

Hush Heath Winery, Five Oak Lane, Staplehurst: 23/00753/LAPRE

Application for variation to Licence Conditions

In September 2020, the Licence Committee considered an application from the Hush Heath Winery (Balfour Winery) to change the terms of the Licence. At the hearing, the Committee carefully and thoughtfully applied a number of conditions to the Licence to enable the Winery to operate subject to a number of conditions. One of these conditions was not to operate the Winery as a restaurant. The Committee gave the reason for these conditions (including not operating the premises as a restaurant) as necessary to adequately prevent public nuisance.

Since the hearing in 2020, there have been no changes to indicate that the concerns carefully considered by the Committee no longer apply and the application does not offer any new measures for preventing public nuisance. The Winery has also extended its premises with the erection of a large marquee which is now used throughout the year.

Whilst we recognise the important of local business and want the winery to succeed, we also want to balance the risks to public nuisance from the continued expansion of the Winery. We believe that the Committee's determination in Sept 2020 remains correct and the condition on the winery not to operate as a restaurant should remain in place.

Public Nuisance

We are concerned that permitting the Winery to operate as a restaurant will be another move towards opening up the premises to become a hospitality venue. The Winery is located in a very rural area, with little passing trade. A restaurant on the site will attract customers coming for the main purpose of socialising. This type of social activity, by its nature, generates noise – the noise of customers enjoying social activity with alcohol, the noise of customers coming and going from the premises and using the car park after a good time out, and the noise of customers using the outside areas (going outside for smoking/vaping and sitting on the terrace and upstairs open balcony areas). The winery has not proposed any additional measures to safeguard local residents from the extra noise that will come from the expanded operation of the premises as a place for primary socialising.

There are a number of homes close by to the Winery, and the landscape is open and flat so sound carries. The site also now includes a marquee which offers no sound protection and any social activities from a restaurant operating indoors in the marquee would pose a substantial risk of noise nuisance, especially in the evenings or at weekends when residents are at home. The Winery already advertises dining club music sessions with live bands and permission to operate as a restaurant may further expand this.



Travel to the premises also remains a problem and has become worse since the last hearing. We welcome the plans to introduce a mini-van service during the summer months, but this will only transport 8 passengers each hour. It is likely that most customers will continue to arrive by private car / taxi as the site is too far to reach on foot and there is no public transport.

Since the last licence hearing, the Winery has also had corporate visitors arriving to the site by helicopters. Expanding the use of the premises to operate as a restaurant, particularly for high-end customers as explained by the applicant, is likely to increase the nuisance caused to local residents from travel of visitors to the winery. Helicopters flying low over homes and gardens close to the Winery to land at the premises are very noisy and disturb residents' ability to enjoy peace and quiet in our own homes and gardens.

Five Oak Lane is a narrow country road. It is single lane in many places including within the immediate vicinity of the winery entrance, and features many blind bends. There are no footpaths for pedestrians and no street lighting, with deep ditches and thorny hedgerows / nettles along the sides. Local people enjoy using the lanes for walking, running, cycling and horse-riding.



Five Oak Lane just along from winery entrance - narrow road bordered by deep ditches

With several farm yards based on Five Oak Lane, the lanes must also accommodate farm traffic, including large tractors, combines, and grain trucks. This is especially the case in the summer months when farm vehicles continue to run throughout the evenings, late into the night, and on weekends. These features of the roads leading immediately to the Winery pose specific challenges for visitors. Cars pull onto our driveways and across our gardens to make way for passing vehicles. Roads can become blocked as visitors unfamiliar with the country lanes do not understand where to wait to allow vehicles to pass. As a country road the national speed limit is in place, so visitors drive fast on these narrow roads, sometimes forcing pedestrians off the road as cars pass by too fast. The rural road surface is poorly maintained, full of potholes and entirely unsuitable for more frequent traffic to the Winery. Drainage ditches are eroded as cars / coaches unfamiliar with the local area pull onto the verges causing them to collapse and become blocked. The area, including by the Winery site

itself is prone to surface water flooding and if the ditch capacity is reduced or blocked by these collapsed verges the lanes become unpassable several times a year at times of high rainfall.



Damage from traffic to verge on Five Oak Lane close to Winery, causing ditches to be eroded and collapse



Winter flooding on Five Oak Lane looking towards Winery Entrance.

Finally, visitors to the Winery often use taxis, or other commercial drivers booked from online apps, that are unfamiliar with the area and this also causes nuisance to local residents. Just recently a taxi driver pulled into our drive [REDACTED] and he knocked at our door asking for directions to the Winery showing an online app with the booking to the Winery. He had another male customer sitting in the back of the car. Whilst of course we want to be helpful to someone that is lost, it is both a nuisance and intimidating to have strangers coming to our door in this way. The relaxation of the Conditions to permit operation of the premises as a restaurant is likely to increase the number of these nuisance incidents as the Winery becomes a destination for people from further afield who are not familiar with the rural nature of the roads, and who are unable to find their way to this remote location.



Lorry waiting by winery entrance showing oncoming car cannot pass

Public Safety

As detailed above, the narrow country lanes pose specific risks for local people using the lanes for walking, cycling, running and horse-riding. A move to allow the premises to operate as a restaurant will result in attracting more visitors who are unfamiliar with the rural nature of this area and will increase the risks to public safety. Our children have to use the lanes to walk to / from the bus stops on A229. The risks are increased during the winter months when it gets dark earlier. We are worried that visitors to a restaurant are much less likely to engage with the fact that this is a rural location with a need to take much more care of the hazards described above than visitors who come to participate in wine tasting and tours and identify as part of this experience that they are visiting an agricultural premises. In addition, the operation of a restaurant provides more flexibility in the types of bookings from customers and so may be likely to increase the number of large coaches bringing visitors, or taxis / commercial drivers who are unfamiliar with the area which would make it more likely that these hazards would have more impact on safety.

Protection of children from harm

As detailed above, the lanes pose specific risks to our children who use these country lanes for recreation, to walk to / from the bus stops on the A229, and to access wider public transport. As the Winery is set within such a rural location and the majority of visitors will access the premises by car / coach along these country lanes, we think it is appropriate to evaluate the protection of children from harm across the nearby lanes and assess the impact of increased traffic generated by a move to operate the premises as a restaurant.

Natasha and Richard Davidson-Houston

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