

HAVANT BOROUGH COUNCIL

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

24 December 2020

For the attention of Mr. Steve Weaver

Dear Mr. Weaver,

APP/18/00943, APP/17/00207, APP/19/01262 and APP/20/00626: Tournerbury Woods Estate

I am writing with reference to the new submissions on this application, in particular the letters dated 30 November and 28 August 2020 from HMPC Ltd on behalf of Christopher Snell and the Tournerbury Estate, and your invitation to make any comments before 25 December 2020.

These letters and accompanying statements argue that the new access track into Tournerbury Woods which the landowner, Mr. Phillips, started to construct in May 2020 to meet the planning deadline on APP/17/00207, does not meet any of Mr. Snell's requirements for its intended use of access into his proposed wedding and events venue in Tournerbury Woods, and that the route is unsafe and unfit for purpose. This conclusion is deeply flawed in many respects, and serves only to prolong the 7 years of serious disruption to Tournerbury Farm's operations that the Phillips have had to endure since the start of this new, large scale wedding venue venture in Tournerbury Woods, without planning permission of any kind, in 2013.

It is my firm belief that many of the objections raised by Mr. Snell are motivated by personal factors unconnected to the important pragmatic issues of the new track's size, position and safety.

Route of the new track at southern end after curving eastwards to access north-western corner of Tournerbury Woods

Mr. Snell has objected to the current placement of the route in that it deviates from the detailed plan accepted and approved in APP/17/00207. This is beyond debate, but as an actual route, on the ground, and given the exact position of various mature oak trees on the Phillips and Snell sides of the boundary line, there can be no question at all that it is an infinitely more logical, attractive and desirable route, especially if there are to be massive sized coaches going back and forth. Mr Snell has argued that in relation to the mature ash tree T1 at the northern end of the

track, the alleged tight turning circle close to the ash would form a dangerous blind spot. It is only necessary to come and physically stand in the north western corner of the Woods to see, first hand, that if the track at the southern end were to follow the route shown on the planning permission to the letter, travelling in an enormous circle around the northern side of oak T15 and entering Tournerbury Woods in a southerly direction, the track would then have to immediately take a very sharp turn left around two further mature oak trees to get onto the straight part of the rest of the track which runs due eastwards towards the wedding venue. There would be a major and dangerous blind spot at the apex of this turn, which could result in sudden braking, collisions, or deep tyre marks and pot holing as large vehicles reverse backwards for the other one to get through first. This route would also cut into yet another of Mr. Phillips paddocks, with no benefit for anyone.

Attention should be drawn to Location Plan A101 and Site Plan A102 produced by I J Murray Associates as documentation for APP/17/00207. On both of these, the precise position of the junction with Tournerbury Woods is shown as abutting both the north and western corners of the dividing fence. However, oak tree T15 is not shown at all, and the track could not actually follow that route at ground level unless T15 were to be felled as it goes right through the middle of it. In addition, there are a sequence of small black blobs once inside the Tournerbury Woods curtilage. If these are meant to represent the existing oak trees, then they are in completely the wrong position, and do not show in any meaningful way the very sharp left turn mentioned above that cannot possibly be avoided to get onto the eastwards straight section of the track.

Also as part of APP/17/00207, Mr. Snell submitted a Tree Report and Tree Protection Plan produced by Kim Gifford Arboricultural Consultant. If this plan is viewed whilst standing on Mr. Phillips side of the site, it can be seen that T15 has been placed far too close to T14. In reality there is a very wide gap indeed between these two trees, and the current (technically incorrect) route now follows a very gentle curve right through the middle of these two trees to instead enter Tournerbury Woods in an easterly direction through the western fence, where there are two widely spaced oak trees which do not impede passage, line of sight, or the possibility of grass verges on either side of the 4.5 metre wide driving track. This also has the huge advantage that it immediately lines up with the existing, eastwards track to the wedding venue mentioned in the previous paragraph, and completely avoids the sharp S bend and blind spot that is an unavoidable reality of the correct, planning-approved route. It is deeply regrettable that this very simple matter was not resolved more thoroughly by virtue of a detailed site survey with precise measurements covering both properties and all relevant trees at this vital junction point, but clearly that did not happen. So far there has been a singular lack of clarity and detail as to how the new track segues into Tournerbury Woods, and this important aspect should not have been overlooked prior to planning approval.

Another argument that Mr. Snell has sought to make is that the current route would implicate the roots of both T15 and T14 in a way which would not be the case if the route had been built due north of T15. In reality, there is no way the RPAs radiuses shown in the Kim Gifford report, the largest 12 metres for T15, could have been avoided whichever route had been chosen. In every plan so far submitted, the position of the pink hatched driving track is shown going straight through Kim Gifford's RPA circles, past both T15, and all the other trees T3 to T14. Tree protection mesh is to be installed close to T15, but only 35% of so of the circle will need to be protected using the current track route, whereas it would be 65% or so going around it on the northern side.

Proximity of long north-south section of the new route to the western boundary

Mr. Snell and his agents have been disingenuous in using the term "western boundary" and "western hedge line" interchangeably, as if they were the one and the same thing and therefore in the same position. As I understand it, there was an agreement between both parties that the width of the verge on the western side would be 3.75 metres from the red boundary line, the line shown on the Land Registry property boundary. The fact that up to 3 metres of this space has become occupied by hedge vegetation, with very little left for grass, does not mean that the track itself is in the wrong position, or has been built too close to the western property boundary line. Mr. Phillips has constructed the new track exactly to the width specifications laid down in the planning approval, but for Mr. Snell to now imply that the generous 12 metre overall width he was granted (3.75 verge + 4.50 driving track + 3.75 verge) should instead have been 15 metres wide (3.75 verge + 4.50 driving track + 3.75 verge + 3.0 metres existing hedge) is not only ridiculous but excessive in the extreme. By comparison the total width of the double lane adopted highway in Mengham Lane comes to 11.2 metres, with 5.72 metres occupied by pavements and verges on each side and 5.48 metres by tarmac in between the kerbstones.

Requirement of massive turning circle for large coaches to enter and exit new track cited as reason for condemning current track route and retention of ash tree T1

It does appear to be somewhat hypocritical to argue that an enormous bellmouth turning area must be provided for ingress and egress by massive coaches 14.2m long x 4.157m high x 2.5m wide, at the same time as arguing that the original track is perfectly adequate for access to the proposed wedding and events venue in Tournurbury Woods, including the extremely narrow, dangerous, and unavoidable pinch point just 3.0 m wide (in total) as it passes two deep ponds on either side of the track leaving Tournurbury farmyard. By the laws of logic, this part of the original track looks exactly like an accident waiting to happen, whether it involves a large coach load of attendees, or a heavily laden goods lorry, or any wedding guest in a normal car who may have imbibed too much alcohol during the course of the party and misjudged the narrowness of this part of the track, as has happened already.

Continued use of original track as lawful and adequate for purposes proposed

The HMPC letter of 30 November includes a claim to say that there is "lawful access for all purposes and at all times including intensification of our activity", and "that the access can serve the existing and proposed development". It continues that the "opportunity exists to improve that access should it be required", without specifying whether this applies to some parts of the track, or all parts of the track including the pinch point with deep ponds on either side. Tournurbury Woods Estate certainly do not have any "rights" to demand the existing track is re-routed away from the pond passing place, nor would it be at all easy to achieve this without thousands of pounds of investment.

The Thrings letter of 18/12/2020, on behalf of the Phillips, states in paragraph 4 that the applicant's claim that there is no legal bar to intensification of the right of way across Tournurbury Farm is not accepted, and that it has not been established by the applicant as a matter of law. I entirely concur with this view, in particular because the use now proposed is not simply an intensification of the original agricultural and forestry activity, but for an entirely different change of use, one never envisaged or contemplated when the original terms of the sale deeds were agreed between Arthur Phillips and Francis Snell way back in the 1980's. There are tomes of case law precedents in which the distinction between the two – intensification of an existing use, or completely new change of use - is of paramount importance. It is clearly now far too late to cry over spilt milk and to wish the wording had been different, but it remains a fact

that the two parties to the deed were both gentlemen of the highest integrity, honesty and respect for one another, both of whom I knew well. They would both be turning in their graves if they could see the entirely unnecessary chaos, damage and misery that has been inflicted for the last 7 years on Tournerbury Farm as a result of this particular paragraph. It is even worse knowing there has always been a perfectly reasonable alternative way to access Tournerbury Woods, with the first planning application for a new track approved in 2012. If the applicant would agree to renounce using the original track and to adopt the new one instead it would provide huge benefits to both parties' individual operations in Tournerbury Woods and Tournerbury Farm. Mr Phillips has been prepared to sacrifice a substantial acreage of one of his fields and a great amount of time, work and money to provide this alternative, much wider and safer track at his own expense, without a penny of cost falling to the Tournerbury Woods Estate, yet he is met with obstruction and objection every inch of the way.

In summary, I would strongly urge you to send a further deputation of HBC officials and tree experts to the site to take a real life look at the lay out of mature trees, hedgerows, existing tracks and new tracks in *both* properties so as to come to a final decision on the best solution moving forwards, with a view to agreeing an amendment to the planning permission route authorised in APP/17/00207.

Whilst writing, I should like to point out that my objections to the CLUED application are still as relevant as when I submitted them over a year ago. I have every hope that the detailed analysis I provided showing how much of the data submitted by the applicant was patchy, inconsistent and inaccurate will have been noted and digested by whoever it is that makes decisions. I have reason to believe that for a CLUED to be approved, all the data provided as evidence has to be rigorously accurate and not constantly contradict itself, as is the case in this application. I remain extremely concerned that agreeing the CLUED application will allow too great an opportunity to pursue all sorts of potentially undesirable activities in the future without any sort of control, such as turning the Woods into a Butlins or Center Parks with thousands of visitors every year. Why else is there any need for the new track to accommodate massively large coaches requiring multiple passing places along the route? Guests attending weddings and events arrive in private cars, and do not need turning circles so excessive in size it is necessary to destroy a beautiful mature tree in the process. On the other hand, I am still fully supportive of Tournerbury Woods being given planning permission for a wedding and events venue as part of the original application APP/18/00943, subject to two conditions - some sort of reasonable upper limit on the number of weddings and events that can be held each year, and secondly, a formal agreement by the applicant to exclusively use the new alternative track for access to the Woods. I have no wish to comment or raise objections on the Ecology Report, but would like to remind anyone who is interested that there does exist an earlier Ecology Report for comparison purposes: Tournerbury Marshes and Woodlands, An Ecological Survey and Report, 1961/62, produced by John Savidge, MA (Oxon), SFZS, MBOU, and referenced on several occasions in my submission on APP/19/01262.

Yours sincerely,

