

Dear Sirs

I write following your email confirming that APP/23/00076 is to be redetermined by the Planning Committee of Havant Borough Council.

I wish to object to application APP/23/00076 and request that the Planning Committee refuse the application.

The reasons for this are set out below.

1. The Application Site and Statutory Designations

The application site, the Tournerbury Woods Estate in Hayling Island, is within the Chichester Harbour site of Special Scientific Interest (SSSI).

The site is one of the few surviving areas of coastal forest left in southeast England.

Within the SSSI is Tournerbury Fort, an iron age ancient monument.

All trees are protected under TPO448.

The application site is also part of the Chichester Harbour AONB and is protected by additional statutory designations such as RAMSAR, SPA and SPAC.

2. National Planning Policy Framework

The National Planning Policy Framework, published in December 2024, has a presumption that no development should be allowed to take place in an SSSI unless it is of national importance, which generally means only for military reasons. The presumption therefore is that development should be refused.

Given the designation of the application site as an SSSI, and with several other statutory designations, the application site is a very important part of a protected landscape.

There is no permitted development right allowed in an SSSI, as would be expected, unless approved by Natural England. Natural England have confirmed in FOI request responses that no consents have been given.

3. Previous Planning Consent

The Planning Committee of Havant Borough Council approved the grant of consent for APP/23/00076 which was issued on 9th September 2024. Planning consent was granted

subject to several conditions, one of which was that the application site could not be used for weddings and other events until such time as the alternative access to the application site, which bypassed the farmyard in Tournerbury Farm, had been completed and brought into use.

The decision by the Planning Committee of Havant Borough Council to grant consent for APP/23/00076 was challenged by Judicial Review.

As a result of the Judicial Review a Consent Order was issued by the High Court which quashed the planning permission granted.

Havant Borough Council acknowledged in the Consent Order that it had 'erred in law' in granting planning consent.

Two observations can be drawn from this acknowledgement.

The first observation is that Havant Borough Council accepted that it had erred in law not least because of the failure to properly consider the Chichester Harbour AONB policies.

Chichester Harbour Conservancy, as a Rule 6 Consultee, objected to consent being given as it was not in line with the Chichester Harbour AONB policies.

The second observation is that it seems most unusual that planning consent was granted subject to a condition dependent on a third party providing the alternative access. That third party, who is also a Rule 6 Consultee, objected to the application and has stated publicly that they will not grant access over the alternative access track to the application site.

The conclusion that can be drawn from the decision by the Planning Committee of Havant Borough Council to grant consent is that they were incorrectly advised by the planning officers of Havant Borough Council given that Havant Borough Council acknowledged in the Consent Order that they had erred in law.

4. Planning History and Baseline

This is not the first application that has been made for retrospective consent to a development on the application site, which is within an SSSI.

There have been several previous applications which have been refused – see diagrammatic below.

It is important that the Planning Committee recognise that the correct procedure that should be followed is that planning consent is obtained first for a development before that development takes place.

In this instance, the applicant has carried out the development without first obtaining planning consent and has then sought, on multiple occasions, to make further applications to attempt to obtain consent.

This is a very serious matter where the application site is within an SSSI. There is no permitted development right allowed in an SSSI, unless approved by Natural England. Natural England have confirmed that no consents have been given.

The baseline therefore is that the Planning Committee must assume that the application is considered on the application site in its original virgin state, that of coastal forest with the highest levels of statutory protection.

It would be unacceptable to say simply that because an unauthorised development has taken place, that the on-site position now should be the baseline.

The planning committee must ask themselves the question 'if the application site was in its original state before unauthorised development took place should planning consent be granted for a development of this scale in an SSSI with additional statutory safeguards and designations'. The answer is no.

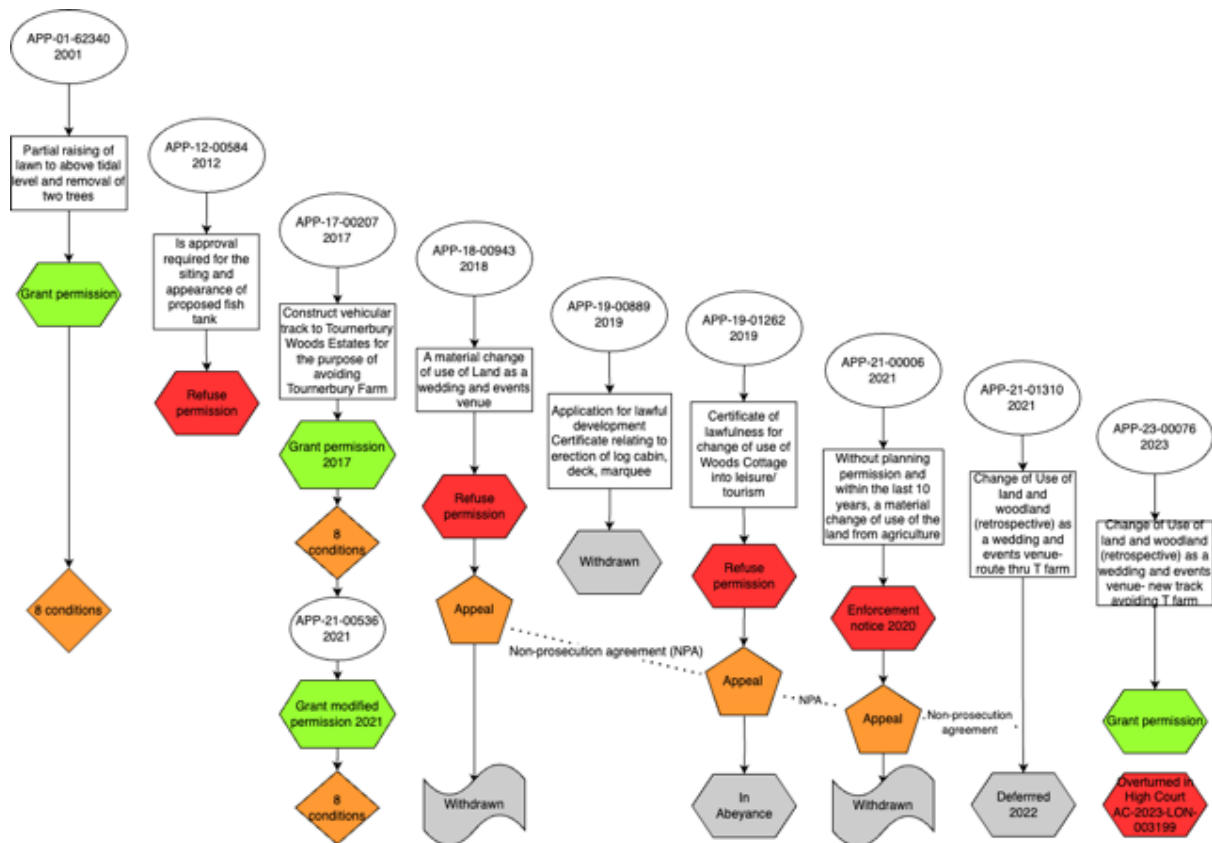
It is therefore unsurprising that in January 2020, Havant Borough Council served an Enforcement Notice requiring all events on the application site to cease immediately and for the application site to be reinstated to its original pre-development state.

The service of an Enforcement Notice is the logical step to be taken by a local planning authority where substantial development has taken place without consent, particularly given the high levels of statutory protection for the application site.

It is therefore a matter of significant concern that the Enforcement Notice was not followed through and that a non-prosecution agreement was entered into between Havant Borough Council and the applicant.

To then not only fail to enforce an Enforcement Notice but to allow multiple further planning applications to be made appears an abuse of process.

No steps appear to have been taken by Havant Borough Council to stop the continuing development and the unauthorised use of the application site where Natural England have not given consent.



5. Technical Matters

Application APP/23/00076 is to be reconsidered by the Planning Committee of Havant Borough Council as a direct consequence of the Consent Order issued by the High Court quashing the original planning consent granted on 9th September 2024.

APP/23/00076 still provides for an alternative access to the site to bypass the Tournerbury Farm farmyard, which is reliant on a third party granting such access who has stated publicly that it will provide that access.

To grant planning consent on that basis puts an unreasonable pressure on the third party to provide the access.

The previous planning consent granted on 9th September 2024 stipulated that the application site could not be used for weddings and events until such time as the alternative access had been completed and brought into use.

Since that date, weddings and events have continued to take place and Havant Borough Council have failed to stop the unauthorised activities occurring or issue a 'stop notice'.

That demonstrates that Havant Borough Council are unable and or unwilling to carry out any enforcement activities and therefore any conditions imposed on the grant of planning consent are incapable, and have been demonstrated to be incapable, of being enforced.

APP/23/00076 appears defective because it only includes part of the unauthorised development activity that has taken place.

These additional development works include a very substantial raised earth deck underneath the marquee, probably of 1,000 m³ +, what appear to be substantial works to roads and to create car parking areas and the removal of trees, all of which should be required to form part of a valid application - the current application is thus deficient.

One must question therefore why APP/23/00076 is even being considered when it does not cover the full extent of the unauthorised development which has already taken place.

6. Other matters

a. Tree loss

Aerial photography over a period indicates substantial tree loss on the application site. All trees are protected by TPO448. Havant Borough Council have confirmed that consent has only been given for the removal of two trees. The Saving Tournurbury Woods website identifies a few specimen trees which have been investigated, and they have been found to have been removed. Members of the public and Councillors have previously raised the issue of tree loss. It appears that this matter has never properly been investigated by Havant Borough Council. The lack of attention by enforcement and arboriculture officers at Havant Borough Council is lamentable. It was notable that the planning officer responsible for the original application stated in the planning meeting that "I have heard the rumours". Just what, one asks, is being done to protect an extremely sensitive site.

b. Flooding

On 9th April 2024, a significant part of the application site was flooded. The A2303 leading on to Hayling Island, which is the only access to Hayling Island, also flooded. Havant Borough Council will know from the Inspectors Report on the Draft Local Plan that flooding risk is a major issue on Hayling Island. Development should not therefore be permitted where additional risks of flooding are present.

c. Traffic

The A2303, the only access route to Hayling Island, is blocked on several occasions each year due to accidents. The A2303 is not a dual carriageway but a 2-way road with sharp bends. When such accidents occur, which are inevitable, access to Hayling Island for emergency vehicles is severely hampered. Any development activity which brings additional traffic, particularly during the summer months and at weekends, should be refused. On summer weekends, it is frequently the case that the A2303 is gridlock from one end of Hayling Island to the other.

d. Safety

Tournerbury Farm is a working farm. The access track to the application site, which passes through the farmyard, was originally intended purely for limited agricultural purposes, not for conveying large volumes of wedding and events traffic including coaches and lorries.

e. Business Rates

For many years, despite Havant Borough Council knowing that a business was operating on the application site, no action was taken by Havant Borough Council to bring the Tournerbury Woods Estate into the Rating List so that business rates could be charged. It was only after significant pressure was applied that action was taken. On 23rd May 2025, the VOA finally brought the Tournerbury Woods Estate into the Rating List and assessed a rateable value of £37,500.00. Many thousands of pounds of income have therefore been lost to Havant Borough Council by the failure to act diligently.

f. Flooding

Parts of the application site were flooded on 9th April 2024. The unauthorised development carried out did not have building regulations consent until it was brought to the attention of Havant Borough Council. As such, the safety must be questions of the site, particularly given the numbers attending events. A facebook post in May 2024 highlighted the hazards.

7. Conclusions

It seems fully appropriate that previous applications, other than APP/23/00076, have all been refused.

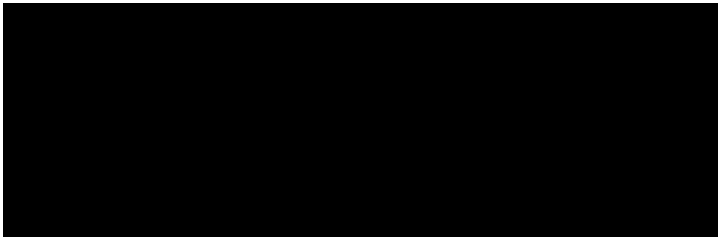
The decision by Havant Borough Council to grant planning consent to APP/23/00076 on 9th September 2024 was challenged by a Judicial Review and, by a Consent Order issued by the High Court, that planning consent was quashed.

APP/23/00076 only includes part of the development work that has taken place.

If consent is granted to APP/23/00076, it will be the first time in the UK that a planning committee has granted consent to a development not required for military purposes within an SSSI and would be contrary to national planning policy.

I therefore urge Havant Borough Council's Planning Committee to refuse consent to APP/23/00076.

Yours faithfully

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