



9 August 2018

Lorraine Neale
Case Officer
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Licensing Department
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Dear Sirs

18/02446/LAPRE

Applicant: Mr Richard Balfour-Lynn

Trading Name: Hush Heath Winery (“the Winery”)

Objection/Representation by residents in the Vicinity

██████████ is located 1 mile from Hush Heath Winery. It has been our family home for over 25 years, and my father lives there. I also live at ██████████ at the weekend, and often during the week. It was part of my grandfather’s farm, and was purchased by him in 1925.

I became aware earlier today of the above application to vary a Premises Licence dated 5 July 2018. I am also aware that today is the expiry date for consultations, and any representations must be made today. I have therefore not had the opportunity to discuss the points I make below with Mr Balfour-Lynn in advance, which I would otherwise have done.

I attach to this letter:

1. The delegated report dated 29 October 2013, following which planning permission was given for the sale of wine at the Winery.
2. The report of Ashley Wynn, the Case Officer, dated 31 August 2017, following which planning permission was given for the substantial extension to the Winery.

I **object** to the variation to the licence in relation to live music, recorded music, the provision of late night refreshment and extending the time for the sale by retail of alcohol both indoors and outdoors at the Winery.

The ground of my objection is that this variation to the licence will result in public nuisance.

Rural Location of the site

Hush Heath Winery is located in a rural location in the open countryside beyond the bounds of any town or village. In such a location, development is tightly restricted by the provisions of the Development Plan and central government planning policy and guidance (see, for example, the report dated 21 October 2013 at page 2). However, there are a number of residential properties, which adjoin the Winery or are very close to it. [REDACTED] is a mile away across open fields.

The Winery has now been substantially extended as a result of building works carried out in the first six months of this year. This was the result of the grant of planning permission pursuant to a substantial planning application made in 2017. The planning permission was in line with the planning officer's report which concluded as follows:

“The proposed extension to the existing winery and storage buildings are considered to be well designed additions to the site which will support the growth of this important local business. Its association with agriculture which is undertaken on the wider site and its acceptable impacts on landscape and rural character means in this instance the scheme can be supported in principle in relation to the relevant policies. The matters of design, landscape impact, ecology and highways are acceptable or can be made acceptable through the use of appropriate planning conditions. The development can therefore be considered to accord with the relevant policies and those of the NPPF and thus it is recommended planning permission is granted accordingly” (underlining added)

The focus was therefore on the association between the Winery and agriculture undertaken on the wider site.

It is crucial that the rural location in which the Winery is located, and which has been used for agriculture for many hundreds of years, is preserved.

Section E: Live music

The application is for live music inside and outdoors from 10am until midnight (24.00) every day of the week. It is then stated that “This will only be for a limited amount of events and will be inside the building”. The events or number of them are not identified on the form, although in Section L under the heading seasonal variations it is stated there is reference to “a wedding or an event”.

Further, it is important to note that Section M(d) of the form does not identify any steps which will be taken to prevent the noise from Live Music being a public nuisance, whether inside or outside the premises.

In relation to this application, permission should be refused:

1. Live music will destroy the tranquillity of this rural area, which is located on the edge of an Area of Outstanding Natural Beauty. It will affect all of those who reside in the vicinity of the Winery, and enjoy the peace and quiet of the countryside.

2. Noise travels long distances across the countryside in this area. If there is, for example, a one-off outside event in Staplehurst or Goudhurst, it is possible to hear it at [REDACTED]
3. We enjoy the peace and quiet our garden and adjoining land, and have done for many years. Live music will unduly interfere with us, as neighbours of the Winery, in the comfortable and convenient enjoyment of our home and land.
4. This is a substantial departure from the association with agriculture which was referred to the planning officers' reports referred to above. Further, such a departure is inappropriate in the context of the rural location in which the Winery is located.

In these circumstances, if, as the application states, the Winery only wishes to have live music for a limited number of events, the appropriate way forward is to apply for permission as and when required in relation to any such events, and each application can then be considered when made. Further, proceeding on this basis will not be unduly onerous for the Winery/Mr Balfour-Lynn as it will only be for "a very limited amount of events".

Section F: Recorded music

The application is for recorded music inside and outdoors from 10am until midnight (24.00) every day of the week. It is then stated that "This will only be for background music played at a very low level". The reason for this is not explained on the form, although in Section L under the heading seasonal variations there is reference to "a wedding or an event". Further, it is important to note that Section M(d) of the form does not identify any steps which will be taken to prevent the noise from Recorded Music being a public nuisance, whether inside or outside the premises.

In relation to this application, permission should be refused. This is because recorded music, even at a low level, is pernicious and will destroy the tranquillity of this rural area and will affect all of those who live in the vicinity of the Winery. I repeat the other points set out above in relation to live music.

Section J: The provision of late night refreshment

This appears to be an application to extend the timing so that alcohol can be sold and consumed at the Winery until midnight (from 10.00 to 24.00). The application states this will be indoors and outdoors, and states that "This would be for very limited events". This events are not explained, although there is reference to "a wedding" in section L of the form. Further, the number of events are not identified.

It is obvious that people drinking alcohol outside the Winery at night, and up until midnight, will create noise, which will travel and affect all those who live in the vicinity.

As with live music and recorded music, Section M(d) does not identify any steps at all which will be taken to prevent the noise from people drinking late at night outside the Winery being a public nuisance. I repeat the other points set out above in relation to live and recorded music.

The application should be refused. Rather, if, as the application states, the Winery only wishes to provide late night refreshment for "very limited events", the appropriate way forward is for Mr Balfour-Lynn/the Winery to apply for permission as and when require in relation to any

such events, and each application can then be considered when made. Further, proceeding on this basis will not be unduly onerous as it will only be for “very limited events”.

Section I: Supply of alcohol until midnight

This appears to be an application to extend the timing so that alcohol can be sold at the premises until midnight (from 10.00 to 24.00). The application states that alcohol will be sold indoors and outdoors 7 days a week during these times. Section M(d) does not identify any steps at all which will be take to prevent noise outside as a result of this. Again, I repeat the points set out above in relation to Section J.

I would be grateful if these representations could be taken into account, and the application to vary the Premises Licence in the manner requested be refused.

Thank you very much.

Yours sincerely

Signed Electronically: *Amanda Tipples*

Amanda Tipples