

the first of these is the fact that the system is not a simple one, and that the results are not always the same.

The second of these is the fact that the system is not a simple one, and that the results are not always the same.

The third of these is the fact that the system is not a simple one, and that the results are not always the same.

The fourth of these is the fact that the system is not a simple one, and that the results are not always the same.

The fifth of these is the fact that the system is not a simple one, and that the results are not always the same.

The sixth of these is the fact that the system is not a simple one, and that the results are not always the same.

The seventh of these is the fact that the system is not a simple one, and that the results are not always the same.

The eighth of these is the fact that the system is not a simple one, and that the results are not always the same.

The ninth of these is the fact that the system is not a simple one, and that the results are not always the same.

The tenth of these is the fact that the system is not a simple one, and that the results are not always the same.

The eleventh of these is the fact that the system is not a simple one, and that the results are not always the same.

The twelfth of these is the fact that the system is not a simple one, and that the results are not always the same.

The thirteenth of these is the fact that the system is not a simple one, and that the results are not always the same.

The fourteenth of these is the fact that the system is not a simple one, and that the results are not always the same.

The fifteenth of these is the fact that the system is not a simple one, and that the results are not always the same.

The sixteenth of these is the fact that the system is not a simple one, and that the results are not always the same.

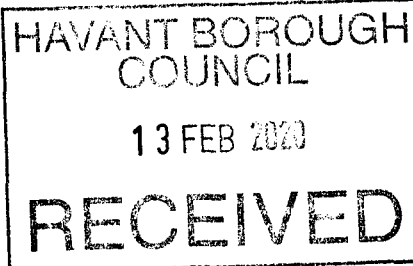
The seventeenth of these is the fact that the system is not a simple one, and that the results are not always the same.

The eighteenth of these is the fact that the system is not a simple one, and that the results are not always the same.

The nineteenth of these is the fact that the system is not a simple one, and that the results are not always the same.

The twentieth of these is the fact that the system is not a simple one, and that the results are not always the same.

Development & Services Manager
Planning & Building Control
Havant Borough Council
Public Service Plaza
Civic Centre Road
HAVANT
Hants PO9 2AX



13 February 2020

Dear Sir –

APP/19/01262: APPLICATION FOR CERTIFICATE OF LAWFULNESS AT TOURNERBURY WOODS

I am writing with my objections to the above application for a Certificate of Lawfulness at Tournerbury Woods, and have submitted this letter and its attachments by hand at the offices of Havant Borough Council before the end of 13 February 2020, as requested in your letter of 23 January 2020.

INTRODUCTION

I do not have any objection *in principle* to Tournerbury Woods being used as a wedding venue, and agree with the applicants that it does bring many benefits to visitors and the local community alike. But I do have serious concerns regarding a number of unresolved issues, including five significant points highlighted in Chichester Harbour Conservancy's letter to HBC of 10 December 2018, none of which have yet been addressed. It is my view that these and other objections would best be considered through the standard planning permission process, which permits necessary conditions to be imposed on operational development, and not through the process of Certificates of Lawful Development (CLEUDs), which are approved or rejected simply on the question of how many years an activity or use has taken place. For this reason, I list below my objections to the granting of an application for a 10 year CLEUD in Tournerbury Woods (TW).

GROUND FOR APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE

The applicant has ticked box 1 under Q9 in the application form, stating that the use began more than 10 years before the date of this application, that is to say, before 19 December 2009. In my opinion, two quite separate material uses, the first not requiring planning permission and within permitted development rights - holiday lettings at Woods Cottage; and a second, later use that did require planning permission for change of use to permit the holding of commercial weddings and events in addition to holiday lettings, have been tacked together to give the impression that weddings have been taking place on a continuous, rolling basis since before December 2009, when they have not.

The applicant has stated in Q10 that the "use" began in 1998 – this is the correct date for the earliest start of a very limited number of holiday lettings. The applicant has stated in Q6 of his

application form APP/18/00943 that the existing use as a wedding venue began in 2012, a date that is supported by evidence provided in APP/19/01262, including an invoice for a wedding on 7 June 2012. In HBC's advisory document of April 2007 recommending permission be granted for APP/17/00207 to construct an alternative vehicular track into TW, HBC have stated in Paragraph 3, Proposal, that the "the holiday cottage also does not require planning permission." If June 2012 is the correct starting point for commercial weddings, the use of TW as a wedding venue has taken place over 7.5 years until the end of 2019, and not 10 or more years as would be required for a 10 year CLEUD.

EVENTS, OTHER THAN HOLIDAY LETTINGS, HELD IN TOURNERBURY WOODS PRIOR TO JUNE 2012
The student party in 1990 and wedding held in 2002 were both private, family affairs. There are no invoices or evidence of the alleged "first commercial wedding" that took place in TW in August 2001 according to the Design & Access Statement for APP/18/00943, or alternatively the alleged "first commercial wedding" in May 2003, according to the Witness Statement for APP/19/01262. Whatever the actual date, these were one-off, stand-alone events with a gap of either 11 or 9 years before regular commercial weddings began, conducted in temporary, rented marquees subject to the 28 day rule, and located in a different area of the then, much smaller, Woods Cottage curtilage.

The actual number of "events" that do not involve either weddings or holiday lets are impossible to ascertain as the evidence in EB0142-0197, the Tournerbury Holdings Ltd. Booking calendar 01/01/2009 to 31/12/2019 inclusive, has been so heavily redacted that nothing can be seen, apart from a column of totals on the right hand side. However, the first page has not been redacted. Three shoot events on 3 days in January 2009 have been totalled up as 3 Woods Cottage days and 3 events, likewise in February and March 2009 when two Client Events have been listed as 2 Woods Cottage Days and 2 events in each respective month. If the procedure of including shooting days as *both* Woods Cottage lettings and event days has been repeated throughout the rest of the calendar, it could be argued that the events totals are misleading and should be recalculated *without* regular shoots included (and for which there are no invoices). Up to approximately 12 shooting events per annum have been held in TW since 2005 or so. Before that, starting in the 1950's or thereabouts, there were occasional shoots during the shooting season, perhaps 4 or 5 a year. There were none around the time of the great hurricane in 1987. These shoots have been part and parcel of local woodland life enjoyed by the local farming community. It involved very little traffic disturbance, and was based in the Wood Field area of Tournerbury Plantations well away from Woods Cottage, marked up on the Tournerbury Estate Boundary Map (EB 0878), attachment XX1. Problems with other event totals are discussed in the paragraph in Documentation below.

DOCUMENTATION

In the matter of applying for a Certificate of Lawful Development, it is incumbent on the applicant to provide clear, truthful and robust evidence. The applicant has alluded in Paragraph 4.5 of his Witness Statement in APP/19/01262 to the problems of accurately counting "events", but it is imperative that, whatever system is chosen and used, that it should be entirely consistent across different datasets, so that totals are the same whichever one is in use. The applicant has provided copies of invoices sent out between January 2007 and January 2013 (in addition to two further files of later ones) with continuous, rolling, invoice numbers starting with TH00101/EB0198 and ending in TH00234/EB0330, a total of 133 invoices in this period. No numbers are missing, suggesting that no odd invoices have been left out by mistake. It was unexpected therefore to discover no invoices for the 7 Woods Cottage day hires and 7 events between January and March 2009 reported in the previous paragraph.

There are significant discrepancies between the various totals quoted in (A) Design and Access Statement APP/18/00943; (B) Witness Statement APP/19/01262 with totals taken from the right hand column of the Tournerbury Holdings booking diary; and (C) Individual invoices TH00101 to TH00321 submitted with APP/19/01262. Appendix 1 (attached separately as XX5) includes a list of totals under the column headings (A) to (C) where numbers are inconsistent across the three datasets. This Appendix concentrates on data from 2009 to 2013 only, which covers and includes the first wedding booked for June 2012. The 7.5 year period between June 2012 and the end of 2019, when increasing numbers of weddings were taking place each year, falls far short of the 10 year test for this CLEUD application.

As it is not possible to determine how the discrepancies shown in Appendix 1 arose, the applicant should be requested to re-work and resubmit all calculations and totals from 2008 through to 2019, and explain convincingly why the previous sets of results did not tally up.

EXTENT OF WOODS COTTAGE CURTILAGE

A director at Tournerbury Holdings has explained to me in detail why the large area coloured grey on the Tournerbury Estate Boundary Map (EB 0878), with Woods Cottage at its centre, is considered to be the correct "curtilage" for the Tournerbury Woods wedding venue at the present time. The curtilage provides for a varied and attractive collection of spaces necessary for any large, commercial wedding venue, including spaces for the big marquee, its large lawn, firepit on the opposite side under trees, portable WC facilities, extensive car parking areas in different locations, the large open area known as West Lawn, ancillary buildings, Woods Cottage, play facilities for children, foreshore onto the creek, a new area close to one of the car parks for pitching tents, and additional open spaces such as the triangular grassed area in the far south eastern corner facing out onto Chichester Harbour, where a temporary floating pontoon is sometimes constructed to enable the bridal party to arrive at the site by boat.

The applicant himself has made a separate and lengthy argument in the Note, Chapter C, paragraphs 8, 10 and 12, stating that the entirety of the area coloured grey has been the extent of the Woods Cottage curtilage on a continuous basis since he was a teenager, that is to say, from 1990. In Note, Chapter C, paragraph 16, the applicant has stated, and I quote:

"In our submission, the curtilage of Woods Cottage is as shaded grey on the plan at EB 0878, and that is the correct "red" or "boundary line" for the purposes of Element 1 of the CLUED application."

This statement and the paragraph above must be challenged. The original extent of the Woods Curtilage up until at least 1998 is shown on the attached copy of a map from the 1961/62 Ecological Survey and Report of Tournerbury Marshes and Woodlands by John Savidge. I have added on a small area due east to include the small shed that was used by Keith Shackleton as a painting studio; I cannot recall which year this was erected, but it must have been some time before 1990 when the Shackletons left Hayling for Devon. The map is shown on Plan XX2.

The first substantial addition to the curtilage took place in 2001 when the West Lawn was created over an original area of mixed saltmarsh and rough grass, using for its base hard core and other large volumes of waste building materials deposited in TW between 1995 and 1999. The area on the opposite side of the track where the materials had been tipped was also converted from mixed saltmarsh/rough grass into an extensive car park topped with large quantities of imported gravel. Grass has now grown through. These two areas are coloured orange/terracotta on a copy of the Shaw Colegate Topographic Survey submitted with APP/18/00943, see Plan XX3 attached. From 2002 to 2011 most parties, helicopter landings and random assortment of marquees were put up and taken down on this lawn, being the only space large and flat enough,

other than Wood Field, where most shooting parties and gatherings took place. A separate, ramshackle marquee-cum-wet weather shelter has stood in this field for decades, see photo attached, number XX4. There is a photograph at EB 0025 of a Christmas party taking place in one of the Wood Field marquees in December 2011 in which the guests are wearing muddy wellington boots rather than indoor wedding-appropriate footwear.

The next and most significant alteration to the curtilage did not take place until 2011/2012 when the decision was taken to diversify away from mainly short-term holiday lets and into the wedding market. A large area of previously undisturbed woodland to the north and north west of Woods Cottage was subjected to heavy duty excavation, raising the ground level and landscaping, including the felling of mature trees, ground cover clearance, levelling and infilling the previous clay pit, drainage stream and pond depressions, and the subsequent import of thousands of tons of gravel, scalpings and top soil (all through Tournerbury Farm and Tournery Bury in endless streams of heavy goods vehicles) to create the new car parks, tracks to them, the marquee base and extensive, open, marquee lawn. This area is coloured blue on Plan XX3. The area coloured purple shows the location and extent of the original 1950's municipal waste tip. Since 2011, two enormous banks of earth have been constructed, coloured brown on Plan XX3, possibly sourced from a large heap of top soil located along the eastern edge of Woods Field. The triangular grass area in frequent use in the far south eastern corner of the curtilage beside the shoreline, is coloured yellow. The area coloured green on the Plan has been substantially thinned of original trees and thick, impenetrable ground cover to enable camping on the drier area above the old clay diggings bluff. The remaining areas left uncoloured within the red curtilage boundary on Plan XX3 are largely unaltered except for some tree thinning and ground cover clearance here and there. There are also considerable areas of wet, swampy mud, flooded in winter and unsuitable for access. With climate change and increasingly intense rainfall events at random times throughout the year, swathes of low-lying land in Tournerbury Woods can sometimes be flooded and inaccessible even in the height of summer.

The purpose of including this information is to demonstrate that substantial *physical* changes have arisen in this part of Tournerbury Woods *since* 2011/2012, directly, and only, as a result of the transition away from simple holiday lettings which did not require an extended curtilage or any additional infrastructure, into the more demanding business of weddings, which did require considerably more space and facilities than were previously available. The Google Earth area mapping tool indicates that the current curtilage boundary, outlined in red on Plan XX3, is approximately 21 times the size of the original curtilage area, outlined in black.

It is another pertinent factor in this submission that the previous holiday lettings business, and the subsequent wedding venue business, cannot possibly be considered to be one and the same thing, or to have "slowly and organically" segued from one to the other. There is a distinct watershed difference, before and after 2012, not only in terms of the total number of *people* visiting each year and associated exponential increase in private and service traffic at all hours of the day and night, but also the total quantitative *area* of curtilage land in TW now in regular use by thousands of wedding guests wandering around, in spaces that were once undisturbed oases of peace and tranquility. The applicant has claimed that 10,253 people visited TW between September 2017 and 2018. This compares with 0 to 4 persons a month, on average, apart from shooters, visiting TW before 2000. After holiday lettings picked up following the second Woods Cottage refurbishment in 2008, traffic increased slightly, but always within manageable and acceptable limits, with usually no more than one or two cars for each Woods Cottage letting.

Evidence of all the sequential changes listed above can be seen in numerous Google Earth and Ordnance Survey photos, taken in different years, and available to the public. I have available a further collection of aerial photos, with dates.

EARLY HISTORY OF TOURNERBURY WOODS BETWEEN 1987 AND 2000

As a direct descendent of Captain Ivan Snell and lifelong visitor to TW myself, I strongly dispute all three versions of the history of TW between 1987 and 2000 submitted in the Design, Access and Witness Statements in APP/18/00943, APP/19/00889 and APP/19/01262. However, as the specific details bear no relevance to the current application which relates only to a 10 year period dating back to 2009, no useful purpose would be served by elaborating further.

CAMPING

It is of concern that no evidence, proposals or dates have been submitted on the subject of camping. Up until the present time, camping appears to have consisted of occasional, generally small, one night pop up type tents, or hired bell tents, that are removed without trace a few days later. If this activity was allowed to continue unchecked, particularly if a CLEUD was agreed, it would appear that no controls could be, or would be, put in place for other, more extensive, even permanent camping development, such as yurts and similar glamping type structures, wood cabins, built in and plumbed washing and cooking facilities housed in as yet non-existent buildings, etc. It is another reason why I believe planning permission with clear and reasonable operational safeguards, not CLEUDS, are the only reliable way forward.

CONCLUSION AND RECOMMENDATION

On the basis of the points I have raised, it is my view that application APP/19/01262 for a 10 year Certificate of Lawfulness should be refused. I do however continue to believe that there is still scope for allowing the wedding venue to continue to function and flourish in the future, *provided* the very real concerns of all interested and affected parties can be resolved satisfactorily as a necessary pre-condition for granting retrospective planning permission for change of use into a wedding and events venue. **I do not agree with HBC's recent assertion in January 2020 that planning permission should not be granted at all because planning conditions could not overcome the problems.** The more important question the local community will want answered is whether any planning conditions could or would be adequately policed by Havant Borough Council, as has unfortunately not happened in many other recent developments in Hayling Island.

There have been numerous delays and disagreements since 2012 when the first planning application for the provision of an alternative track into Tournerbury Woods was submitted and approved. The incentive to finalise this complex case once and for all must surely, by this point in time, be more overwhelming than ever given the amount of time, work, resources and funds that have so far been deployed upon it. A new resolve to engage in greater co-operation would undoubtedly be of benefit to everyone involved, not least the applicants. After much hard work and investment during the last 20 years, it would indeed be a tragedy for them and their clients if the wedding venue business in Tournerbury Woods was forced to close.

Yours faithfully,

A large black rectangular redaction box covering the signature and name of the sender.

PLAN XXI
(EB 0878)

Tourner Bury Marsh

B.
Tourner Bury
Tourner Bury Wood

HAVANT BOROUGH
COUNCIL

13 FEB 2010

RECEIVED May 19 1964

Hayling Island

Piccadilly Circus

Wood
Field

Tent

A.

Woods Cottage & environs

Marquee

Gazebo

Deck

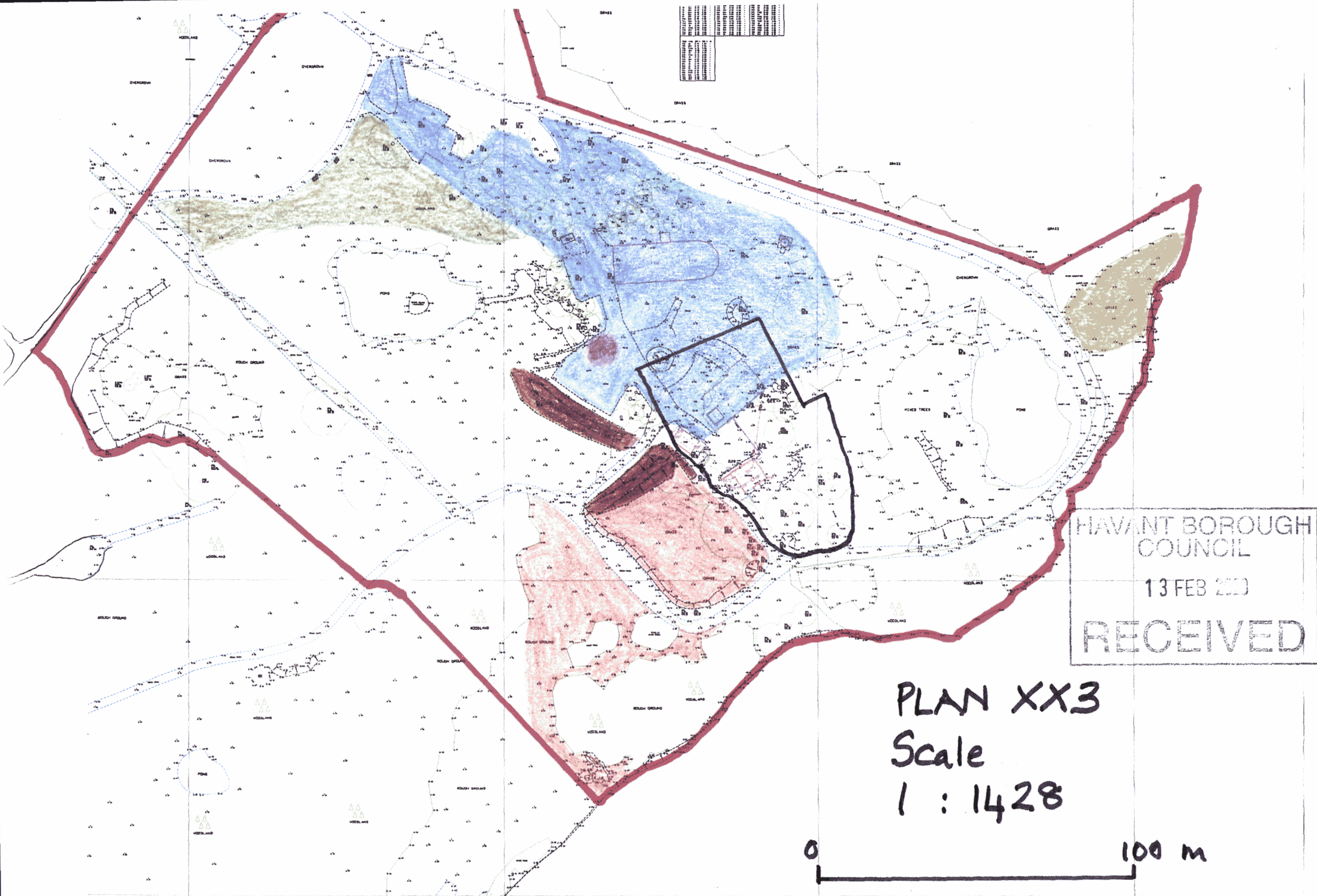
1. Woods Cottage

c.
Tourner Bury Plantations

D.
Tournerbury
Mudlands

EVIDENCE BASE

0070

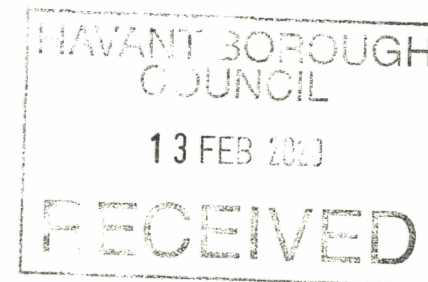


HAVANT BOROUGH
COUNCIL
13 FEB 2003
RECEIVED

PLAN XX3
Scale
1 : 1428



XX4 Wood Field Marquee
Tournetbury Woods,
taken March 2003



APPENDIX 1**(ATTACHMENT XX5)**

Documentation relating to the number of events at Tournerbury Woods between 2009 and 2013 submitted in (A) Design & Access Statement for APP/18/00943; (B) Witness Statement for APP/19/01262; and (C) Individual invoices TH00101 to TH00321 submitted with APP/19/01262

Explanatory Notes: Event totals shown in Columns (A) and (B) are copied directly from documents listed above, and do not specify what the events relate to. In Column (C), individual invoices allow a separation between Woods Cottage bookings, non-wedding events, such as training days and seminars, and wedding events specifically. The sum of the event numbers has been entered onto the top line for each year of Col (C), to enable comparison with the event totals shown in Cols (A) and (B). Two additional events have been added in 2012 to reflect the two charity events that were reported but for which there are no invoices. Finally, the number of Woods Cottage bookings and days hired have been separated into non-wedding and wedding totals for 2012 and 2013, as the wedding invoices include the Woods Cottage element, and to count them as two separate bookings would have resulted in double counting.

Abbreviations used: NWED non-wedding events; WED wedding events; n/a not available

	(A)	(B)	(C)
Total number of events in 2009	29	55	2
Total number of NWED events in 2009	n/a	n/a	2
Total number of WED events in 2009	n/a	n/a	0
No. of Woods Cottage bookings in 2009	n/a	40	15
No. of days Woods Cottage let in 2009	n/a	157	56
 Total number of events in 2010	 30	 40	 7
Total number of NWED events in 2010	n/a	n/a	7
Total number of WED events in 2010	n/a	n/a	0
No. of Woods Cottage bookings in 2010, NWED	n/a	52	21
No. of days Woods Cottage let in 2010, NWED	n/a	174	n/a
 Total number of events in 2011	 28	 50	 2
Total number of NWED events in 2011	n/a	n/a	2
Total number of WED events in 2011	n/a	n/a	0
No. of Woods Cottage bookings in 2011, NWED	n/a	53	24
No. of days Woods Cottage let in 2011, NWED	n/a	179	96
 Total number of events in 2012	 31	 49	 11 + 2 = 13
Total number of NWED events in 2012	n/a	n/a	6
Total number of WED events in 2012	n/a	n/a	5
No. of Woods Cottage bookings in 2012, NWED	n/a	38	20
No. of days Woods Cottage let in 2012, NWED	n/a	168	106
No. of Woods Cottage bookings in 2012, WED	n/a	5	5
No. of days Woods Cottage let in 2012, WED	n/a	27	27
 Total number of events in 2013	 36	 51	 8
Total number of NWED events in 2013	n/a	n/a	3
Total number of WED events in 2013	n/a	n/a	5
No. of Woods Cottage bookings in 2013, NWED	n/a	62	42
No. of days Woods Cottage let in 2013, NWED	n/a	205	193
No. of Woods Cottage bookings in 2013, WED	n/a	5	5
No. of days Woods Cottage let in 2013, WED	n/a	27	27