

Deputation Submitted by Mr Morris

APPLICATION 18/00943: APPLICANTS' DEPUTATION

1. After years of detailed engagement, we are pleased that Officers now agree that all issues, bar one, militate towards granting the Application. This agreement includes:
 - Economic and community benefits.
 - Successful noise mitigation.
 - Acceptable visual impact.
 - Acceptable environmental impacts.
 - Acceptable highways impacts.
 - No heritage harm.
2. The benefits of the Application are substantial and include important economic and social benefits (local suppliers, local employment, visitor spending) and important environmental benefits (an income stream sufficient to maintain Tournerbury Woods in best condition). Tournerbury Woods:
 - Is a licensed wedding venue (Hampshire CC from 2016) and licensed premises (Havant BC from 2017).
 - Is a well-run high-end wedding venue, with weddings planned 12-36 months in advance.
 - Is the only licensed premises with a cutting-edge sound mitigation system in the Borough.
 - Has seen no significant incident or accident in 20 years.
3. The Report recommends refusal **solely** on the ground that use of the current access would risk: (i) noise/disturbance to farm dwellings; and (ii) conflict between visitor movements and farmyard activities. This is a flawed basis for refusing permission.
4. **First**, detailed letters from our solicitors of 8.10.2019 and 6.1.2021, explain the right of way is extensive and will accommodate the use, being a "right of way at all times and for all purposes with or without vehicles" with implied ancillary rights (we are entitled to maintain and surface it).
5. **Second**, Tournerbury Farmyard is not a tranquil, rural scene. There are few animals and, save for loading and unloading, they are not within the farmyard or roaming free. The operations are commercial and to a limited extent equestrian, not agricultural; and sadly, they include dumping, burying and burning of waste. The proposed use of the access is acceptable in this context.
6. **Third**, importantly, the Report fails to compare the use applied for with the fallback position (as required – see *R v SSE ex parte Ahern (London) Ltd* [1998] Env LR 189). It is **only** if the proposal is **worse** than that fallback that there could be any valid planning objection on noise/disturbance/conflict grounds:
 - Our position is that the current use of the site is lawful through effluxion of time, so the fallback is the same as the current use. Granting the Application has no noise/disturbance/conflict impacts at all in comparison with this fallback.
 - Officers consider the fallback to be agriculture and a dwelling used for holiday lettings plus temporary uses permitted under the Permitted Development Order. But the Report fails to analyse the noise/disturbance/conflict impacts that might arise from such uses. Agricultural uses could include heavy tractors at all hours; large lorries transporting livestock; heavy forestry equipment; or, if we set up glass houses, large lorries transporting produce daily. Woods Cottage could be let 365 days a year, including large parties in its curtilage. Temporary uses of the site for at least 28 days a year would be additional.
8. In short, the fallback position would or could involve at least as much, but probably greater, impact on noise/disturbance/conflict. Members should therefore grant the Application, without conditions regulating the access.

9. **Fourth**, contrary to para.54 NPPF, the Report fails to consider whether conditions could be imposed to render use of the access acceptable. We have always been open to discussing appropriate conditions and have suggested to the Officer that conditions aimed at mitigating impacts on noise/disturbance/conflict, if necessary, might include:
- Total number of events per year.
 - Limit on numbers.
 - Limit on duration of events.
 - Limitations on events by type: e.g. more smaller and fewer large events.
 - Limitations on hours where noise and disturbance may be generated (eg, no music after midnight).
 - Site Operations Management Plan.
 - Access controls: defined times for arrival and departure.
 - Limitation on number and size of vehicles.
 - Requirement to publish calendar of events.
 - Requirement to maintain access to a good standard and provide ample signage to encourage good behaviour and minimise disturbance (also in booking contracts).
10. We urge you to take into account the fallback position and grant the Application without conditions.
11. If you are not willing to do so, please defer consideration of the Application to enable appropriate conditions to be drafted. We emphasise that we are willing to use the proposed new access road, but cannot until a planning permission has been granted and implemented, and terms agreed. Until such time, appropriate conditions would render use of the current access acceptable.
12. Refusing the Application would be unreasonable, and would lead to unnecessary and wasted expense in pursuing appeal proceedings.

[749 words inc title]