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1st December 2021

Director of Planning
Havant Borough Council
Public Service Plaza,
Civic Centre Road, Havant,
PO9 2AX

For the attention of S Weaver

Dear Mr Weaver,

Tournerbury Woods Wedding and Event Venue Revised Retrospective Application

Introduction

This letter and planning statement is provided in support of a new planning application for the use of land and structures at Tournerbury Woods. You will be aware the site has a considerable and recent planning history. This application pulls together the many discussions, submissions and decisions relevant to the site and its use. It addresses positively the two remaining issues identified in the single reason for refusal to planning application 18/00943: the claimed loss of private amenity and the risk of conflict arising from the suitability of the access. The application is made specifically with regard to our meeting on 14th September 2021 and follows on directly from those discussions.

History

You will be aware that the refusal of 18/00943, dated 25th June 2021, has been appealed (PINS reference APP/X1735/W/21/3278661) and is co-joined with two other appeals, PINS references APP/X1735/X/21/3278706 and APP/X1735/C/20/3248610, into our claim for a certificate of lawfulness and our challenge to the serving of an enforcement notice, respectively. With reference to the planning officer's report, the latest refusal demonstrates robustly that the great majority of the matters associated with our client's development (and which are to be reconsidered through the appeals) have been addressed positively to the Council's satisfaction. The remaining linked issues, if now found acceptable, and we believe following further discussions with yourself and Mrs Julia Mansi, that this should be the case, will negate the need to pursue the appeals. Our clients have confirmed to PINS they will withdraw their appeals should planning permission be forthcoming. It is our view such action will enable the significant amounts of time, effort and money likely to be spent by the planning authority, Chichester Harbour Conservancy and Mr and Mrs Phillips (trading as A G Phillips & Son Ltd) and our client on unnecessary appeals, to be saved.

It is some considerable time since we first met with you to discuss the proposal, the issues it raised and possible ways in which an application might be scoped and or determined, with conditions or legal agreement as necessary. At the time there was no dispute between our client and the Council that use of the land for events had taken place and that structures had been erected without the benefit of planning permission. There was debate as to how long the use and structures had existed at the site, with the possibility that all, or some might be immune from enforcement action due to the effluxion of time.

At that meeting we discussed that while it was possible our client might submit for a certificate of lawfulness, it was deemed preferable to all parties, to seek planning permission; thereby avoiding any potential for misunderstandings or misinterpretations, and offer the planning authority opportunity to apply appropriate and reasonable planning controls over the site to mitigate local concerns, which would not be possible if a Certificate of Lawfulness was granted.

This approach was acceptable to our client, despite their view that they were entitled to a Certificate of Lawfulness without restrictions. Our client believes it is appropriate to have some controls imposed to assist site management and to reduce the potential for any nuisance generation through operation. Our client indicated a willingness to prepare a site management agreement for the site and operations.

Applications were duly submitted, but consequently matters were identified that required further investigation, some going to the heart of the applications' purpose, such as potential environmental impacts. The authority will be aware that rather than simply push forward with a certificate of lawfulness, where such considerations would fall away, our client agreed to progress an application and investigate all matters needed to support it. By adopting this approach, the Applicants displayed a true understanding and concern for the locality within which they have carried out their business for many years and on which they rely for their business to succeed.

Ecology

From early days the Applicants recognised the unique characteristics of the site, using these to 'better the offer' in response to keen competition from other venues. The environment and setting are key to the site's attraction and its conservation a key element of the business plan. To think of compromising the product through damaging its environment and setting is simply perverse. While there is policy support for Biodiversity Net Gain through development proposals following changes to the NPPF (paragraphs 174 – 178), and while requirements for such gains will in due course arise under the Environment Act, the Applicants propose and are already undertaking environmental enhancement as part of building the business. Many of these enhancements do not require planning permission (but will be included in the management plan) and as the application is to regularise development which has already taken place, future enhancements do not form part of this submission. Nevertheless, the Applicants have worked alongside Natural England for some considerable time (over two decades), since long before the project was first introduced, to identify areas of the site which are particularly sensitive, those parts offering potential mitigation to offset increased activity, areas for appropriate new habitat creation, areas where activity could take place without harm and suitable management tools for reducing impacts.

Through recent discussions arising from the latest submissions, the Applicants have tested with Natural England many of the previous assumptions and understandings upon which the development had been developed. These discussions included consideration and testing of all matters raised by third parties in opposition to the proposal. Whilst public concerns about possible impacts from the development are understood, it has been proven there is no harm arising from the proposals individually or in combination, or which could not be further enhanced through the measures already put in place or proposed by the Applicants.

Despite the reassurances given by the environmental experts at Natural England (whose views must be given considerable weight, consistent with their status), which were accepted correctly by the local planning authority, the two key opponents of the proposal, the Chichester Harbour Conservancy and A G Phillips and Son Ltd. continue, amongst other matters, to claim environmental harm arising through the Applicants' proposals, yet in the case of the former, comment appears inconsistent in respect of other developments around the harbour, and in the case of the latter, they themselves have promoted developments in the area.

It is not unreasonable therefore for our client to feel singled out for opposition, for there is no doubt this is the case regarding comment from A G Phillips and Son Ltd. where a long-standing neighbour dispute exists in respect of a number of non-planning matters, to which they draw attention through their most

recent appeal papers.

We are grateful to see acknowledgement of the considerable effort made by our client to provide the additional information, evidence and reassurance required by the Council through the officer report. Despite comments to the contrary by the remaining two opponents of the scheme, and which we believe should now be given limited weight in any future planning decision, all relevant planning matters have been identified and addressed positively. We say this particularly following the lengthy discussions with Natural England regarding ecology and general environmental matters, and Environmental Health in respect of noise and other potential disturbance. A new application does allow all relevant matters to be reconsidered, but in the light of the principle of consistency in decision-making (see *North Wiltshire District Council v SSE* (1993) 65 P. & C.R. 137 at 145) very recent planning history is highly material to this application and cannot be set aside without very good reason (such as a material change of circumstance). If there are changes of circumstance relevant to this application, it is the agreement, reached through on-going discussion with the planning authority, culminating at the meeting with officers on 14th September 2021, that the Applicants impose voluntarily further restrictions on the operation of the site. There has been no other physical change affecting the site since the previous decision was reached.

You will appreciate, after the considerable effort undertaken by our clients to provide substantive amounts of supporting evidence, all of which has been found to be acceptable in planning terms, that it is frustrating to see continued opposition to the proposal on those same matters. We anticipate this objection will be raised once more. We find it totally unreasonable that objectors continue to believe the expert decisions reached by bodies such as Natural England, your Council's Environmental Health Department and the Highway Authority are unacceptable. Given that for much if not all of the development proposed we believe planning permission is not required for reason of the effluxion of time, and that other matters have in any event been addressed, continued opposition must be afforded little if any weight unless demonstrably linked to the mitigated proposal now presented, in the light of changed material circumstance.

A revised Shadow Appropriate Assessment has been prepared for the application to ensure all evidence is fully up to date.

It remains our client's belief, evidenced most recently by the actions of the closest neighbour to the site, A G Phillips and Son Ltd. that objection by third parties is maintained primarily for personal advantage / commercial gain reasons rather than for planning in the public interest. Should such comment continue in response to this application, we trust the Council will consider it appropriately and afford it limited weight.

We request that any third-party representations made to this application are treated with caution in the knowledge of the on-going differences. Comment should be afforded weight appropriate to any planning merit raised in respect of new issues, or directly relevant material considerations.

Refusal of application 18/00943

The application is made following the refusal of application 18/00943 and responds to the single reason for refusal which states:

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

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

and the National Planning Policy Framework."

The description of development refused comprised: *"A material change of use of Land as a wedding and events venue, and ancillary operational development to the material change of use"*. This covers all use and other operational development at the site, subject to previous submissions including retrospective application, enforcement notice and Certificate of lawfulness. The reason for refusal, amplified by the reasoning in the officer report, demonstrates clearly that almost all planning matters associated with the submissions have been resolved and the remaining issue is the suitability and use of the existing access and its potential for the generation of nuisance to the property immediately adjoining, in particular the two residential units at Tournerbury Farm. Planning permission arising from this application will supersede the three previous submissions.

Officers will recall that at the first meeting (on site) to discuss the proposal, use of the existing access and the potential for nuisance generation through its use (passing two residential properties) was raised as the primary planning concern for the Council. It was accepted that other matters would have to be considered and assessed, but from experience it was the movement of visitors to and from the site that was most likely to give rise to concern. Consequently, forms of management were discussed to mitigate any adverse impact, but these were not progressed with any level of detail or certainty because consideration of the application was diverted by other concerns raised, some spurious and unsubstantiated, which have since been addressed positively as confirmed by the officer report.

In response to the specific reason for refusal and set against the background of potential lawful use of land and the lawful, unencumbered, use of the access by the Applicants for any form of activity, we find ourselves, having addressed material considerations, full-circle back to the issue highlighted as being of concern at that early meeting. It is therefore necessary to find a satisfactory planning balance to these remaining concerns in order to allow the proposal to proceed; that balance being an appropriate mitigation of the Applicant's lawful activity, to provide an appropriate and reasonable level of private amenity for the two residential units at Tournerbury Farm.

Whilst any resident is entitled to a reasonable level of private amenity, that which might reasonably be expected by residents at Tournerbury Farm must be tempered by the property being ostensibly located on a "working farm" (as claimed by the occupiers), and is subject therefore to differing ambient noise levels than a normal residential dwelling; the threshold of reasonableness is therefore higher than 'normal'. We ask only that the local planning authority afford an appropriate level of weight to the existing situation, any indisputable evidence provided by third parties, and our clients 'fallback' position of continued lawful use, when assessing the degree of potential impact.

In addition, the level of farming activity has changed significantly in recent years, taking alternate commercial forms, including public gatherings and licensed activities, with its own potential for unregulated disturbance. The potential for disturbance resulting from the recently enhanced licensing position of The Tee Caddy Café directly adjacent to the two residences at Tournerbury Farm, and one of the commercial uses introduced at the farm, will not be lost on the Council.

To this must be added the recognition by A G Phillips and Son Ltd. when purchasing the farm, that the retained access passing the residence, would continue to be used by the Applicants and successors in title for all purposes and at all times, with or without vehicles. Any purchaser would acknowledge the potential for disturbance, and any consideration of an appropriate level of amenity to be protected in planning terms must be adjusted accordingly. It is totally unreasonable for the purchaser of Tournerbury Farm to now suggest a level of amenity loss of the magnitude now claimed when, it was not an issue previously despite the activity taking place for many years as we have evidenced, and the purchase was entered into in the full knowledge of continued and potential increase in the use of land at the Tournerbury Woods Estate.

It can be no coincidence that objection to our client's activities has only arisen at the time when the development aspirations of the occupiers of Tournerbury Farm have been frustrated by the failure to reach agreement with the Applicants on matters of restrictive covenants on other land forming part of Tournerbury Farm (as can be interpreted from the recent appeal papers submitted on behalf of the farm

owners). It is reasonable for the Applicants to believe pressure is being brought to bear through continued objection to their wedding / event planning applications by A G Phillips & Son Ltd.'s misguided belief it will achieve a resolution of that dispute to the commercial advantage of A G Phillips & Son Ltd. The planning authority must be made aware of this context in order to afford appropriate weight to any further comment which might be made.

The Applicants acknowledge that, despite the lawful use of the access route, it is appropriate that Tournurbury Farm should be afforded an appropriate level of amenity protection. It was for reason of finding an appropriate level of mitigation that we held a virtual meeting with yourself and Julia Mansi on 14th September 2021. During that meeting we discussed our previous planning submissions and extant appeals and sought to agree the limited differences which now exist between the planning authority and our clients. We agreed to submit a revised application which demonstrated a resolution of the remaining differences and provide mitigation (notwithstanding our view that such mitigation is not required).

We outlined what we believed to be an appropriate level of mitigation through provision of a limitation of site activity which could be monitored and therefore enforced as necessary by the local planning authority. Such limitations we discussed could include;

- the number and frequency of events,
- limitations on the numbers attending and their duration, and
- the introduction of revised event management to limit any potential impacts on the neighbouring property.

We have considered these matters further and are pleased to now offer mitigation measures formally as part of this revised planning application, which we believe should be acceptable to the Council and which our clients are content to offer, notwithstanding their view that such mitigation is not required.

New application proposals

This is a new application which seeks to supersede all applications and the Certificate of Lawfulness submissions which precede it. The proposal is to regularise the use of the application site for weddings and events and provide planning permission for all associated structures and operational development associated with that use. In the absence of any material change of planning circumstance, evidence previously presented to the Council and remaining up to date is re-provided with this application, updated evidence where needed is also presented. New, additional evidence is provided to address the reason for refusal to application 18/00943, the issue remaining in dispute between our client and the Council.

This application addresses positively the two matters outstanding. We submit that the access to the venue is appropriate over "all of its' length" for the uses and scale of operation now proposed and that the private amenity of property passed by that access will not be unreasonably impacted, and will be mitigated by the measures now being introduced. There will be movement continuing near the property as a result of the long-standing nature and position of the access of which the occupiers are aware over many years, but this is the status quo, and it will be positively addressed through the application.

There are no other matters in dispute between our client and the Council and agreement to the measures now being promoted for approval will allow the site and its use to continue in a managed and enforceable manner, bringing about the positive social, environmental and economic benefits for the area identified in the officer report.

As stated above, this application is submitted as a direct response to the previous refusal, responding in the manner agreed through our on-going discussion, by limiting the number and frequency of events, imposing limits on the number of persons attending events, and introducing a management regime which offers safeguards to local community amenities, additional to the 'normal regulations' applied to such events and activities.

By way of recap, you will be aware our client has operated at this site for many years initially under what

were believed to be permitted development rules. Permission was sought retrospectively, and those applications are now subject to appeal alongside an appeal against an enforcement notice served by the Council, and one for the rejection of a Certificate of Lawful Use. We are hopeful this application can be determined quickly, given that almost all relevant planning matters were resolved in the previous application, and the scope of this application is limited and understood to be acceptable in principle to the Council. If a positive decision can be achieved quickly the need for the extant appeals to be progressed will consequently fall away.

We acknowledge that the principal opponents to the project, will likely raise objection to this proposal also. While we accept the right of anyone to comment, and it is possible new matters of planning concern could be raised in respect of the changes contained in this application, we expect the majority of comment to be similar to that previously made. This being so, we draw the Council's attention to the relatively recent conclusions set out in the officer report, believing there to be no material change of circumstance existing which should lead the Council to reach a differing conclusion on those matters that were previously positively determined.

The application seeks permission for development which was subject to previous submissions, and therefore, in the absence of any material change of circumstance, that material, and the decisions reached upon it, can be brought forward to the consideration of this application. We see no reason why Consultee decision makers should reach a decision different from that confirmed previously and to do so would be perverse. At the heart of this application is the response of the Applicants to the matters unresolved previously; the perceived potential for loss of private residential amenity and the contribution to that made by the suitability of the means of access. Opponents may disagree with the position reached by the decision makers previously as mentioned above, but those decisions still stand and must be regarded by the local planning authority.

For ease of reference we list those decisions below:

Trees:	No objection
Conservation and Heritage:	No objection
Archaeology:	No objection
Environmental Delivery:	No impact on the integrity of international designated sites and unlikely to have any significant effect of site ecology
Environmental Health:	No objection subject to noise limitation conditions
Contamination:	No objection
Fire and Rescue:	No objection
Highways:	No objection
Landscape:	No objection
Flooding:	No objection
Natural England:	No objection subject to mitigation
Planning Policy: considerations	No in principle policy objection, subject to operational
Clinical Commissioning:	No objection
Drainage:	No objection subject to conditions
Traffic Management:	No objection

Building upon these conclusions and the firm conclusion the proposal is acceptable in almost all respects, the decision in this case must turn on the acceptability of the enforceable mitigation now being offered by the applicant to reduce the potential for disturbance (as would arise from an unencumbered

use of the access) to adjoining residences and for potential conflict along the access road.

Alternative access route

This application proposes a continued use of the existing access. The Council will be aware that the Applicants have secured consent for an alternative route which negates the need to pass through Tournurbury Farm and all claimed associated matters arising. This has been implemented but cannot be bought to use, due to the lack of further agreement with A G Phillips and Son Ltd. as to fair terms for allowing the Applicants to use it. The Council will also be aware of a subsequent application by A G Phillips and Son Ltd. to amend the road design to a lower standard, and currently it is not completed.

Our clients do not dispute a new access could deliver benefits if it is constructed to a usable standard in an appropriate location. We have discussed this with the Council previously as stated above and secured permission for an alternative route. However, delivery and use of the route has only been offered on the basis of unreasonable further agreement by the adjoining landholder, which is unlikely to be forthcoming without the Applicants surrendering to a punitive ransom.

Consequently, the Applicants continue to promote this proposal using the existing access, but with self-imposed limitations to overcome the concerns of the local planning authority, despite there being no objection previously raised by the highway authority. The absence of an alternative access does not restrict approval of this proposal nor does it preclude an alternative access being provided in the future. Approval of this proposal would in fact increase the potential for agreement to be reached on the provision of a new access route by removing any ransom situation of the Applicants by A G Phillips and Son Ltd.

The mitigation now proposed, principally the number of events held and numbers of those attending, is a fundamental element of this application. The numbers applied for are economically viable and operating at a level which allows for continued maintenance and enhancement of the existing woodland, environment and heritage asset at the site. It facilitates the continuing provision of local employment and supports the many local suppliers that rely on the Tournurbury Woods Estate. The compromise now offered represents a significant reduction in numbers to those originally sought and which, from the comments received were greatly misunderstood by third parties. Assessment indicates that these levels of use allow for a viable enterprise with some headroom for growth. To reduce the figures further will bring into question the venture's sustainability (and in such circumstances there is no alternative other than to progress the appeals).

Whilst we are content for any permission to be limited to the number of events now sought, we wish to retain, through the application of condition, the ability to exceed those numbers with prior approval, in certain circumstances. We suggest therefore a condition that will allow the operator the opportunity to add in a limited number of additional events in any calendar year, in exceptional circumstances, providing details of the event are available to the Council at least six weeks in advance for approval (with weddings, most will be known at least a year in advance and the likelihood of an event at short notice will be an exception). The number of exceptions considered annually will be limited to not more than 3.

The limitations now imposed are based on the Applicants' assessment of capacity and management. It must be recognised that economic circumstances and demand may change in the future requiring an adjustment to operations. Accordingly, if those changes fall outside of the planning permission sought, they will be subject to further planning submissions. Should this arise a new application will be required allowing the planning authority to maintain appropriate levels of planning control over the site.

With continued use of the existing access we request the minimum number of events per annum comprising:

- Up to 10 weddings / events at no more than the marquee dining capacity (250 persons)
- Up to 10 weddings / events at no more 200 guests
- Up to 30 weddings / events at no more than 150 guests

- Up to 15 weddings / events at no more than 90 guests.

This comprises the schedule of events contained within the description of development now proposed.

Submitted with this application is a draft site management plan, which serves two purposes: firstly, to impose operational controls over the site to ensure that environmental concerns are protected and where possible enhanced, in accordance with the requirements of Natural England; and secondly, to impose management on the running of events, including the areas to which patrons will have access, noise limitations, the distribution of activities across the site, and operating hours and conditions. It is proposed that following further discussion on the draft document submitted with this application (to allow public consultation and feedback), a final management plan is requested through condition to be submitted and approved by the local planning authority within a specified timescale (before the next peak wedding season April – October) following the grant of permission.

Woods Cottage

This was included in previous submissions to provide for a comprehensive approach to the site. The cottage has been used as guest accommodation during weddings and events at the Estate (and previously for some events as stated in the previous applications). The accommodation role alone can continue without need to change its planning status. It can meet demand by continuing its permitted use and for this reason is not included within the application. The application site (red line) has been adjusted accordingly to exclude Woods Cottage.

Agriculture and forestry in Tournembury Woods

During on-going discussions, we debated the merit of a fallback position (see *R v SSE ex parte Ahern (London) Ltd* [1998] Env LR 189). Our principal position is that the events use currently subject to the enforcement notice is lawful through effluxion of time and therefore represents the fallback. However, if the Council disagrees, the fallback would be lettings of Woods Cottage and agricultural and forestry use of the land and the opportunity this offers for related operational development. This discussion related to the Applicants' options for use of the land if agreement cannot be reached in respect of the current proposal, because it is necessary to continue on-going maintenance of the woods and open areas. Not only must this be funded from use of the land (for which additional viable uses must be found) but it would also benefit from a storage and operational building. An application for this structure was submitted on 23 December 2011, but this was never determined by the Authority. A revised application or Prior Approval submission for this building could be submitted to follow this application if this proves necessary. It is relevant to note that, if the Applicants were forced to revert to the use as agriculture and forestry, the implication of such activity on the site and surroundings (including the amenity of neighbours and vehicular use of the access) represents a fallback position material to the consideration of this proposal.

'Traffic Note' in opposition

Very late in the consideration of the previous application a 'Transport Note' was presented challenging the traffic evidence submitted by the Applicants, and which had been accepted robustly by the Highway Authority. The late submission of the note did not offer any opportunity to challenge many of the claims, which are not, we suggest, borne out by factual evidence, but nevertheless appeared influential in the decision making. It is most unfortunate that the considerable disparity between the Applicants' evidence and the picture presented by opponents was not scrutinised or at least questioned why a factual account is viewed so differently. In anticipation this same note will be used to support a claim of lost amenity we request the planning authority sets aside such conjecture and give it no weight unless it is fully tested and certified independently.

In support of this application we provide a report containing revised traffic assessments based on the number of events now proposed, and we trust this will be considered by the highway authority and a decision made accordingly. This application is to be treated on its own merits based on the likely traffic movements arising from the proposal. Reference to past traffic rates or claimed traffic numbers are

relevant only in terms of comparison. Based on the numbers of events and persons attending, the calculation of the likely number of traffic movements arising should be a factual matter agreed easily between all parties.

In direct response to the reason for refusal of APP/18/00943 we would especially like to raise the following points:

1. *"Having regard to the nature of the activities being applied for, which include celebratory and social gatherings into the late evening";*

This is a key reason on which the officer reached his decision. It is also a matter which has never been disputed by the applicants, who have assessed the likelihood for disturbance and taken positive steps to reduce any adverse impact. Firstly, through introducing very effective noise attenuation at the site and secondly, through this application, introducing limitations on numbers of events and guests, plus a management regime to control activities outside of buildings and along the access road.

To this must be added the considerations raised above in regard to Tournerbury Farm, its commercial uses, some similar to that proposed in this application, and the lawful position existing when purchased by the current occupier.

2. *"The high number of participants proposed;"*

This new application seeks permission for materially fewer events and vastly reduced numbers than previously sought.

This reduction in numbers offers substantial mitigation sought by the Planning Officer and results in 300 days of the year on which no wedding or event can take place. The reduction in numbers still enables the business to trade economically and to provide the means by which the Applicants can sustain, nurture and conserve the ecology and environment of Tournerbury Woods. This has always been the main priority of the Applicants in caring for and owning Tournerbury Woods. The ownership of such a beautiful landholding comes with huge responsibility and over many years of working closely with Natural England, the consistently positive SSSI unit condition of the Estate has been the best it can be - *"Favourable Condition – No Identified Condition Threat"* and this is before the management and enhancements proposed through this application. Positive comments from the Government's own environmental experts are a definitive testimony to the positive management of the site which has only been achieved due to the investment of time and funds generated by the economic activity on the site.

3. *"The limitations of the access track which do not allow for two-way flow over all of its length through the adjoining Tournerbury Farm holding;"*

This is the status quo for any use of the site, including fallback uses. In any event, the requirement for a two-way flow access track to a venue of any kind is not a policy, nor is it a requirement of the highway authority. There are many venues locally and nationally which rely on single track access roads with passing places – it is always a matter of balance for the use proposed and the level of traffic likely to be generated. Here, whilst no statutory consultee objection was raised to our first application with higher numbers it would be perverse to suggest a lower level of usage is unacceptable in highway terms.

4. *"The Local Planning Authority considers that it is not appropriate in planning terms for the wedding and events venue to rely on this route. To do so would bring an ongoing risk of noise and disturbance to occupiers of the Farm dwellings; and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard activities as a whole."*

The route is entirely appropriate and safe, as confirmed by the Highway Authority. Of course, it is appropriate for a planning officer to consider the amenities of those living along such routes and we have done this from the outset of this project as our comments above reflect. However, with the reduced number of events now proposed and the reciprocal reduction in access usage,

the position now proposed is fundamentally changed from that previously considered. This is no better demonstrated than in consideration of the risk of conflict along the route and between visitor movements and the safe and satisfactory functioning of the farmyard activities.

As a whole, and since functions at the site began, conflict has been proven to be non-existent through the many years of safe passage by many 1000's of guests who have stayed at Woods Cottage, and those that have attended weddings and events at the Estate. No guest has ever raised an issue of conflict. Furthermore, the farm is no longer the fully operational agricultural farm that it used to be; much has changed, especially in the last 9 years. By far the greater use of the farm area now is for commercial storage, workshop and storage for the golf center, and a waste tipping facility – much of which is unconsented, but which can most certainly work in a safe and satisfactory manner and indeed has done so for a great many years without incident. The proposed management plan will introduce further measures to reduce any risk of perceived conflict.

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

Policies CS16 and DM10 have been addressed. Under Policy AL1 – Presumption in favour of Sustainable Development – the Policy states that - *"When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with Applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

The request for change of use at Tournurbury Woods is clearly able to demonstrate economic and social benefit. The Planning Officer specifically stated in his opening paragraphs -

"The approval of this application for the creation of a wedding and events venue would authorise a new hub of activity at this site, and this is considered to provide the potential for benefits to the local economy and local suppliers, as well as increasing visitor numbers to Hayling Island and the wider Borough."

The request for change of use at Tournurbury Woods has also clearly demonstrated that the development is sustainable in terms of environmental impact. Extensive and intensely detailed scrutiny of the ecological situation at Tournurbury Woods has taken place through this application and through many years of co-operation and co-working between the Applicants and the expert team at Natural England. NE have been fully aware of the economic necessity to run a sustainable business operation at Tournurbury Woods in order to fund the environmental management of the site. That this has been an ecological success story is clearly evidenced through the continuous *'Favourable Condition – No Condition Threats Identified'* SSSI status given to the site by NE over a great many years, and indeed during the whole period that the Tournurbury Woods Estate has been used for hospitality purposes. This is diametrically opposed to the SSSI condition of the vast majority of the Chichester Harbour AONB SSSI. This is clear evidence of the sustainable nature of the development at Tournurbury Woods and as such directly meets the requirements of Policy AL1.

This application represents an opportunity for the Council to support an important business while imposing controls over the intensity of the use of the site. The Applicants are willing to agree to such controls, and if planning permission is granted, they intend to withdraw their current appeals. However, if planning permission is refused, they will have no option but to pursue those appeals, which will be costly and time consuming for all parties and which will (if the appeals are successful) remove the ability of the Council to impose conditions controlling the use of the site.

We request the planning authority considers this new application on its individual merit and in the light of current circumstances and previous decision making. Should you require any further clarification, please do not hesitate to contact me.

Yours sincerely



Haydn Morris
For and on behalf of HMPC Ltd