

TOURNERBURY FARM IS NOT 'A WORKING FARM' Pt 2 –

NON-AGRICULTURAL Vs AGRICULTURAL ACTIVITY OF "TOURNERBURY FARMYARD / FARMSTEAD"

At the centre of the landholding referred to as Tournerbury 'farm' is Tournerbury 'farmyard' or Tournerbury 'farmstead' as referred to by A G Phillips & Son Ltd (AGP). This is the hub of business operations of the landholding and it also contains the Right of Way to Tournerbury Woods.

Over the last 4+ years that the Tournerbury Woods Estate has attempted to gain planning consent for its longstanding hospitality business, the narrative "Tournerbury Farm is a working Farm" has been used repeatedly and dogmatically in opposition. This false narrative has been deployed by AGP and their supporters to persuade decision makers and Councillors at HBC that there is considerable issue in granting planning permission that utilises the applicants' Right of Way.

Primarily, this specious commentary has focussed on portraying a busy 'farm' (as a right minded person would perceive 'a farm' to be) which consists of large numbers of livestock, large agricultural machinery movement in constant use shifting crops, seeds, fertiliser and the business of ploughing, sowing, seeding, and spraying crops day in, day out throughout the year and intensive levels of animal husbandry and 'stock movements' that would be considered normal for the operations required for the cultivating of and production of food (as is the definition of 'farming'). Having excelled at selling this illusory storyboard to decision makers over a long period of time, AGP and their supporters in opposition to the extant application have expanded that picture to include a wider panorama that further paints a woeful scenario of health and safety issues, fire risk, employee and public danger and animal welfare concerns etc.

The previous document "TOURNERBURY FARM IS NOT A FULLTIME WORKING FARM" – investigated the scale of 'farming operations' across the agricultural fields at Tournerbury 'farm' and compared and contrasted the uses of such 'agricultural' fields 'on the ground' to agricultural fields in nearby farms on Hayling Island (Manor Farm and Stoke Fruit Farm). That evidence clearly demonstrates that for at least the last decade there has been no arable production at Tournerbury 'farm'. The only agricultural use evidence being the existence of a very small herd (circa 30) of extensively grazed beef cattle. It is given fact that extensively reared (outdoor grazed) British beef cattle need minimal human intervention and husbandry. Extensive livestock production is an animal farming system characterised by a low productivity per animal and per surface. It uses small amounts of inputs, capital, and labour compared to the farmed land area.

As no agricultural use takes place on Tournerbury Golf Centre, the only remaining part of the landholding referred to as Tournerbury 'farm' is the 'farmyard' or 'farmstead'. It is important therefore for decision makers at HBC to understand the uses to which the remaining landholding (the 'farmyard') is put to, so that objective analysis of the "impact on a working farm", as so extensively claimed by AGP and other objectors, can be objectively, reasonably and fairly assessed when determining either granting or refusing planning permission for the extant application.

This document details the agricultural activity and the non-agricultural activity in Tournerbury 'farmyard/farmstead'. –



Google Earth image 2019 of Tournurbury ‘farmyard’ or ‘farmstead’ or “Business Enterprise” as referred to by Thrings LLP on behalf of AGP.

The Google Earth image above shows the business operations area of A G Phillips & Son Ltd, the ‘farmyard’ at Tournurbury farm. The area is approximately 3.5 acres and is delineated by the red polygon.

Within these 3.5 acres there are 5 main built structures / areas –

- 1) Yellow polygon. Original Farmyard and Barn 1. This is the historic principle farmyard of Tournurbury Farm when sold to AGP in 1987 by Francis Snell, when Tournurbury Farm was actually ‘a working Farm’. This area consists of a hard surfaced yard area, a small stable block to the west, a small stable block to the east and at its northern end a derelict barn. Approx’ size of barn covered area 1560 square feet.

- 2) Green polygon. North Barn and builders' yard. This area is dominated by an 'Agricultural' barn granted permitted development by HBC in 1999 (Ref: 99/50683/011) for "Application for determination as to whether prior approval is required for the siting, design and external appearance of proposed steel clad Fodder Barn/Store for Agricultural Use". Approx' size of barn covered area 2960 square feet.
- 3) Orange polygon. South Barns 1 & 2 & lean-to Barn. Two barn structures with a third lean-to type barn structure added onto the eastern side of barn 2. Approx' size of barns covered area 9800 square feet.
- 4) Pink polygon. South Barn 3. Approx' size of barn covered area 3750 square feet.
- 5) Dark blue polygon. South Barn 3 lean-to barn. Approx' size of barn covered area 1380 square feet.
- 6) Light blue polygon. South Barn 4. Approx' size of barn covered area 4210 square feet.

In total, there is a total of circa 23,660 square feet of 'agricultural' built environment at Tournerbury farmstead. This is a very large area of agricultural structures which would seemingly on first glance be befitting and commensurate with a very sizeable agricultural operation ("a fulltime working farm").

As this convincing narrative of "a fulltime working farm" has been so heavily promoted by AGP and their supporters in opposition to the Tournerbury Woods Estate's planning application attempts, the uses of this 'agricultural' built environment should be fully addressed and understood by HBC Planning Officers and Planning Committee Councillor Members.

It is only by forensically inspecting the uses of the Tournerbury farmstead and its collection of large buildings that an honest appraisal of whether or not there is conflict 'on the ground' between purported 'agricultural operations' and the use of the Tournerbury Woods Estate's Right of Way can be reasonably and rationally assessed within the planning balance.

The use of each 'agricultural' barn will be analysed below, and then further uses of the land in the farmstead that surrounds these barns addressed also –

1) ORIGINAL FARMYARD AND BARN 1.



The old barn is at the top of the yellow polygon. It was granted change of use from agriculture to golf use to be turned into a club house facility when the majority of Tournbury Farm fields were developed into a golf centre and driving range by AGPS. This conversion work never happened, and planning permission has now lapsed. The barn is derelict and appears to only store junk and scrap. There is no agricultural activity or use taking place in it. The two immediately adjacent buildings to the south west and south east of the barn are less than a handful of stables. Agricultural use of this 1560 square feet barn and adjacent yard is 0. Please see photographs below –

PHOTOGRAPHS - ORIGINAL FARMYARD AND BARN 1.



Photograph above shows the original Tournerbury Farm Farmyard and the now derelict north barn. To the west and east are a couple of stables. The yard area has been used for third party caravan storage and this change of use to non-agricultural purposes does not appear to be consented to in planning terms by HBC. There is no agricultural production taking place in this area or this barn. Photograph date 07/01/2020.



Photograph above shows the original Tournerbury Farm Farmyard and the now derelict north barn. The yard area has been used for third party caravan storage and in this photograph a boat trailer. This area's change of use to non-agricultural purposes does not appear to be consented to in planning terms by HBC. There is no agricultural production taking place in this area or this barn. Photograph date 24/04/2021.



Photograph above shows the original Tournerbury Farm Farmyard and the now derelict north barn. To the west are a couple of stables. A third party business, Phillips Fencing and Landscapes flatbed van can be seen here being stored. There is no agricultural production taking place in this area or this barn. Photograph date 05/08/2022.

2) NORTH BARN AND BUILDER'S YARD.



This barn was erected under agricultural permitted development rights (see above) as a “Fodder barn/store for agricultural use” in 1999. Its predominant use today is as a store for a third party fencing and landscaping business “Phillips Fencing & Landscapes”. This is not agricultural use. The area surrounding it is used as a builders / landscape contractors’ yard for storage of building and landscaping materials (this is not agricultural use) and for the storing of scrap, predominantly from Tournembury golf centre (this is not agricultural use). This barn is not used for livestock, arable storage or any sort of agricultural production, please see photographs below –

PHOTOGRAPHS - NORTH BARN AND BUILDER'S YARD.



Photograph above shows this 'agricultural' barn being used for storage of Tee Caddy Café bench, Phillips Fencing and Landscapes Trailer and cement mixer. This is not agricultural use or food production. Photograph date 26/11/2020.



Photograph above shows this 'agricultural' barn being used for storage of Phillips Fencing and Landscapes Trailer and cement mixer. Cement bags are on the ground. This is not agricultural use or food production. Photograph date 28/11/2020.



Photograph above shows this 'agricultural' barn being used for storage of a third party business - Phillips Fencing and Landscapes - Trailer and mini digger. In the foreground are pallets of kerb stones, paving bricks and other landscaping materials. This is not agricultural use or food production. Photograph date 17/12/2020.



Photograph above shows this 'agricultural' barn being used for storage of Phillips Fencing and Landscapes Trailers. In the foreground are pallets of kerb stones, paving bricks and other landscaping materials. This is not agricultural use or food production. Photograph date 18/12/2020.



Photograph above shows this 'agricultural' barn being used for storage of Phillips Fencing and Landscapes Trailer. In the foreground are pallets of kerb stones, paving bricks and other landscaping materials. This is not agricultural use or food production. Photograph date 08/04/2021.



A third party landscape contractors van is being stored here (GRB Groundworks), line marking paint cans from the third party business 'Smartline Southern' are visible in the foreground, pallets of landscapers / builder's materials can be seen in the background. No agricultural activity. Photograph date 12/04/2021



Photograph above shows this 'agricultural' barn being used for storage of a third party groundworks business digger (GRB Groundworks). In the foreground are pallets of kerb stones, paving bricks and other landscaping materials. This is not agricultural use or food production. Photograph date 15/04/2021.



Bulk bags of landscaping materials have been delivered for Phillips Fencing and Landscapes business and empty paving stone pallets can be seen. Not agricultural use. Photograph date 28/05/2021



Photograph above shows this 'agricultural' barn being used for storage of third party business Phillips Fencing and Landscapes flatbed van. In the foreground are pallets of kerb stones, paving bricks and other landscaping materials. This is not agricultural use or food production. Photograph date 15/07/2021.



The barn is being used by third party business GRB Groundworks for storage of their digger and trailer. Not agricultural use. Photograph date 16/07/2021



This photograph shows pallets of building and landscaping contractors' materials, paving bricks, bricks, paving slabs, bulk aggregate bags and many used pallets. This is not agricultural use or food production. Photograph date 19/07/2021.



Smartline Southern (a third party line marking and road painting contractor that bases its operations at Tournerbury 'farm') using the North Barn for additional storage of line paint marking materials. Contrary to Agricultural use permission for this barn and contrary to private law agreements. Photograph date 09/08/2021



This photograph shows pallets of building and landscaping contractors' materials, paving bricks, bricks, paving slabs, bulk aggregate bags and used landscaping material pallets. This is not agricultural use or food production. Photograph date 01/09/2021.



This photograph shows pallets of building and landscaping contractors' materials, paving bricks, bricks, paving slabs, bulk aggregate bags and used landscaping material pallets. This is not agricultural use or food production. Photograph date 22/10/2022.

North Barn & builders yard conclusion:

The above photographs of the North Barn and builders yard can be cross referenced to the Google Earth images as shown in the previous document "TOURNERBURY FARM IS NOT A FULLTIME WORKING FARM" – which clearly shows that this area of Tournerbury 'farmstead' and 'farmyard' are not used for agricultural use in any meaningful way. The use of this barn and this area for change of use to non-agricultural purposes does not appear to be consented to in planning terms by HBC.

3) SOUTH BARN 1 & 2 & LEAN-TO BARN.



This large structure is effectively 3 barns but continuously roofed as one structure -

Barn 1 is used as a storage and operations area for the Tournerbury Golf Centre. It predominantly houses the ground care and green keeping equipment (e.g. ride on golf course mowers) and is used for the cleaning and storage of the driving range balls and equipment. There does not appear to be any planning permission consent from HBC for change of use of this barn from agricultural to leisure and tourism use and this area falls outside the red line of the planning permission granted for change of use of the northern agricultural fields into Tournerbury Driving Range and Golf Centre. This barn is not used for livestock, arable storage or any sort of agricultural production.

Barn 2 is used primarily for storage of AGP's large horse box for their show horses and is also used for storing equipment used at Tournerbury Golf Centre and the Tee Caddy Café. There does not appear to be any planning permission consent from HBC for change of use of this barn from agricultural to leisure and tourism use and this area falls outside the red line of the planning permission granted for change of use of the northern agricultural fields into Tournerbury Driving Range and Golf Centre. This barn is not used for livestock, arable storage or any sort of agricultural production.

Barn 2 Lean-to is mostly empty most of the year, occasionally a horse will be kept in here. This barn is not used for livestock, arable storage or any sort of agricultural production.

Please refer to photographs below as evidence of the lack of agricultural use at each of these barns –

PHOTOGRAPHS - SOUTH BARN 1 –



No agricultural production. Golf course grounds keeping machinery (ride on lawn mowers) can be seen. Grey boxes of the golf driving range balls are on the left for cleaning. Photograph date 01/02/2020



No agricultural production. Golf course grounds keeping machinery, (ride on lawn mower) being cleaned. Photograph date 13/03/2020



No agricultural production. Golf course grounds keeping machinery (ride on lawn mowers) can be seen.
Photograph date 17/05/2020



No agricultural production. Golf course grounds keeping machinery (ride on lawn mowers) can be seen.
26/05/2020



No agricultural production. Golf driving range balls only. Photograph date 20/11/2020



No agricultural production. Golf course grounds keeping machinery (ride on lawn mower) can be seen and the 4 by 4 buggy used to transport driving range balls back here for cleaning. Photograph date 24/11/2020



No agricultural production. Driving range orange baskets and golf balls stacked and Phillips Fencing and Landscaping Flatbed van (not agricultural) utilising this barn. Photograph date 15/12/2020



No agricultural production. Golf course buggy with driving range baskets in can be seen next to the driving range golf ball cleaning / storage area. Photograph date 23/05/2021



No agricultural production. Golf driving range balls only. Photograph date 02/07/2021



No agricultural production. Golf range buggy with driving range baskets in it. Photograph date 08/08/2021



No agricultural production. Golf range buggy with driving range baskets in it and golf course ride on mower. Photograph date 25/08/2021



No agricultural production. Golf course ride on mower. Photograph date 16/09/2021



No agricultural production. Golf range buggy with driving range baskets in it being reversed for ball cleaning. Photograph date 29/11/2021



No agricultural production. Golf course ride on mower. Photograph date 29/07/2022



No agricultural production. Golf driving range buggy with driving range baskets in it. Photograph date 06/09/2022

Barn 1 conclusion:

The above photographs are a very small random selection of photographs that have been taken over time in order to counter the false narrative that “Tournerbury Farm is a fulltime working farm”. This strong objection stance has been, and continues to be, presented to HBC decision makers as a reason for refusal of the previous application (and was successful in doing so) and is presented again vociferously in this application. What the above sample photographs show is that Barn 1 is not used for arable or livestock production, but to facilitate the operations of a leisure and tourism business – Tournerbury Golf centre and driving range and the associated licenced premise – The Tee Caddy Café.

PHOTOGRAPHS - SOUTH BARN 2 –



No agricultural production. No arable or livestock operations. Barn 2 is being used for the storage of Mr and Mrs Phillips's personal horse box and a smaller horse box trailer. Neither are agricultural use. The barn is also being used for the storage of Tee Caddy Café (AGPS's licenced premise) outside benches which are being painted. Not agricultural use. Photograph date 19/05/2020



No agricultural production. No arable or livestock operations. Barn 2 is being used for the storage of Mr and Mrs Phillips's personal horse box and a smaller horse box trailer. Neither are agricultural use. The barn is also being used for the storage of Tee Caddy Café (AGPS's licenced premise) outside benches which are being painted. Phillips Fencing and landscaping small van is being stored here. Not agricultural use. Photograph date 08/06/2020



No agricultural production. No arable or livestock operations. Barn 2 is being used for the storage of Mr and Mrs Phillips's personal horse box and a smaller horse box trailer. Neither are agricultural use. The barn is also being used for the storage of Tee Caddy Café (AGPS's licenced premise) outside benches which are being painted. The barn is also being used for the storage of a pallet of golf driving range balls. Not agricultural use. Photograph date 21/06/2020



Close up of the golf centre driving range balls on their pallet and the Tee Caddy Café outside benches in the background. There does not appear to be any planning permission consent from HBC for using barn 2 for any other use than agriculture. Photograph date 01/08/2020



Golf centre driving range balls on their pallet and the Tee Caddy Café outside benches in the background. Storage of an old ford capri. There does not appear to be any planning permission consent from HBC for using barn 2 for any other use than agriculture. Photograph date 20/08/2020



No agricultural production. No arable or livestock operations. Barn 2 is being used for the storage of Mr and Mrs Phillips's personal horse box and a smaller horse box trailer. Neither are agricultural use. The barn is also being used for the storage of Tee Caddy Café (AGPS's licenced premise) outside benches which are being painted. The barn is also being used for the storage of a pallet of golf driving range balls. Not agricultural use. Photograph date 30/09/2020



No agricultural production. No arable or livestock operations. Barn 2 is being used for the storage of Mr and Mrs Phillips's personal horse box and the storage of Phillips Fencing and Landscapes flatbed van. Photograph date 08/01/2021



No agricultural production. No arable or livestock operations. Barn 2 is being used for the storage of Mr and Mrs Phillips's personal horse box and a smaller horse box trailer. Neither are agricultural use. The barn is also being used for the storage of Tee Caddy Café (AGPS's licenced premise) outside benches. The barn is also being used for the storage of a pallet of golf driving range balls. Not agricultural use. The driving range golf ball storage and washing station van be seen on the right-hand outside Barn 1. Photograph date 23/02/2021



The Tee Caddy Café outside benches being stored. Storage of an old ford capri. There does not appear to be any planning permission consent from HBC for using barn 2 for any other use than agriculture. Photograph date 16/04/2021



Storage of Mr and Mrs Phillips's large horse box and storage of a third party building contractor's van and trailer (GRB Groundworks). No arable or livestock production. The driving range golf ball storage and washing station van be seen on the right-hand outside Barn 1. Photograph date 06/05/2021



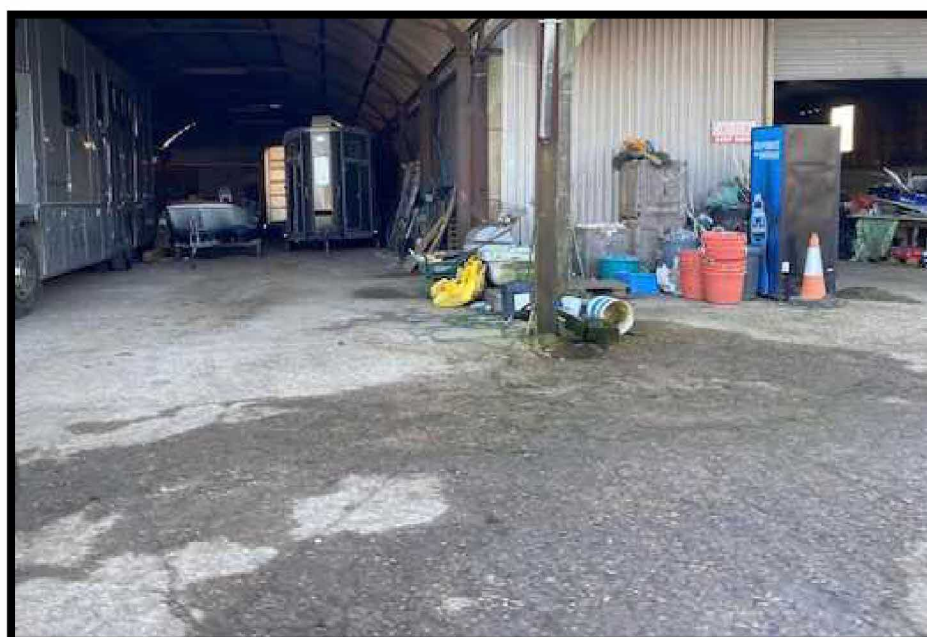
Storage of Mr and Mrs Phillips's large horse box. No arable or livestock production. The driving range golf ball storage and washing station van be seen on the right-hand outside Barn 1 as can a golf course ride on lawn mower. Photograph date 23/05/2021



Storage of Mr and Mrs Phillips's large horse box. No arable or livestock production. The driving range golf ball storage and washing station van be seen on the right-hand outside Barn 1. Photograph date 21/07/2021



Storage of Mr and Mrs Phillips's large horse box. No arable or livestock production. The driving range golf ball storage and washing station van be seen on the right-hand outside Barn 1. Barn 2 is also now being used for storage of a small motorboat. The golf range buggy with ball baskets in is being stored in barn 2. There appears to be no planning permission consent for change of use of this barn from agriculture to any other use class. A drink vending machine from the golf centre has appeared by the driving range ball washing station. Photograph date 31/10/2021



Storage of Mr and Mrs Phillips's large horse box. No arable or livestock production. The driving range golf ball storage and washing station van be seen on the right-hand outside Barn 1. Barn 2 is also now being used for storage of a small motorboat. There appears to be no planning permission consent for change of use of this barn from agriculture to any other use class. Photograph date 23/11/2021



Storage of Mr and Mrs Phillips's large horse box. No arable or livestock production. The driving range golf ball storage and washing station van be seen on the right-hand outside Barn 1. Barn 2 is also now being used for storage of a small motorboat. There appears to be no planning permission consent for change of use of this barn from agriculture to any other use class. Photograph date 02/12/2021



No agricultural production. No grain storage or arable use and no livestock use. Barn 2's only use here is storage of an old car, storage of a motorboat and storage of a small horse box. Photograph date 27/07/2022



Storage of Mr and Mrs Phillips's horse boxes. Most definitely not "fulltime agricultural use".
Photograph date 10/08/2022



Storage of an old car and a small horse box. Also being used for storage of the golf centre buggy loaded with driving range ball baskets. One of the golf centre ride-on lawn mowers is also being stored here. No agricultural livestock or arable production use. Photograph date 29/08/2022

South Barn 2 conclusion:

The above photographs are a very small random selection of photographs that have been taken over time in order to counter the false narrative that “Tournerbury Farm is a fulltime working farm”. This strong objection stance has been, and continues to be, presented to HBC decision makers as a reason for refusal of the previous application (and was successful in doing so) and is presented again vociferously in this application. What the above sample photographs show is that Barn 2 is not used for arable or livestock production, but to facilitate the operations of a leisure and tourism business – Tournerbury Golf centre and driving range and the associated licenced premise – The Tee Caddy Café and for the storage of Mr and Mrs Phillips’s horse boxes used to transport their horses to horse shows.

PHOTOGRAPHS - SOUTH BARN 2 LEAN-TO BARN –



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. Occasionally a single horse or two horses are present here, although that is not understood why as AGP built substantial stable blocks at the rear of barns 1 & 2. There is no record of these stables ever receiving planning permission consent from HBC. Photograph date 09/07/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. A horse is pictured which seems unfazed by passing traffic. Photograph date 12/07/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. Two horses are present at the rear and seem unfazed by passing traffic. Photograph date 18/07/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 01/08/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 03/08/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 11/08/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 21/08/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 25/09/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 17/10/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 30/10/2021



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. The area is being used to store a digger on a trailer. Photograph date 26/07/2022



There is no arable or agricultural livestock use of this barn lean-to. There is no agricultural use of this area. There are no horses present. Photograph date 04/08/2022

South barn 2 lean-to barn conclusion:

The above photographs are a very small random selection of photographs that have been taken over time in order to counter the false narrative that “Tournurbury Farm is a fulltime working farm”. This strong objection stance has been, and continues to be, presented to HBC decision makers as a reason for refusal of the previous application (and was successful in doing so) and is presented again vociferously in this application. What the above sample photographs show is that the Barn 2 lean to barn is not used for arable or livestock production, but that it is used occasionally for either a single horse or two horses. It is not understood why this is done when AGP have an extensive stabling complex (built out of public view and appearing to have been erected without planning permission) directly to the south of Barns 1 & 2.

- 4) SOUTH BARN 3 &
- 5) SOUTH BARN 3 LEAN-TO



South Barn 3 is the only structure at Tournerbury 'farm' that can be said to have 'agricultural use'. However, such use is de-minimus. It is not used every day, or even every week or even every month for agricultural use. It is used as a cattle shed for the small head of cattle – circa just over 30 – that are extensively grazed on Tournerbury Marsh and occasionally grazed on the field to the east of the golf centre.

Decision makers should be clear that this barn only gets used on one to two occasions a year for vet checks and if it is a cold winter then the cattle are brought off Tournerbury Marsh and reside in this barn until warmer weather. This does not coincide with the wedding season at the Tournerbury Woods Estate which runs typically from April until end of October. It is wrong for HBC decision makers to think that there are daily or even weekly or even monthly livestock movements from the Marsh to the barn utilising the Estate's Right of Way which would somehow be in conflict with the incredibly rare use of this barn. Please see photographs below for evidence of this -

PHOTOGRAPHS - SOUTH BARN 3 –



The north end of the barn has been hard cored and turned into a storage area for a third party business Phillips Fencing and Landscapes. Pictured here is Phillips Fencing and Landscaping trailer and cement mixer. The rear of the barn is been used by three small horses. There are no cattle present. Photograph date 24/07/2020



Phillips Fencing and Landscapes van and trailer. There is no HBC consent for change of use of this barn from agricultural use. There are no cattle present. Photograph date 09/08/2020



Phillips Fencing and Landscapes trailer. There is no HBC consent for change of use of this barn from agricultural use. There are no cattle present. Photograph date 15/08/2020



Phillips Fencing and Landscapes trailer. There is no HBC consent for change of use of this barn from agricultural use. There are no cattle present. Photograph date 21/09/2020



Phillips Fencing and Landscapes trailer, cement mixer and landscaping materials. There is no HBC consent for change of use of this barn from agricultural use. There are no cattle present. Photograph date 19/10/2020



Empty barn, there are no cattle present. Photograph date 14/07/2020



Phillips Fencing and Landscapes trailer loaded with wooden decking. Not agricultural use. There is no HBC consent for change of use of this barn from agricultural use. There are no cattle present. Photograph date 25/07/2021



As above. Photograph date 28/07/2021



As above. Photograph date 03/08/2021



Barn empty of cattle (agricultural use). The southern end of the barn has two horses in it. Photograph date 15/08/2021



Empty barn. No cattle present. Photograph date 21/08/2021



Empty barn, no cattle present. Photograph date 01/09/2021



Empty barn, no cattle present. Photograph date 25/09/2021



Phillips Fencing and Landscapes mini-digger on trailer. Not agricultural use, no cattle present. Photograph date 19/11/2021



Empty barn, no cattle present. Photograph date 02/12/2021



No cattle present, the southern end of the barn is being used by three horses (not agricultural use). Photograph date 09/01/2022



Empty barn, no cattle present. Photograph date 15/01/2022



Empty barn, no cattle present. Part of the northern end is being used to store a horse box. Not agricultural use. Photograph date 09/02/2022



Empty barn, no cattle present. Part of the northern end is being used to store a horse box. Not agricultural use. Photograph date 03/03/2022



Small head of cattle bought to barn from Tournerbury Marsh for vet checks. Photograph date 23/03/2022



Empty barn, no cattle present. Photograph date 15/04/2022



Empty barn, no cattle present. Photograph date 25/04/2022



Empty barn, no cattle present. Photograph date 15/10/2022



Empty barn, no cattle present. Photograph date 22/10/2022

South barn 3 conclusion:

The above photographs are a very small random selection of photographs that have been taken over time in order to counter the false narrative that "Tournurbury Farm is a fulltime working farm". This strong objection stance has been, and continues to be, presented to HBC decision makers as a reason for refusal of the previous application (and was successful in doing so) and is presented again vociferously in this application. What the above sample photographs show is that the South Barn 3 is used on less than a handful of occasions a year for vet checks of the small head of cattle that live

on Tournerbury Marsh and seem only to be in situ to retain the agricultural status of Tournerbury 'farm'.

The notion that HBC decision makers should refuse the extant application on the basis of conflict on the Right of Way with 'livestock' or 'stock' movements is erroneous and misguided 'on the ground' and in real life as no conflict exists, despite shrill protestations to the contrary by AGP and their supporters. This barn is used occasionally for keeping horses at its southern end, this is not agricultural use. This barn is also used for other uses such as by a third party business, Phillips Fencing and Landscapes which is not an agricultural business. The use of this barn for agriculture is so rare and infrequent it is insignificant within the planning balance.

PHOTOGRAPHS - SOUTH BARN 3 LEAN-TO –

The 'Lean-to' barn adjacent to South Barn 3 has no agricultural or farming use whatsoever. It has been commercially let to a third party Line painting and road marking business "Smartline Southern" for many years that bases its operations out of Tournerbury 'farm'. There is no change of use planning permission granted for changing the use of this nearly 1400 square feet barn, nor for change of use of Tournerbury 'farmyard' which is also used by the same road marking business both to store painting materials, chemicals and equipment in a container that is rented out by AGPS (and does not have planning permission). Smartline Southern also uses Tournerbury 'farm' to dispose of waste paint cans and painting debris in two skips in the middle of the so called 'farmyard'.



Smartline Southern line marking machinery being stored in the South barn 3 Lean-to. This is not agricultural production or use. No planning permission request or grant for this change of use appears to exist at HBC. Photograph date 08/08/2019



Smartline Southern line marking lorry being stored in the South barn 3 Lean-to. This is not agricultural production or use. No planning permission request or grant for this change of use appears to exist at HBC. Photograph date 09/08/2019



Smartline Southern line marking lorry being stored in the South barn 3 Lean-to. This is not agricultural production or use. No planning permission request or grant for this change of use appears to exist at HBC. Photograph date 06/09/2019



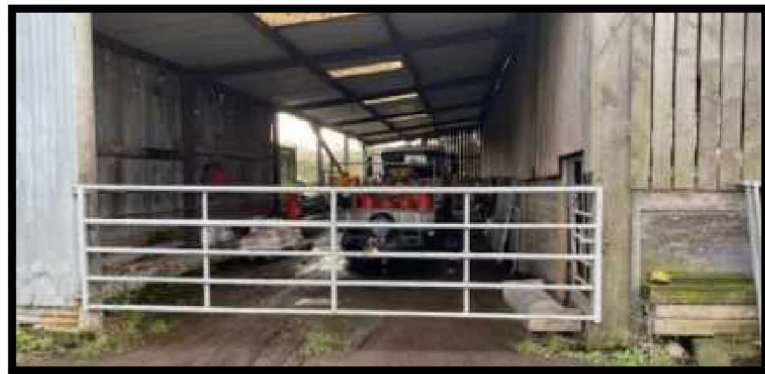
Smartline Southern line marking lorry being stored in the South barn 3 Lean-to. This is not agricultural production or use. No planning permission request or grant for this change of use appears to exist at HBC. Photograph date 04/10/2019



Smartline Southern line marking lorry being stored in the South barn 3 Lean-to. This is not agricultural production or use. No planning permission request or grant for this change of use appears to exist at HBC. Photograph date 16/11/2019



Smartline Southern employee loading a line marking machine onto his trailer which is normally stored in the lean-to barn, utilising Tournerbury 'farmyard' for non-agricultural use. No agricultural use taking place in along the Right of Way. Photograph date 21/12/2019



Smartline Southern line marking lorry, equipment trailer and a pallet of chemicals can be seen here. Photograph date 24/12/2019



Smartline Southern line marking equipment trailer being stored. Photograph date 07/01/2020



Smartline Southern line marking lorry and pallets of chemicals and paints can be seen here. Photograph date 10/01/2020



Smartline Southern employee closing the gate to the barn having dropped off the equipment trailer. No agricultural use taking place in along the Right of Way. Photograph date 12/01/2020



Smartline Southern line marking lorry, equipment trailer and a pallet of chemicals and gas canisters can be seen here. Photograph date 04/02/2020



Smartline Southern line marking lorry and equipment trailer can be seen here. Photograph date 23/04/2020



Smartline Southern equipment trailer and stored chemicals and paints can be seen here. Photograph date 08/08/2020



Solent Calor (Gas bottle distributor) can be seen here delivering new calor gas bottles to Smartline Southern and picking up old bottles. No agricultural use taking place in along the Right of Way. Photograph date 22/10/2020



Smartline Southern equipment trailer and stored chemicals and paints can be seen here. Photograph date 14/02/2021



Smartline Southern chemicals and equipment stored inside the South Barn 3 Lean-to. Photograph date 17/02/2021



Smartline Southern van and chemicals and gas bottles stored. Photograph date 15/03/2021



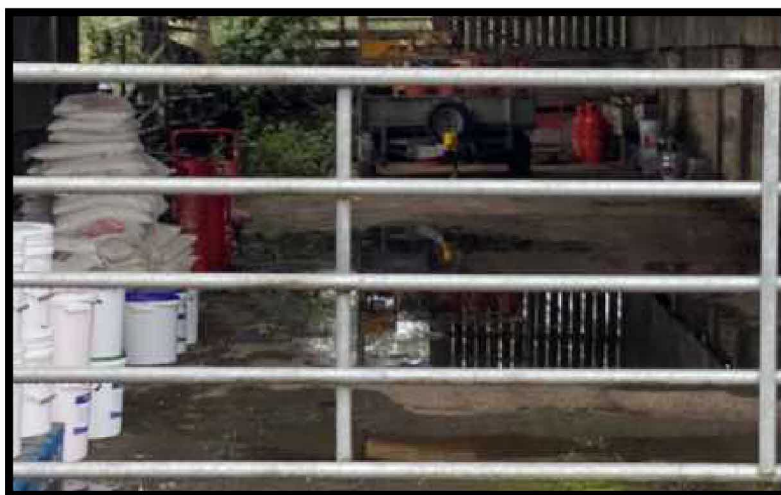
Smartline Southern van loading equipment and supplies. Photograph date 24/03/2021



Smartline Southern trailer and equipment at rear of the barn and chemical and equipment supplies down the left hand side. Photograph date 28/05/2021



New pallets of line marking paint have been delivered and new quantities of chemicals. Photograph date 17/06/2021



Smartline Southern paint supplies, chemical supplies and gas bottles can be seen in the foreground and at the back of the barn as can the equipment trailer. Photograph date 18/06/2021



Solent Calor (Gas bottle distributor) can be seen here delivering new calor gas bottles to Smartline Southern and picking up old bottles. No agricultural use taking place in along the Right of Way. Photograph date 28/07/2021



Solent Calor (Gas bottle distributor) can be seen here delivering new calor gas bottles to Smartline Southern and picking up old bottles. Photograph date 28/07/2021



Smartline Southern paint supplies, chemical supplies and gas bottles can be seen in the foreground and at the back of the barn as can the equipment trailer. Photograph date 01/08/2021



Smartline Southern paint supplies, chemical supplies and gas bottles can be seen in the foreground and at the back of the barn as can the equipment trailer. Photograph date 21/08/2021



Smartline Southern paint supplies, chemical supplies and gas bottles can be seen in the foreground and at the back of the barn as can the equipment trailer. Photograph date 13/09/2021



Smartline Southern chemicals and supplies being stored. Photograph date 25/09/2021



Smartline Southern equipment trailer and chemicals store can be seen at the back of the barn. Photograph date 02/12/2021



Smartline Southern gas bottles and what appears to be rolls of astro-turf being stored. Not agricultural use. Photograph date 04/11/2022

This non-agricultural and non-planning consented change of use (by a third party business) of Tournerbury 'farm' is not confined to this one barn. Activity also takes place around a container that is rented from AGPS and also disposal of line marking paint containers and associated debris and waste at 2 skips in the centre of the 'farmyard'.

Please see photographs below –



Smartline Southern empty paint tins in their skips in middle of 'farmyard'. Photograph date 23/05/2017



Smartline Southern empty paint tins in their skips in middle of 'farmyard'. No agricultural use taking place along the Right of Way. Photograph date 09/06/2017



Smartline Southern empty paint tins in their skips in middle of 'farmyard'. HBC decision makers should also note the unencumbered safe and useable width of the Right of Way here before Mr and Mrs Phillips started their shenanigans to unlawfully constrain it and to try to create a Health and Safety Hazard by continual placing of machinery, trailers, scrap, junk and paraphernalia, both alongside the Right of Way and on its passing places. No agricultural use taking place along the Right of Way. Photograph date 16/06/2017



Smartline Southern empty paint tins and plastic cans visible in background at their waste skip site. HBC decision makers should take note that this picture is of the Tournurbury Woods Estate staff repairing the Right of Way prior to the 2018 wedding season. Of particular note to decision makers should be that all potholes across the right of Way are being repaired and this is not limited to "a single lane track" as consistently and doggedly has been pushed by Mr & Mrs Phillips of AGP and their supporters as to the useable width of the Right of Way and on which basis HBC decision makers erroneously rejected the previous application. No agricultural use taking place along the Right of Way. Photograph date 19/04/2018



Smartline Southern empty paint tins and plastic cans at their waste skip site in the middle of Tournerbury 'farmyard'. Photograph date 18/05/2018



Smartline Southern empty paint tins and plastic cans visible at their waste skip site in the middle of Tournerbury 'farmyard'. No agricultural use taking place along the Right of Way. Photograph date 16/03/2019



Smartline Southern empty paint tins and plastic cans visible at their waste skip site in the middle of Tournerbury 'farmyard'. Of particular note to decision makers should be that all potholes across the right of Way have now been repaired by The Tournerbury Woods Estate and are visible across the whole width. They are NOT limited to "a single lane track" as consistently and doggedly has been pushed by Mr & Mrs Phillips of AGP and their supporters as to the useable width of the Right of Way and on which basis HBC decision makers erroneously rejected the previous application. No agricultural use taking place along the Right of Way. Photograph date 11/06/2019



Smartline Southern empty paint tins and plastic cans visible at their waste skip site in the middle of Tournerbury 'farmyard'. Photograph date 03/08/2019



Smartline Southern empty paint tins and plastic cans visible at their waste skip site in the middle of Tournerbury 'farmyard'. Photograph date 08/08/2019



Smartline Southern paint canisters on a pallet outside their container rented from AGP. Non agriculture use. Photograph date 08/08/2019



Smartline Southern empty paint tins and plastic cans and line painting waste visible at their waste skip site in the middle of Tournerbury 'farmyard'. Photograph date 01/09/2019



Smartline Southern empty paint tins and plastic cans and line painting waste visible at their waste skip site in the middle of Tournerbury 'farmyard'. Photograph date 03/11/2019



Smartline Southern refilling both their lorry and their van with new paint and line marking equipment from their storage unit container in the centre of Tournerbury 'farm'. Non-agricultural use and non-planning permission granted change of use of land and buildings. Despite there being a large lorry parked on the Right of Way there is still ample room for two vehicles to pass each other to its right hand side without conflict. No agricultural use taking place along the Right of Way. Photograph date 19/11/2019



Smartline Southern employee refilling both their lorry and their van with new paint and line marking equipment from their storage unit container in the centre of Tournerbury 'farm'. Non-agricultural use and non-planning permission granted change of use of land and buildings. Photograph date 19/11/2019



Smartline Southern employee unloading their van. Line marking waste can be seen to the right hand side. The flat bed ground workers van and trailer have just unlawfully tipped waste material on Tournerbury Marsh SSSI / SPA / RAMSAR site (photographs available). No agricultural use taking place along the Right of Way. Photograph date 25/11/2019



Smartline Southern employee loading his equipment trailer. Decision makers should note the width of the Right of Way as still usable despite this activity taking place. No agricultural use taking place along the Right of Way. Photograph date 21/12/2019



Smartline Southern van just about to leave having loaded up with line marking materials. Decision makers should note the clear line of sight along the Right of Way and the lack of any 'agricultural' activity. No agricultural use taking place along the Right of Way. Photograph date 12/01/2020



Line marking paint empty tins and other line marking waste in the middle of Tournerbury 'farmyard'. Photograph date 12/03/2020



Smartline Southern leaving the 'farmyard' having loaded materials. No agricultural use taking place along the Right of Way. Photograph date 09/04/2020



Smartline Southern skips have been emptied and new waste paint canisters deposited. Photograph date 12/04/2020



Two weeks later the skips are full again. 29/04/2020



Smartline Southern vans loaded up with new materials and disposing of waste in their skips.
Photograph date 02/06/2020



New Pallet of line marking paint has just been delivered. Photograph date 27/06/2020



Another new delivery of line marking paint. Photograph date 13/07/2020



More line marking paint having just been delivered. Photograph date 08/08/2020



South Barn 4 being used for storage of Smartline Southern's empty pallets. Photograph date 26/08/2020



Smartline Southern employees loading paint. Decision makers should note that despite this activity taking place there is more than ample safe width for two vehicles to pass going to and from the Woods Estate on the Right of Way. No agricultural use taking place along the Right of Way. Photograph date 09/11/2020



Solent Calor delivering new bottles of calor gas to Smartline Southern. Photograph date 03/12/2020



Smartline Southern loading new stocks of paint and a delivery of AstroTurf has arrived. Not agricultural use of Tournerbury 'farm'. Photograph date 06/02/2021



Smartline Southern using South Barn 4 for the storage of used pallets. Not agricultural use of this barn. HBC decision makers should also note the width and clear sight line of the Right of Way. No agricultural use taking place along the Right of Way. Photograph date 02/03/2021



Smartline Southern vans loading up materials from their container store beside the Right of Way. Overloaded skips full of empty line marking paint tins can be seen in the background. Photograph date 29/03/2021



Another day and another unloading of waste and refilling vans with new materials. Photograph date 31/03/2021



Smartline Southern using the North Barn for additional storage of line paint marking materials. Contrary to Agricultural use permission for this barn and contrary to private law agreements. Photograph date 09/08/2021



Another day and another unloading of waste and refilling vans with new materials. Photograph date 13/09/2021



Smartline Southern employees loading waste into their skips. Not agricultural use of Tournembury 'farmyard', no change of use from agriculture planning permission in place with HBC. Empty waste line marking paint tins can be seen on the left hand side in their skips. Decision makers should also note that despite this activity taking place the Right of Way is wide and safe to use by The Tournembury Woods Estate venue traffic. No agricultural use taking place along the Right of Way. Photograph date 13/09/2021



New materials and supplies being loaded into Smartline Southern's storage container in the centre of Tournembury 'farm'. Photograph date 28/10/2021



More unloading of waste materials and loading of new materials. Decision makers should note that despite this unlawful use of Tournerbury farm (both in planning terms and private law), the Right of Way to Tournerbury Woods remains entirely safely usable, despite AGP's strategic and unnecessary positioning of two large trailers either side of the Right of Way. No agricultural use taking place along the Right of Way. Photograph date 26/11/2021



Smartline Southern, loading new materials from there store. Photograph date 04/04/2022



Smartline Southern, loading new materials from their store. No agricultural use taking place along the Right of Way. Photograph date 23/06/2022



Third party business Phillips Fencing and Landscapes flatbed van is being loaded with landscaping materials as this business rents a storage container next to Smartline Southern's storage container. Also, one of Smartline Southern's vans is loading up line marking paint cannisters from their storage container. Photograph date 22/07/2022



Industrial paint supplier delivering new supplies of line marking paint to Smartline Southern. There are several factors in this photograph that HBC decision makers should take into account: The photograph was taken at 10:59am on Monday 1st August 2022. A Monday morning at the height of summer for any busy agricultural farming operation. However, the only activity taking place in Tournurbury 'farmyard' is the delivery of industrial paint for a third party road marking business, in contravention of both planning law and private law agreements.

The first barn has a horse box in it, the second barn has a trailer in it and there are no cattle in the third barn. The Right of Way is still entirely usable, although it should also be noted by HBC decision makers as to the unnecessary and deliberate storing of a large green trailer immediately alongside the Right of Way. Such shenanigans by Mr & Mrs Phillips are unnecessary and run counter to their objection statements and those of their supporters who state how seriously they take health and safety and risk etc in their *"fulltime working farm"*. This is a tactic that has developed over the period of planning applications by the Tournurbury Woods Estate for Mr and Mrs Phillips to line the Right of Way with junk, scrap or articles of machinery, such as trailers to create a negative optic in decision makers minds and present an impression of *"a full time working farm"* in contravention of the truth.

Crucially HBC decision makers should acknowledge that with such activity and such vehicles using Tournerbury 'farm', for Mr and Mrs Phillips's and their business AGP's financial gain, claims of "peaceful and quiet residential amenity" cannot be considered to be valid claims at all and for HBC decision makers to make a negative recommendation on the basis of "residential amenity" would appear highly unreasonable and perverse when judged in their true context 'on the ground'. Photograph date 01/08/2022



The new delivery of line marking paint supplies left outside Smartline Southern's container that is rented off AGPS. Not agricultural use. Photograph date 01/08/2022



Smartline Southern's waste tins and paint cannisters and line marking debris in their skips in the middle of Tournerbury 'farmyard'. Non-agricultural use. Photograph date 11/09/2022

South barn 3 Lean-to conclusion:

The above photographs are a very small random selection of photographs that have been taken over time in order to counter the false narrative that "Tournerbury Farm is a fulltime working farm". This strong objection stance has been, and continues to be, presented to HBC decision makers as a reason for refusal of the previous application (and was successful in doing so) and is presented again vociferously in this application. What the above sample photographs show is that the South Barn 3

Lean-to is used for absolutely zero “working farm use” and instead is let out to a road marking business.

The notion that HBC decision makers should refuse the extant application on the basis of conflict on the Right of Way with ‘livestock’ or ‘stock’ movements is erroneous and misguided ‘on the ground’ and in real life as no conflict exists, despite shrill protestations to the contrary by AGP and their supporters.

Crucially, what these photographs demonstrate is that the claimed “quiet residential amenity” of the two dwellings at Tournerbury ‘farm’ is entirely fallacious when looked at in its true ‘on the ground’ context. These are not two dwellings that enjoy constant ‘peace and quiet’ in a bucolic rural farmyard. Instead, they are situated in a “business enterprise” area (as quoted by AGP’s solicitors Thrings LLP to HBC). This ‘business enterprise’ has a number of third party businesses renting space from AGP and these third party businesses have further third party suppliers delivering materials and equipment.

For HBC decision makers to determine the extant application negatively either on the basis of the Right of Way going through “a full time working farm” or on the basis of “residential amenity”, would be to ignore the contextual reality ‘on the ground’ and to perversely base such a negative decision on written histrionics and the hearsay and conjecture of objectors as opposed to fact.

6) SOUTH BARN 4



This open sided barn structure is used primarily as a hay bale store for the horses that are kept at Tournerbury 'farm', when they are not grazing the southern fields. There is a small amount of hay making on one or two of the southern fields in the summer resulting in a handful of tractor and trailer movements with hay bales over approximately one week each year. It is also acknowledged that on the few occasions that the small head of cattle are brought into South Barn 3 for vet checks on the one or two occasions a year or if they are housed for a short time in the coldest winter months in South Barn 3, then hay from this hay store is used for them. In that sense South Barn 4 is used for 'agricultural purposes' albeit in a very limited and irrelevant (in planning balance terms) way.

It is also used for the storing of materials for Phillips Fencing and Landscapes and also for storing used pallets from Phillips Fencing and Landscapes and from the road marking business Smartline Southern. These uses are not 'agricultural'.

Please see photographs below of this barn –

PHOTOGRAPHS - SOUTH BARN 4 –



Hay bales being stored at the rear of the barn. No grain, crops, livestock present. Photograph date 28/03/2020



Used pallets from the line marking business Smartline Southern and the landscaping contractor Phillips Fencing and Landscapes are being stored in this barn. Not agricultural use. Photograph date 02/03/2021



Haybales being stored at rear of the barn. To the left is a large trailer loaded with decking planks – not agricultural use and believed to be for Phillips Fencing and Landscapes business. To the right are the store of used pallets from Phillips Fencing and Landscaping and Smartline Southern. Photograph date 15/07/2021



Barn being used for storage of third party businesses (Phillips Fencing and Landscapes and Smartline Southern) used pallets. Not agricultural use. Photograph date 25/09/2021



Security fencing, builders bulk bags and used building materials pallets from Phillips Fencing and Landscapes being stored in the western side of the barn. Not agricultural use. Phillips Fencing and Landscapes van can be seen in the background being stored. Photograph date 29/08/2021



The landscaping decking has now been unloaded from the trailer and is being stored in the western side of the barn. Not agricultural use. Photograph date 13/09/2021

South barn 4 conclusion:

This barn can be said to be partially in 'agricultural use' as the hay bales that are stored in part of it are occasionally used for the small head of cattle that extensively graze Tournurbury Marsh. What cannot be said is that this barn is in fulltime, day in day out agricultural use as a right minded person would perceive it. It contains no agricultural crops, seeds, fertilisers, silage etc and it is not full of livestock being moved back and forth daily, or weekly or monthly. It is most definitely used for purposes that are not agriculture use as part of the Tournurbury 'farm' "Business Enterprise" (Thrings LLP on behalf of AGP).

TOURNERBURY 'FARMYARD / FARMSTEAD' – OTHER USES

Outside of the barns at Tournerbury 'farm', but within the general 'farmstead' area there is a large area of land that is put to non-agricultural use and more closely resembles a "Business enterprise" area than a 'farm'.

Other uses to which Tournerbury 'farmstead' area is used are as follows:

- A. Change of use of Tournerbury farmyard into golf centre use for the maintenance and storing of golf centre machinery, golf equipment and paraphernalia.
- B. Change of use of Tournerbury farm for the purposes of third-party commercial plant and machinery storage.
- C. Change of use of Tournerbury farm for the storage of building materials for sale and use by a third party landscaping business (not related to agricultural or equine use).
- D. Containerised storage – non-agricultural or equine.
- E. Storage of articulated lorry trailers.
- F. Commercial waste burning facility (of imported waste, not waste generated on site and not green waste generated on site as per AGPS's Environment Agency Waste Permit D7 – Burning Waste in the Open – Registered 14/02/2019 – Expires 13/02/2022).
- G. Commercial waste storage facility of inert earth, brick rubble, concrete (of imported waste, not generated on site). AGPS holds an Environment Agency Waste Permit U1 – Use of waste in construction – Registered 04/04/2019 – Expires 03/04/2022).
- H. Commercial waste recycling facility of inert earth, brick rubble, concrete (of imported waste, not generated on site) and undertaken without HBC permits.
- I. Long term storage of scrap metal / non-agricultural or equine related plant and tyres.
- J. Boat storage.
- K. Third party Plant storage and commercial operating base for scaffolding contractors / highway maintenance and line marking contractors.
- L. Third party business storage of caravans and mobile homes.
- M. Use as commercial operating base for third party groundworks and fencing business (Phillips Fencing, owned and run by Mr and Mrs Phillips's son – William Phillips) and storage of plant and machinery and building materials of said business.

- N. Use of golf course irrigation pond for fishing by third parties.
- O. Use for the long-term storage of motor vehicles (non-agricultural or equine).
- P. Change of use of agricultural tied dwelling to commercial rental property (not agricultural use).
- Q. Construction of a horse ménage in agricultural field without planning permission.
- R. Construction of a round pen for horse training, without planning permission and hidden from public view.
- S. Infilling of natural drainage pond to create horse training round pond without planning permission, using non-screened waste material with the water course feeding directly into Chichester Harbour SSSI / SPA / RAMSAR / AONB. (hidden from public view).
- T. Construction of a substantial permanent stable block without planning permission and hidden from public view.
- U. Construction of two further stable buildings without planning permission and hidden from public view.
- V. Extension of domestic curtilage area of 1 and 2 Farm cottages change of use from agricultural land without planning permission.
- W. Construction of an earth bund on agricultural field adjacent to Tournerbury Wood to screen (hide) illegal waste burning facility at Tournerbury Farm without planning permission.
- X. Construction of a waste tipping and burning facility in above mentioned G. H. and I. on agricultural field without planning permission and in the Chichester Harbour AONB.
- Y. Fencing off domestic curtilage of 'The Granary' Farmhouse and construction of a hardstanding for the purposes of change of use to a caravan storage area for a third party business. As part of this a barn was demolished without prior approval in February 2020.
- Z. Fencing off domestic curtilage of 'The Granary' Farmhouse for the purposes of moving the golf centre car park as submitted in the recent local plan, without applying for change of use.
- AA. Creation of a residential unit in Farmyard by siting of a static caravan, commercially let to the public, not ancillary to farm use.
- BB. Building an office for Phillips Fencing and Landscapes at Tournerbury Golf Centre without planning permission.

- CC. Changing use of part of golf centre into a licenced restaurant, café, takeaway food business without change of use planning permission.

The compilation of photographs taken over time are too large to list here but can be supplied in chronological order at Appeal when necessitated. A very small handful are supplied here by way of reference:



Storage container for domestic non-agricultural use. Smartline Southern lorry can be seen in the lean-to barn next door. Photograph date 11/01/2020



Third party business Phillips Fencing and Landscapes depositing waste earth at the tip site, without transfer notes or other permits. Not agricultural use. Photograph date 25/07/2020



AGP created from the domestic garden area of Tournerbury Farmhouse (without planning consent) a dedicated area for renting out land to a third party caravan and mobile home storage business. This is immediately adjacent to one of the dwellings (Tournerbury Farmhouse) that AGP claim 'amenity' for. Photograph date 30/09/2020



Third party business Phillips Fencing and Landscapes using the non-change of use consented South barn 1 and area outside for vehicle adaptations and maintenance. Not agricultural use. Photograph date 02/12/2020



Third party business Phillips Fencing and Landscapes using the non-change of use consented South barn 1 and area outside for vehicle adaptations and maintenance. Not agricultural use. Photograph date 03/12/2020



Third party business Phillips Fencing and Landscapes using the non-change of use consented South barn 1 and area outside for vehicle adaptations and maintenance. Not agricultural use. Photograph date 05/01/2021



Third party scaffolding business loading their van. Not agricultural use. Photograph date 13/02/2021



Third party scaffolding business storage area, adjacent to a static mobile home that has been situated on a permanent basis without planning consent from HBC. Photograph date 08/04/2021



Third party scaffolding business unloading their van. Not agricultural use. Photograph date 10/04/2021



Third party business GRB Groundworks using the 'agricultural' North barn. Not agricultural use. Photograph date 12/04/2021



Third party caravan and mobile home storage business loading up a caravan. This is immediately adjacent to one of the residential properties at Tournerbury 'farm' that claims 'amenity'. Photograph date 05/07/2021



Third party Phillips Fencing and Landscapes loading materials and supplies from their container in the middle of the 'farmyard'. Photograph date 06/01/2022



Third party scaffolding business that runs their scaffolding operation from the centre of Tournerbury 'farmyard'. Not agricultural use. Photograph date 10/03/2022



Third party scaffolding business that runs their scaffolding operation from the centre of Tournerbury 'farmyard' unloading. Not agricultural use. Astroturf can be seen being stored on top of third party business Phillips Fencing and Landscapes storage container on the left hand side. Photograph date 05/04/2022

CONCLUSIONS:

Tournerbury 'farm' may officially retain 'agricultural status' for land use (with the exception of the golf centre and driving range that was granted change of use planning permission in the early 90's by HBC). However, the limited number of random photographs above taken over time show that this land is in a constant mixed use that has almost no agricultural use whatsoever, with the exception of a very small head of cattle that are grazed on Tournerbury Marsh to retain agricultural status and the advantages that brings.

The use of Tournerbury 'farm' is more of a mixed use light industrial site and therefore within the planning balance these uses should be weighed by decision makers against both the representations made by objectors' representations of "a risk of conflict of venue traffic with farm operations" and likewise with the claims of "residential amenity" and the context of that amenity 'on the ground'.

To be clear, the two dwellings at Tournerbury 'farm' are not situated in a quiet little rural backwater, miles from the Public Highway and devoid of comings and goings, traffic movements of third parties, the general public (Tournerbury Golf Centre and the Tee Caddy Café) or interruption and disturbance to 'amenity'.

It is worth re-iterating what was stated at the beginning of these two documents –

Part of the Officer reason for recommendation for refusal of the previous application was, as stated in the Officer's report –

".....the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard."

At the Planning Committee on 24th June 2021 the Planning Officer at his presentation slide 'Access to the site – within Farmyard' states to the Committee -

"You will have seen from the Officer's report that there are serious concerns about the appropriateness of the use of the access through the farmyard area, and in particular given the intended number of movements and the timing of the movements in close proximity to those residential properties will result in a loss of residential amenity to them and it is also likely to disrupt the satisfactory operation of the farm".

In questions to the planning officer, after deputations, a Committee Member, Councillor Patel, asked the Planning Officer –

"Mr Weaver, can you say how active the farm is? Is it really a live farm, a commercial farm? Or is it a part-time farm?"

The Planning Officer responds –

"I believe the farmers are full-time farmers. But beyond that I'm not sure I could comment on it, how active, I don't know how you would judge how active, ummm we heard from the deputation that there is livestock kept on the farm, you know 33 I think it was, cattle. A number of horses are kept there but in terms of the range of activities within the farm itself, not having had a pre-submitted question I can't give you much more detail than that I'm afraid."

What this exchange at Planning Committee clearly demonstrated was that in reaching a recommendation for refusal of the previous application on the basis of the application being likely to “disrupt the satisfactory operation of the farm” and “result in a loss of residential amenity”, the Council, in coming to such a decision had no ‘on the ground’ real-world idea or data of how little farming takes place at Tournerbury ‘farm’ or it’s true land use and instead had highly subjectively based their decision on the hearsay and opposition submissions of A G Phillips & Son Ltd and their supporters.

What the above evidence base over these two documents shows definitively is that Tournerbury ‘farm’ is not a “full-time working farm” and that Mr and Mrs Phillips are not “full-time farmers”.

This information goes to the heart of not only the claimed risk of impinging on the safe operation of a working farm (that doesn’t exist in reality) it also goes to the heart of the claimed ‘residential amenity’ of the two dwellings near the Right of Way. The Tournerbury ‘farm’ business enterprise is engaged in Leisure and Tourism, a licenced premise immediately adjacent to one of the two dwellings, commercially letting of ‘farm’ buildings to third party businesses, accepting trade waste and disposing of it, having members of the public store caravans etc.