, including
retention of permanent ancillary buildings and structures, the erection of temporary
structures (including marquees and temporary facilities), and the use of land as a campsite
in association with events, and use of the existing cottage for visitor accommodation.

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Director
HMPC Limited
8 Charborough Road
Broadstone
Poole Dorset, BH18 8NE

Mobile: 07887 772082
Office: 01202 690488

haydn.morris@hmpcltd.co.uk

- 1 This Statement is provided on behalf of Mr Christopher Snell, Mrs Alice Snell and Tournerbury Holdings Ltd (“the Appellants”) in support of their appeal against the refusal by Havant Borough Council (“the Council”) dated 25th June 2021 to refuse planning permission retrospectively for the :

“Change of Use of land and woodland (retrospective) as a wedding venue, including retention of permanent ancillary buildings and structures, the erection of temporary structures (including marquees and temporary facilities), and the use of land as a campsite in association with events, and use of the existing cottage for visitor accommodation”

on land at Tournerbury Woods, Hayling Island, Hampshire (“the Appeal Site”).
- 2 The application was submitted on 31st August 2018 following the issuing by the Council of an enforcement notice at the site (Havant BC reference 18/CMP/UNCU). The enforcement notice was appealed (PINS reference APP/X1735/C/20/3248610) and is subject to Inquiry. Furthermore, the appellant made an application for a certificate of lawful use to the Council dated 24th December 2019 (Havant BC reference 19/01262) to cover the site, uses and development thereon. The application for a certificate of lawful use and development was refused by the Council 2nd June 2021 and will be subject to a parallel appeal.
- 3 All three matters (applications and appeals) are interrelated. They apply to the same site, the same uses and development, and the same supporting evidence. It has been requested to the Planning Inspectorate, with the co-operation of the Council, that appeals into each of the three matters should be co-joined. The inquiry into the enforcement notice has been postponed until the outcome of the Council's determination of the CLEUD and retrospective applications was known. It was understood that should the applications be approved, the enforcement appeal could be withdrawn. If the applications were refused, as is the case, these would be appealed and the potential to co-join the appeals would be considered once the appeals were duly made.
- 4 This Statement (together with the accompanying Appeal Form) specifies the grounds of appeal and sets out briefly the facts on which the Appellants propose to rely in support of those grounds. The appellant challenges the decision of the Council on grounds that planning permission should be granted.
- 5 Following extensive discussions with the Council and the provision of copious amount of evidence, the appellants have demonstrated that the proposal is policy compliant and all but one relevant material considerations (the subject of the reason for refusal) have been accommodated positively.

6 One reason for refusal is offered in the decision notice dated 25th June 2021 as follows:

"Having regard to the nature of the activities being applied for, which include celebratory and social gatherings into the late evening; the high number of participants proposed; and the limitations of the access track which do not allow for two-way flow over all of its length through the adjoining Tournerbury Farm holding, the Local Planning Authority considers that it is not appropriate in planning terms for the wedding and events venue to rely on this route. To do so would bring an on-going risk of noise and disturbance to occupiers of the Farm dwellings; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole.

As such the development is considered contrary to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL1 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework."(NPPF)

The appellants case

7 The appellants challenge the reason for refusal on grounds that:

- The loss of private amenity claimed is exaggerated, unjustified and not proven
- Evidence presented by third parties claiming a loss of amenity is not supported by evidence
- The potential for disturbance and loss of amenity was known to adjoining residents prior to them taking up residency
- The residential amenity claimed as being harmed does not exist due to the context of and activities (unlawful and subject to enforcement action) undertaken on adjoining land
- Objection is raised by third parties, not for sound planning reasons, but for personal and financial benefit
- Mitigation and solutions to alleged harm promoted by the appellants have been resisted by third parties
- There is no 'agent of change' principle applicable in this case (NPPF paragraph 182)
- The existing access is lawful for all uses and at all times
- There is no evidence of safety issues or harm from the use of the existing access.
- There is no demonstrable evidence of conflict from use of the existing access
- The Council did not progress discussions on a site management agreement and or planning conditions which could be imposed to overcome concerns and allow the development to proceed without harm

- Planning permission for an alternative exists to serve the appellants land and has been implemented
- Use of the alternative access by the appellant is frustrated by the actions of third parties resulting in enforcement action by the Council
- Reference to policies in the Havant Borough Local Plan (Core Strategy and Allocations) have very limited weight in that they apply only to detail of the means of access and are capable of resolution through cooperation, condition or legal undertaking
- Reference to policies in the NPPF similarly have very limited weight in that they apply only to detail of the means of access and are capable of resolution through cooperation, condition or legal undertaking

Statement of Common Ground

8 The appellants will seek to reach agreement within a Statement of Common Ground with the Council on matters of:

- National and Local Policy and the scope and weight to be given to the areas of disagreement between the parties
- The site, its context, planning history and the development proposed
- The planning history and development of the site
- Material considerations applicable to the site, their application and mitigation
- Third party comments and their resolution
- Discussions between the appellants and the Council seeking to reconcile differences between the parties

Material Considerations

9 The development plan comprises the Havant Borough Local Plan (Core Strategy) 2011, and the Havant Borough Local Plan (Allocations) 2014. Policies CS16 and DM10 of the former and Policy AL1 of the latter are relevant specifically to the reason for refusal, although the appellants will reference the Development Plan as a whole and apportion weight according to its age and compliance with National Policy.

10 The appellants will reference the most recent NPPF taken as a whole

11 The appellants will produce evidence to demonstrate the lack of harm arising from the proposals and specifically

that there is no adverse harm caused to any material consideration.

Other Matters

- 12 The appellants will produce evidence demonstrating that the harm arising from the proposal and use of the existing access is exaggerated
- 13 The appellants will demonstrate use of the existing access to be safe and there is no reason to suggest this situation will change as the result of planning permission; to the contrary there is opportunity for the situation to be enhanced
- 14 The appellants will demonstrate that use of the existing access is unlikely to give rise to reduced amenity and poor living conditions at Tournerbury Farm
- 15 The appellants will demonstrate the proposal to be in accord with the detail and spirit of Planning Policy and the encouragement of growth
- 16 The appellants will demonstrate the proposal is sustainable and generate significant social, economic and environmental benefits that significantly and demonstrably out-weigh any harm claimed.
- 17 The appellants will reference the planning history of the appeal site and that of the land adjoining for which the loss of amenity and concerns for highway safety are raised, including recent planning and enforcement activity.

Witnesses

- 18 The appellants intend to produce Proofs of Evidence and call witnesses on the following topics:
 - (i) Planning;
 - (ii) Economic, social and environmental benefits;
 - (iii) Environmental issues;
 - (iv) Noise and disturbance;
 - (v) Access, traffic management and safety;
 - (vi) Legal Status of the site and access

Conditions

- 19 The appellants will seek to agree planning conditions with the Council.

Conclusion

- 20 The appellants will demonstrate that the proposed development is in accordance with the development plan, and NPPF taken as a whole.
- 21 They will provide evidence that the level of harm claimed and safety questions raised are insufficient to justify refusal of this application.
- 22 They will demonstrate the benefit of a grant of planning permission will significantly and demonstrably outweigh the very limited harm arising from continued use of the existing access.
- 23 The appellants will demonstrate there are no material considerations indicating that planning permission should be resisted.
- 24 The appellants will be inviting the Inspector to allow the appeal.

HMPC Ltd
for the Tournurbury Woods Estate
8th July 2021