

The Planning Inspectorate

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL FORM (Online Version)

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

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mr and Mrs Chris and Alice Snell

Address 198 Sea Front
HAYLING ISLAND
PO11 9HR

Email

Preferred contact method

Email ☒ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☒ No ☐

Name Mr Haydn Morris

Company/Group Name HMPC Limited

Address 8 Charborough Road
BROADSTONE
BH18 8NE

Phone number 01202 690488

Email haydn.morris@hmpcltd.co.uk

Your reference Tournurbury CLEUD

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority Havant Borough Council

LPA reference number (if applicable) APP/19/01262

Date of the application 19/12/2019

Did the LPA issue a decision?

Yes

☒ No

☐

Date of LPA's decision

02/06/2021

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

☐ No

☒

Does the appeal relate to an existing property?

Yes

☒ No

☐

Address

Tournerbury Woods
Tournerbury Lane
Hayling Island
Hampshire
PO11 9DL

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

☐ No

☒

E. DETAILS OF THE APPEAL

Please give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought.

Use of land, buildings and structures for weddings and as a commercial events venue using existing lawful access

Select the section under which the application was made:

Section 191

☒

Section 192

☐

Section 26H

☐

Please state the actual use of the site at the time of application to the LPA. (if not in use, write "nil" and state last known use).

Land, buildings, and structures (including log-cabin and adjoining deck, gazebo and marquee) used for weddings and as a commercial events venue, use of Woods Cottage for holiday lettings and uses ancillary to weddings and events, use of existing lawful access, woodland and agriculture

Is there an effective enforcement notice on the site?

Yes

☒ No

☐

F. REASON FOR THE APPEAL

1. Refused/refused in part to grant a certificate of lawful use or development.

☒

2. Failed to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development.

☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

☐

2. Hearing

☐

3. Inquiry



You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

☒ the box below

This appeal should be co-joined with extant enforcement appeal APP/X1735/C/20/3248610 already at Inquiry, and a parallel application also at appeal (reference APP/X1735/W/21/3278661) for retrospective planning approval and for which an Inquiry has been requested. The site, development, appellant's case, and extensive evidence base is common to all three appeals. The position adopted by the local planning authority is unjustified and its evidence and reasoning must be fully examined. The appellant has provided ample evidence to demonstrate the lawful use exists. The Inspectorate has been advised of the potential for co-joining since the enforcement appeal was validated.

(a) How long do you estimate the inquiry will last?

5 day(s)

(b) How many witnesses do you intend to call?

6

(c) Is there any further information relevant to the inquiry which you need to tell us about?

Yes

☒ No



If so, please explain the relevant information below

The planning authority believes a continuing use at the site, and buildings and structures erected thereon have not been established for sufficient time to become established. The appellant disagrees having provided copious amounts of evidence. The appellant believes the evidence has not been fully assessed and there are questions raised about the procedure adopted and the lack of detail explaining the Council's application of weight in decision making. Some assumptions are made and decisions are reached without clarity. This after very many months of discussion and supplementary information and clarification. In addition, and after considerable further discussion with the local planning authority, it has been possible to limit differences between the Council and appellant such that there was only one reason for refusal applicable to the most recent refusal of a retrospective application (appeal reference APP/X1735/W/21/3278661) relating to private amenity loss and issues of safety. New applications are being submitted to address this single issue, however, further refusal is likely and will be appealed. If the new applications are approved such approval is likely to impose unreasonable restrictions on what is a lawful use, for the reason of fabricated amenity and safety issues. The only logical, and an acceptable way forward is to co-join this appeal with that for the retrospective planning permission and enforcement notice (and possibly further appeals into any revised applications). Evidence supporting the lawful use of this site and which demonstrates planning permission should be granted for this specific appeal is extensive and must be examined robustly through Inquiry.

H. APPEAL STATEMENT

The statement is set out in

☒ see 'Appeal Documents' section

I. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☒ No



Please give details, including our reference number(s), if known.

Enforcement Notice Appeal APP/X1735/C/20/3248610

Appeal against refusal of retrospective application APP/X1735/W/21/3278661

J. SUPPORTING DOCUMENTS

01. The application made to the LPA. ☒
02. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. Please number them clearly and list the numbers here or on a separate sheet. ☒
02. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☒
03. The LPA's decision (if any). ☒
04. All other relevant correspondence with the LPA. ☒
05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☒
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

K. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 8 week time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature	Mr Haydn Morris
Date	09/07/2021 16:32:45
Name	Mr Haydn Morris
On behalf of	Mr and Mrs Chris and Alice Snell

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

L. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) not previously sent as part of the application to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>

- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

M. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	APPEAL STATEMENT
Document Description:	The Appeal statement.
File name:	Appellants statement of Case CLEUD.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The application made to the LPA.
File name:	APPLICATION_FORM-1341796.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Title Maps and plans.pdf
File name:	Photographs -1-82-compressed.pdf
File name:	Photographs-83-159-compressed.pdf
File name:	Incorporation and Insurance.pdf
File name:	Bank Statements.pdf
File name:	Witness Statement.pdf
File name:	Marketing and Bookings-compressed.pdf
File name:	LOCATION_PLAN-1341803.pdf
File name:	Ecology-1-189-compressed.pdf
File name:	Ecology-190-225-compressed.pdf
File name:	Invoices-1-340-compressed.pdf
File name:	Invoices 2 pages-237-327.pdf
File name:	Invoices 2 pages-1-236.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.b. Copies of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	List of drawigs and supporting material Tournerbury Retro application copy.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. The LPA's decision
File name:	DECISION_NOTICE-1490667.pdf
File name:	DELEGATED_REPORT-1490669.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. All other relevant correspondence with the LPA.
File name:	Correspondence.pdf
File name:	Objections-compressed.pdf
File name:	Consultee Comment CHC-compressed.pdf
File name:	EB0094-0095_EVIDENCE_OF_ACCESSIBILITY-1341675.pdf
File name:	Ltr IM to Mr S Weaver HBC - 6.1.21 - Final(24183963_1).PDF

File name:	LPA to Irwin Mitchell 10.03.21.pdf
File name:	email - Havant BC 240321.png
File name:	email 14082012 example of arrangements.png
File name:	Ltr IM to Mr S Weaver HBC - 24.3.21 - Final(25183893_1).PDF
File name:	TOURNERBURY BOOKING DIARY - BOOKED TOTALS SUMMARY - EVIDENTIAL KEY - 24.3.21(25184116_1).PDF
File name:	Ltr IM to Mr S Weaver HBC - 27.4.21 final(25616709_1).PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	LOCATION_PLAN-1341803.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	BOUNDARY_MAP-1136089.pdf
File name:	DECK_AREA_FLOOR_PLAN-1143729.pdf
File name:	MARQUEE_FLOOR_PLAN-1143728.pdf
File name:	WOODS_COTTAGE_GROUND_FLOOR_PLAN-1143726.pdf
File name:	WOODS_COTTAGE_FIRST_FLOOR_PLAN-1143727.pdf
File name:	LOCATION_PLAN_WITH_ACCESS_TO_ADOPTED_HIGHWAY-1141945.pdf
File name:	ELEVATIONS_PAGE_3__HOUSE_-1136099.pdf
File name:	ELEVATIONS_PAGE_2-1136088.pdf
File name:	ELEVATIONS_PAGE_1-1136098.pdf
File name:	MARQUEE_TECHNICAL_RENDERERS-1142078.pdf
The documents listed below are to follow by post:	
Relates to Section:	APPEAL STATEMENT
Document Description:	The Appeal statement.
Completed by	MR HAYDN MORRIS
Date	09/07/2021 16:32:45