

Irwin Mitchell LLP
Belmont House
Station Way
Crawley
RH10 1JA

Our Ref: APP/18/00943 – APP/19/001262
Ask For: Simon Rowberry
E-mail: simon.rowberry@easthants.gov.uk
Date: 9th May 2022


For the attention of  Partner

Dear Sir,

Town and Country Planning Act 1990 (as amended)

Planning appeals at Tournerbury Woods, Tournerbury Lane, Hayling Island, PO11 9DL 

Retrospective Planning Appeal	APP/X1735/W/21/3278661	APP/18/00943
Enforcement Notice Appeal	APP/X1735/C/20/3248610-12	APP/21/00006
LDC Appeal	APP/X1735/X/21/3278607	APP/19/01262

I am writing as **Head of Plannin & Buildin Control (Interim)** at Havant Borough Council to you on behalf of your client  and Tournerbury Holdings Ltd, the appellants in the above appeals (“the Appellants”).

This letter follows recent discussions and agreement between the Council and the Appellants, regarding the Appellants’ intention to withdraw their appeals APP/X1735/W/21/3278661 (“the Retrospective Planning Appeal”) and APP/X1735/C/20/3248610-12 (“the Enforcement Notice Appeal”) (together “the Appeals”). The Council acknowledges that the Appellants’ intention to withdraw the Appeals is without prejudice to their (the Appellants’) view of the merits of their Appeals; rather, it is because the Appellants’ current planning application (ref: APP/21/01310, validated on 20 December 2021 (“the Current Application”) now reflects the Appellants’ aspirations for use of the Tournerbury Woods Estate better than the Retrospective Planning Appeal.

This letter is intended to record that Havant Borough Council does not consider it expedient to commence any form of enforcement action (whether by injunction, prosecution, stop notice or otherwise) in respect of the breaches of planning control in relation to operational development and the use of land at Tournerbury Woods alleged in the Council’s enforcement notice dated 17 January 2020 (“the Enforcement Notice”) and undertakes not to do so unless or until:

1. the Current Application is refused or not determined by the Council and any appeal to the Planning Inspectorate ("PINS") by the Appellants is refused;
2. the LDC Appeal is determined by the PINS against the Appellants; and
3. any statutory challenge and/or second appeal arising from the Current Application and/or the CLEUD Appeal by the Appellants, is finally decided, whether at first instance or on appeal to the appellate courts.

If, after the latest date of 1, 2 and/or 3, it becomes expedient to commence enforcement action in respect of the breaches of planning control in relation to operational development and/or the use of land at Tournurbury Woods alleged in the Enforcement Notice, the time for compliance will be 12 months from the latest date of 1, 2 and/or 3.

In addition, the Council will not object to reasonable proposed amendments to the Appellants' LDC appeal, in particular, insofar as it is necessary to clarify the non-wedding use status of structures which would otherwise be caught by the Enforcement Notice including inter alia:

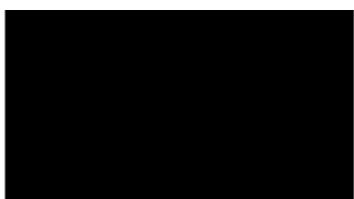
- a) Woods Cottage;
- b) The Garage; and
- c) The Log Cabin.

Within one week of the date of this letter (by **16th** May 2022):

- (i) the Appellants will withdraw the Retrospective Planning Appeal and the Enforcement Notice Appeal; and
- (ii) the Appellants and the Council will jointly request to PINS that the LDC appeal is held in abeyance until such time as it is withdrawn by the Appellants or the Appellants appeal against refusal or non-determination of the Current Application to PINS, when the Appellants and the Council will jointly request that the appeal in respect of the Current Application and the LDC Appeal are progressed and determined together.

Please acknowledge receipt of this letter and, noting that it is not intended to create contractual legal relations, please confirm that your clients agree to the contents of this letter.

Yours faithfully



Simon Rowberry

Head of Planning & Building Control (Interim) | T: 01730 234055

Havant Borough Council, Public Service Plaza, Havant, PO9 2AX
East Hampshire District Council, Penns Place, Petersfield, GU31 4EX

