

Our Ref:- H/125/MK

Your Ref:- APP/21/01310

Havant Borough Council
Development Control
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

2nd February 2022

Dear Mr Weaver

Tournerbury Woods, Tournerbury Lane, Hayling Island

I have been asked by [REDACTED] submit representations objecting to the current application at the above site.

Firstly, to repeat a comment made on the previous application (APP/18/00943). My clients do not have any objection to the use of the site as a wedding and events venue, provided all ecological habitats, SSSI and SPA requirements are met. They do, however, strongly object to the use of the track through Tournerbury Farm by patrons visiting the Estate. To date there has been no engagement with [REDACTED] in respect of the current application proposals, or any attempt to address their concerns regarding issues associated with the loss of their amenity through noise and disturbance.

As far as my clients are concerned, paragraph 8.4 of the Planning Committee Report into application APP/18/00943 was noteworthy:

'With regards to the use of the track through the farmyard, the question of whether legal rights exist for the applicant to use this route for visitors to the facility is not a material planning consideration. However, the impact of the use of the track on the functioning and amenity of the adjoining farm holding and associated dwellings is considered to be material to this case. Having regard to the nature of the activities being applied for – which include celebratory and social gatherings – and the number of participants involved, which may include several hundred guests, it is not considered appropriate for the wedding and events venue to rely on this route, bringing as it does the risks of noise and disturbance in residential amenity terms, and the risk of conflict between visitor movements and the safe and satisfactory functioning of the farmyard.'

Proposed Events and Number of Guests

As the route through the farmyard was not acceptable to the Council when the previous application was determined by the Planning Committee in June 2021, what has now changed? The route through the farmyard and along the track remain the same and noise and disturbance would still result to a significant degree.

The new application seeks but fails to provide some clarity in terms of the number of events and number of guests which can attend events. It proposes to limit the number and frequency of events, with associated event management. The Transport Statement states in paragraph 3.5 that 'guest numbers **would not exceed** [emphasis added] a total of 65 weddings per year.' The Design & Access Statement mentions on page 9 '**no more than** [emphasis added] 65 weddings / events per year.' However, the covering letter states 'we request the **minimum** number of events per annum comprising' [emphasis added]. The covering letter also makes the request for additional ad-hoc events and suggests a cap of a further three events per year. There appears to be no cap on the numbers of guests for the proposed additional three events.

The Design & Access Statement also notes on page 9 that each wedding has 'multiple planning meetings with guests and suppliers in advance' and also refers to existing shooting events which will continue in addition. The Woods Cottage is used for private bookings (sleeping up to eight people) and is separate from the application and therefore movements made by holiday lettings associated with this use will also continue to be in addition to the application proposal. There is concern that there will be an unlimited number of visitors to the Estate on non-event days, as a result of these additional activities.

It is assumed that a cap on the number of events of 65 is being applied for, although this will need clarifying given the inconsistency highlighted above. Whilst monitoring and enforcement of the number of events should be straightforward, compliance with strict guest numbers may be more difficult to monitor and enforce, although not impossible. Whilst the Design & Access Statement references that there would be 300 event free days at the site, this would not be the case if the applicants' request for additional events, unlimited planning meetings, shooting events and Wood Cottage lettings, is accepted.

██████████ previously suggested a restricted number of events but even with those restrictions the planning application was considered unacceptable and there is therefore no difference to what the applicants now propose. There needs to be consistency in LPA's decision making.

It will also be impossible to prevent people walking to and from the Estate, via the farmyard, during events, as people may want to go for a walk or visit the Co-operative convenience store to

buy cigarettes, purchase more alcohol for events, etc, notwithstanding the potential stewarding that may be provided within the Estate.

The Design & Access Statement makes clear that patrons can have use of the Estate from 8am until up to midnight on event days. However, staff working at events would leave the Estate well after midnight, if clearing up is undertaken immediately after each event. The contract cleaning company have also been reported driving to the Estate through the farmyard on some days at 4am.

It is considered that the private track is not suitable for any movements of this commercial nature and the decrease in proposed numbers compared to the previous application are not considered to be a 'fundamental change' as is referenced in the covering letter with the application.

Use of The Track

The key points raised in the Transport Note previously prepared by Evoke in November 2021 need not be repeated in full but are considered relevant to any application of this nature at TWE. This case relates not only to the narrow nature of the access track, but that it is considered fundamentally unsafe due to the hazardous lakes on either side of an extremely narrow section with no lighting and with guests, taxis and deliveries travelling late at night unaware of these treacherous conditions. The farm itself is also considered unsafe as (despite the Applicants' assertions to the contrary) it is a working farmyard with heavy machinery and animals regularly traversing the access road. Whilst the majority of vehicles associated with TWE are and would continue to be cars or taxis, the use of a wedding venue means that large (and occasionally extremely large) vehicles traverse through the farm, including articulated vehicles for pop up gazebos, bouncy castles and 'trailer loos' (examples taken from DAS).

The Highway Review (November 2021) notes in paragraph 23 that 'The TWE have advised that they have photographs that they assert to show that vegetation on the section of the track of way to the south of the farmyard has now been cleared. The TWE assert that the vegetation clearance has served to further improve inter-visibility.' The vegetation clearance is clearly shown in site visit photographs taken by Evoke (see below).



Photograph 1: 8th June 2021



Photograph 2: 24th January 2022

The vegetation clearance sought to improve visibility; however, as shown, this has occurred outside of the track boundary and is therefore considered to fall within the [REDACTED] land. Whilst recently cleared, the vegetation will grow back and will need to be continuously maintained over the years. The applicant does not have control over the land outwith the track in order to undertake this type of clearance work. It should also be noted that recent clearance has led to vegetation being left within the lake, further confusing the track boundary and potentially encouraging drivers or pedestrians (who do not know the road and would most likely be driving/walking at night) to fall into the lakes either side of the track, further exacerbating the safety issues along this section.

An independent review of the use of the track should be commissioned by the Council and this should consider the highway aspects of the route. It is not considered sufficient for the Council to rely on the comments of Hampshire County Council in relation to the highway aspects of the proposal, as the track is private land and does not concern Hampshire County Council.

If the track, via the farmyard, is to be used to provide access to the Estate then there must be consistency applied by the LPA to the surfacing of the route. [REDACTED] were required to submit and have approved by the LPA details of the construction of the alternative track.

Planning Conditions v s.106 Agreement

Should the application be approved, contrary to the wishes [REDACTED] it is considered that the imposition of planning conditions would not be sufficient to control certain elements of the proposal and that a s.106 legal agreement will be required as well. Page 2 of the Visitor Management Strategy: Heads of Terms (VMS) suggests that the alternative access track could be used by guests during the heron nesting season. As the alternative access track will soon

be completed and available for use, its use will require [REDACTED] to be party to the s.106 legal agreement, as it would involve land not within the applicants' control.

A s.106 legal agreement could also secure potential mitigation measures along the track, which do not require planning permission in their own right. I am advised that the deeds allow the applicants to "make good" the track, not to resurface it with a smooth tarmac finish, cutting back trees on adjoining land, undertake line marking or installing lighting of signage, etc. A s.106 could potentially cover the implementation of certain mitigation measures.

A s.106 legal agreement should also control the number of events, timing of events and place a cap on the number of patrons attending events.

The proposed management controls on event days would also need to be extended to include the track outside of land within the Estate's control and such additional measures could be secured within a s.106. As currently written, the proposed management controls within paragraph 2.6 of the VMS only relate to land within the Estate and do nothing to address the very real concerns of [REDACTED] (and accepted by the Council in the previous application) in relation to noise and disturbance to the occupiers of dwellings within the farmyard. The applicants acknowledge on page 5 of the covering letter that they need to afford an appropriate level of amenity protection to Tournurbury Farm, but they have tried to circumvent their inclusion in this revised application. The two sites and their respective functions remain incompatible with each other.

The VMS suggests that there would be a 'site manager' or stewarding within the estate but this doesn't apply to the track and so the provision of these don't address safety concerns. It also suggests laying a smooth tarmac finish across the disputed track boundary, along with the implementation of street furniture, flood lighting, signage etc. These proposed access management measures will need planning permission.

These proposed measures will in effect turn the informal agricultural track into a formal highway setting with street furniture. This will completely alter the character and appearance of the rustic and rural setting of the Farm, contrary to Policy CS16 of the Havant Borough Core Strategy. The resurfacing of the track with tarmac will also potentially conflict with Policy CS15 of the Core Strategy due to surface water run-off, the National Design Guide paragraph 149, National Design Model Code 2 and point 4 of the seven key principles of design within the Council's Borough Design SPD. No such planning application has been made and so this is not something that the LPA can realistically consider.

Noise and Disturbance

Visitor movements and activities along the track currently give rise to an unacceptable level of noise and disturbance to occupiers of the Farm, and will continue to do so, as well as prejudicing the safe and satisfactory operation of the Farm for workers and visitors to the wedding and events alike.

Specific issues of concern include noise and disturbance late at night by visitors and traffic going to/from the Estate; the lack of security, occasional antisocial behaviour, taxis waiting in the Farmyard, vehicle headlights late at night towards the Farmhouse; the narrowness of the track and lack of opportunities for vehicles to pass; the close proximity of water bodies and lack of forward visibility; and the conflict of vehicles passing through the Farmyard with livestock, farm vehicles and workers. Such large vehicles using the track, even if limited to event days, cause significant harm in terms of noise, safety and disturbance to the workings of the farm.

Animals/Livestock at the Farm

With regard to animals, there will be a minimum of 40 cattle brought to the Farm in the spring. The cattle graze during the drier months and are housed in the barns in the farmyard between September and April. They are housed for calving and to receive various veterinary inoculations. They can easily be disturbed by vehicles and pedestrians passing through the farmyard. Whilst the cattle are being moved between fields and the barns and vice-versa, all gates are closed so that animals do not escape. Cattle have grazed the land every year since 1988.

own 11 horses which are moved between the barns in the farmyard and fields each day. They are often ridden and are also walked and so leave the barns and come into conflict with cars in the farmyard. Very occasionally the horses are put out to graze but this is only for a short time as the grass is not ideal for them.

There have been incidences in the past when people have opened the gates to the fields and animals have escaped.

Alternative Track

Ms McMurray's Officers' Report accompanying the 2017 planning permission for the alternative access track to the Estate acknowledged that the current route through the farm was causing an issue with the ongoing operations within the farm itself by way of additional traffic passing through. It went on to say that the new track would be beneficial for the ongoing operation of the farm.

The number of events at the Estate has increased since 2017 (Covid-19 pandemic aside) and the problems have only escalated.

The alternative vehicular track will soon be completed by my clients in time for the return of events to the Estate in the spring. There is no ransom situation, as suggested on page 7 of the covering letter. Heads of Terms for a commercial agreement has been sent to the applicants to use the new track, but no response has so far been forthcoming from either them or their solicitor to this opening offer [REDACTED] willing to negotiate on the terms offered and they have sent heads of terms in good faith.

The proposed wedding and events at the Estate would be acceptable to [REDACTED] d, only if the such a proposal were to include the use of the alternative track built to avoid operations within the farmyard.

The Design & Access Statement suggests that the lack of agreement for the alternative access does not prevent the application being determined; however, there is a lack of agreement to the current access which would prevent the application from being determined as the LPA cannot be satisfied that the applicant will be able to implement the mitigation measures suggested in the VMS.

Other Issues

In 1987, activity to and from TWE was, and had always been, limited to residential activities by the applicant and authorised personnel only. No discussion surrounding potential future commercial activities took place in 1987. [REDACTED] understanding was that, due to the site's SSSI status and nature of the access road, there was no potential for the site to be granted planning permission for commercial uses, particularly of this scale.

The Design & Access Statement reflects this with a timeline showing the first 'significant' event held in 1990; though the first commercial wedding not held until 2003. The fact that TWE have been practising as a commercial business without any planning permission does not mean that the site or track is suitable for commercial use of this type and scale.

Conclusion

The current planning application should be refused and the Council should be required to enforce/prosecute against any unauthorised uses and/or activities taking place at the site. The application remains contrary to Policies CS16 and DM10 of the Havant Borough Council Core

Strategy and Policy AL1 of the Havant Local Plan (Allocations). Alternatively, if the application is to be recommended by Officers, a cap on the number of events held each year at the Estate is a must with no potential for additional events. Sharing of the dates of the events with [REDACTED] in advance would assist in reducing the risk of conflict between visitor movements and the safe functioning of the farmyard.

All of the limitations and additional safety and mitigation measures both within the Estate and along the track should be secured within a s.106 legal agreement which [REDACTED] are party to.

Please do not hesitate to contact me should you have any queries.

Yours sincerely



Michael Knappett