



# HUSH HEATH

ESTATE

SHARE OUR PASSION

4<sup>th</sup> March 2019

Dear Neighbour,

There has been much speculation and misinformation surrounding the Hush Heath Winery. In order to clarify exactly what our plans are, Leslie and I have decided to write to all our neighbours.

Firstly, we are not changing our opening hours. We are open to the public from 10am - 5pm from October to April, and from 10am - 6pm from May to September. We are not going to change these times either now or in the future. Just for your information our existing premises licence allows us to open for tours and tastings up to midnight daily. We choose not to and to reinforce this message we changed midnight to 7pm in our current application to reassure everyone that we will not be opening in the evenings.

Again, for clarity a number of people believe there is a restriction on our opening days in our planning permission. Our 2013 permission allowed us to open every day for tours and tastings, but the shop had to be closed on Sundays and bank holidays. However, our planning permission granted in 2017 superseded the 2013 permission as the shop and tasting room were in the new building extension and had no restriction on opening hours or days of operation. In other words, we have permission to be open 7 days per week for tours, tastings and the shop.

Secondly the Winery is not a pub nor a restaurant and has no intention of becoming one. Indeed, we have decided to hold no weddings at the Winery as they are too noisy and disruptive. We own a number of local pubs such as the Goudhurst Inn and Tickled Trout and we encourage our visitors to have lunch or dinner in them and indeed to stay in our boutique hotel rooms above the pubs.

What we will do, is serve cold sharing platters at the Winery comprising local cheeses, charcuterie and vegetables (no cooking or chefs involved) between 12pm - 3 pm in winter months and 12pm - 5pm in summer months.

TEL: +44 (0)1622 832794 SALES: +44 (0)1622 832794 [REDACTED] VAT REGISTRATION NO GB795 884058

HUSH HEATH WINERY | FIVE OAK LANE STAPLEHURST | KENT | TN12 0HT

WWW.HUSHHEATH.COM

We will also offer private and corporate group winery tour bookings for events linked to wine tasting and tours of the estate and winery. Indeed, we have been running these since we first opened in 2010. We will however, not become a general events venue as usually found in large hotels or tourist destinations. All events open to the public will be linked to and about our wines and winemaking and viticultural education.

The amendment to our licence that we have applied for will allow our existing visitors who come to the estate for tours and tastings to enjoy a glass of our wine or cider in our tasting room and terrace. As we are only serving drinks produced by Hush Heath there are no spirits available. The ability for our guests to enjoy a glass of our wine will not increase our footfall, road traffic or visitor numbers. Again, to be clear we will not become a pub or bar and visitors are not going to drive all the way to the Winery simply to buy a glass of our wine which is available in our local pubs where they can also drink other non - Hush Heath drinks.

Again, for information purposes a large percentage of visitors coming to the Winery are coming from London and abroad, arriving by train to Marden station where they are picked up by local taxi or our own 12-seater mini bus. This reduces road traffic. Furthermore, we have a policy whereby our agricultural vehicles do not use the public roads but travel across the estate tracks and fields. To date since 2010 we have had no incidences of drunk drivers leaving the Winery, road accidents, driving into ditches, accidents or police or KCC highway complaints.

In terms of large 30-seater coaches we have on average one coach per week in the months of May to September visiting the winery from France, Germany or Belgium, and very few coaches during the winter months of October to April. We have no intention of increasing this now or in the future.

We have on average 3 - 4 HGVs per week coming to the Winery to either deliver winemaking materials or to pick up our wines for delivery to customers.

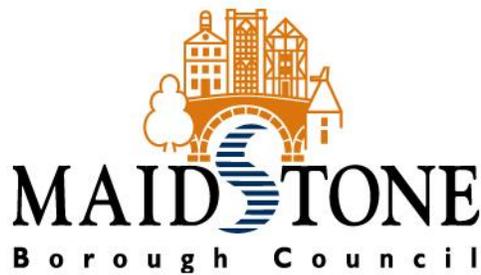
We live in a farming location and there are many agricultural vehicles and HGVs using the roads and it is easy to assume they are all connected with the winery. However, this is incorrect.

Leslie and I live 250 yards from the Winery and are highly conscious of noise and activities surrounding the Winery. We love the area and the whole estate is beautiful, teeming with wild flowers (we have just planted over 15 acres of wild meadow flowers in the fields adjacent to the Winery), bird and insect life as well as many other animals. Conservation and biodiversity lies at the heart of our land. We really hope you will visit us along with your family and friends and enjoy walking through our immaculate vineyards, apple orchards and ancient oak woodlands. We are also immensely proud to have just been awarded a Gold Standard by Visit England for Visitor Attractions. A first for an English Winery.

Kind regards,

Richard and Leslie Balfour-Lynn

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**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No:

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Applicant: Mr Richard Balfour-Lynn

Regarding **PREMISE LICENCE (VARIATION)**  
Hush Heath Winery, Hush Heath Estate, Five Oak Lane,  
Staplehurst, Kent TN12 0HX

Date(s) of hearing: 28 March 2019

Date of determination: 28 March 2019

Committee Members: Councillor Mrs Hinder (Chairman), Councillor Mrs Joy and  
Councillor Springett

Legal Advisor in attendance at hearing: Mrs J Bolas

Democratic Services Officer in attendance at hearing: Mrs C Matthews

This was an application for:

Variation

for a

Premises Licence

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

## **Applicant**

Name: Mr R Balfour-Lynn

Witnesses: Cllr Perry, Ms S. Easton, Cllr Brice, Mr D Curtis-Brignall,  
Cllr Greer

## **Responsible Authorities**

Not applicable

## **Other Persons**

Name: Represented by Mr P Kolvin QC (Ms Amanda Tipples, Mr B Tipples Mr & Mrs Stanley, Mr & Mrs Davidson-Houston, Ms Stallman, Ms Hardwick, Mr Rennick, Mr & Mrs Humphrey, Mr Codd & Ms Hodgkiss, Mr F & Mrs Anne Tipples, Ms Martin- Clark, Mr Taylor & Ms Feakin).

Witnesses: Mrs N Davidson-Houston

## **Representations considered in the absence of a party to the hearing:**

In support – Helen Grant MP

Objections - Mr & Mrs Ewbank, Mr Crumpling, Mr Buller, Mr Edmondson, Mr Twyman,  
Mr & Mrs Eccles, Mr & Mrs Vesma, Mr Beevor,

Together with all written representations, from all above-named other persons represented by Mr Kolvin QC and as witnesses for the applicant, appearing in Appendix C of the meeting agenda.

## **B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to licensing objectives ;  
Sections 34 - 36 which relate to the variation of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapter 8 & 9 which relates to premises licences & determinations  
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17.9 which relates to prevention of crime and disorder

Chapter 17.16 which relates to the promotion of public safety

Chapter 17.19 which relates to the prevention of nuisance

Chapter 17.23 which relates to the protection of children from harm.

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

**C: Determination:**

**The Committee has decided to: Grant the Application and**

- Vary conditions appropriate for the promotion of the licensing objectives

Mandatory conditions remain; embedded conditions not applicable, current conditions at annexes 3 and 4 to be deleted and replaced with those below.

Hours:

Off sales (online)	10:00 – 00:00
Off sales (shop)	10:00 – 17:00 November – March and; 10:00 – 18:00 April – October
On sales (non special event)	10:00 – 19:00
On sale (special event)	10:00 – 00:00
Opening hours (non special event)	10:00 – 19:00
Opening hours (special events)	10:00 – 00:00
Opening hours (online sales no public attendance)	10:00 – 00:00

A special event (previously referred to as “event occasion”) is an event at which: recorded or live music is provided after 17:00 or late night refreshment is provided.

The premises shall not be operated as a pub, restaurant, drinking establishment, nightclub, wedding venue or events venue (other than events ancillary to the winery

use).

The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a winery.

There shall be good CCTV coverage of all licensed areas. The CCTV system will be kept in good working order and any images captured will be kept for a minimum of 30 days and supplied to a Police officer or local authority officer upon request.

No customers will be left unsupervised on the premises.

Children will be kept under adult supervision at all times.

All hazardous materials will be kept under child proof lock.

A Challenge 25 proof of age scheme shall be operated at the premises, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with PASS hologram.

The premises licence holder shall organise a meeting with residents living within 800 metres of the Hush Heath Estate once per calendar year to discuss any impact of the premises on the promotion of the licensing objectives. (See also informatives).

The sale of alcohol for consumption on the premises shall be restricted to products produced by Hush Heath Winery and shall not include spirits.'

The sale of alcohol for consumption on the premises shall be only to those attending the winery for the purposes of winery tours, tastings and vinicultural and viticultural education.

There shall be no external advertising generally or at the premises, of the sale of alcohol for consumption at the premises, by the licence holder or any person instructed by or associated with him, including on any signs or any website.

Special Events may be held at the premises subject to:

- a) Special Events shall be limited to 12 per calendar year.
- b) Special Events shall not occur on consecutive weekends.
- c) Special Events shall be notified by letter or email to neighbours within 800 metres of the premises a minimum of 7 days before the event.
- d) The supply of alcohol shall be restricted to products produced by Hush Heath Winery and shall not include spirits.
- e) After 23:00 live and recorded music and late night refreshment will be indoors only and windows and doors will be closed save for entry and exit.
- f) Live and recorded music will end by 23:45.

- g) All visitors to the premises will leave the premises and parking area by midnight.
- h) Signage will be placed at the exits of the premises asking visitors to leave quietly and respect neighbours.
- i) The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises, including on the exterior terrace, do so in an orderly manner and are supervised by staff so as to ensure that there is no nuisance to local residents.

#### **Informatives:**

If issues should arise during the operation of a licence which are related to licensable activities at the premises and promotion of the licensing objectives, application may be made for a review of a premises licence in accordance with the Licensing Act 2003.

Any term or condition of the premises licence does not confer planning permission for the activity licensed and should any conflict arise implementation of the licence may put the licensee at risk of planning enforcement unless appropriate planning permission is obtained.

Any issues arising or complaints may be raised with the premises licence holder as they arise and not await an organised meeting, to facilitate constructive discussion at the time.

#### **Reasons for conditions:**

Members of the Licensing Sub Committee considered that all the conditions attached to this licence are appropriate and proportionate to the scale of this premises and nature of its operation as a winery with tours, tastings and wine related education and activities, including a limited number of special events ancillary to its main function. They are such as to continue to promote the licensing objectives of prevention of public nuisance and public safety, following addition of the amendment to hours and permitted sale of alcohol for consumption on the premises without restriction to tasting samples only.

In respect of conditions previously in Schedules 3 and 4 to the premises licence granted on 3 September 2018, these have been transferred with very minor amendments to the conditions to form schedule 4 of this licence, for clarity.

The conditions restricting operation of the premises, licensable activities to those ancillary to the winery function ,type of alcohol that may be sold and supervision of those drinking or smoking outside the premises are considered appropriate and proportionate to promote the licensing objective of prevention of public nuisance. By ensuring limitations on unrestricted licensable activities at the premises creating a venue attracting significantly more visitors for general activities where there would be a reasonable likelihood of public nuisance arising from noise and disturbance with

attendant nuisance to nearby residents from music, clientele in spaces outside the premises and arriving/leaving.

The condition restricting advertising externally the sale of alcohol for consumption on the premises was also considered appropriate and proportionate for the same reasons, as such advertising is reasonably likely to attract a number visitors seeking a premises selling alcohol rather than tasting samples provided as ancillary to services intended by the winery operation.

Finally the requirement to organise an annual meeting with those residents residing within 800 metres of the Hush Heath Estate was considered appropriate and proportionate to promote the licensing objective of prevention of public nuisance by providing a forum for residents to provide feedback on the impact of licensable activities and the Licence holder to provide information on forthcoming activities and give assurance in relation to any concerns. It was felt that with the informative in respect of any general issues and contact with the licence holder this would be sufficient without additional formal meetings.

Members gave consideration to requests from objectors for a condition restricting types of vehicle attending the winery on the basis of public safety but did not believe this to be proportionate in relation to the intention of that objective or appropriate as it would not be within the licence holder's power to control.

### **Reasons for determination:**

Having heard from Mr Kolvin, on behalf of many objectors, Mr Balfour – Lynn, the applicant and many of those in support of his application and read all the representations made, (see lists above), Members of the Sub Committee took account of the lengthy and detailed evidence where relevant to promotion of the licensing objectives and impacts relating to this variation application .

They also took into account that there were no representations from Responsible Authorities.

Members have carefully balanced the stated requirements of the applicant in operating his winery business and ancillary licensable activities against the concerns of neighbours likely to be affected by uncontrolled licensable activities which have a reasonable likelihood of not promoting the licensing objectives.

### **Prevention of Crime and Disorder**

There were some concerns expressed that making alcohol consumption available on the premises, other than tasting samples, would increase drink driving in an area without viable public transport. However, there was no evidence that any issues have arisen with current operations or that sale restricted to visitors attending the premises for winery tours, tasting and education would give rise to this. There was evidence that taxi details are made available and dedicated drivers are encouraged. It was not

considered to be appropriate or proportionate to refuse or condition the licence in respect of this objective.

### **Protection of Children from Harm**

In respect of protection of Children from harm it was noted that concerns related to road safety and were not in respect of direct issues covered by Guidance, such as: underage drinking and adult entertainment. Members, therefore, noted the concerns related to children and considered them as part of their consideration of the public safety objective.

### **Public Safety**

In respect of public safety the points made by the objectors related to the safety of the road network surrounding the winery and used for access to it. Members read, saw and heard much on the nature of the roads from all directions including photographs and of the experience of the residents and general road users including children on school journeys etc. However, Guidance refers to safety considerations being on and near the premises and specifically related to its activities. Members however, went on to consider that should the wider road network be considered in respect of this application and licensable activities; were the concerns raised such that they should refuse the application or condition the licence in respect of the hours for on licensed sales? In Members view there was no clear evidence that allowing sale of restricted products, linked to tours, tastings and education to 19:00 hours would increase traffic significantly beyond current levels.

The number of visitors per year is currently under 10, 000 and the applicant confirmed that the figures indicated in press articles were not quoted by him. There was no quantification of increased level of vehicles that could be said to be reasonably likely or that the perceived increase in HGVs or coaches could be linked to the Winery. Evidence was heard that working vehicles for the winery are whenever weather conditions are suitable carried out on estate, not public, roads, the level of HGVs would not increase significantly and that levels of coaches currently received do not match the advertisements by coach companies for tours. It was understood that advertisements produced in evidence were not placed or controlled by the applicant and in any event it was not believed that the variation would affect the likely uptake of any such tours. The applicant confirmed that coaches received are 1 per week in summer and 1 per fortnight in winter, which come from abroad. Evidence was not clear that HGVs in the area are winery related and indeed evidence was given by a Councillor that she is currently involved in seeking a Google maps change in directions to Lorries generally to use roads around the winery area, which may result in additional HGV traffic.. Members also considered that in winter in darkness the level of visitors to the winery would be likely to be at its lowest after dark. It was considered that the public safety objective was not sufficiently engaged by the proposed variation to justify specific conditions under this objective.

## **Prevention of Public Nuisance**

Members are aware that public nuisance can be caused by traffic but for the above reasons related to public safety did not consider that separate conditions on traffic matters were appropriate or proportionate in this case.

However, they went on to consider public nuisance in relation to noise and disturbance in and around the premises arising from visitors, licensable activities and any reasonably likely increases arising from hours of on sales and consumption other than tasting samples. The current hours for on sales were until 00:00 but operationally had been maintained at 17:00 Nov –Mar and 18:00 Apr – Oct other than online sales. The intention of 19:00 for on sales at the premises was stated to be to allow flexibility for any visitors staying a little over time and to provide assurance for neighbours that it would not extend in to the evening, particularly outside the premises. Sales from the shop were agreed to remain at the current operational hours and although not matching the on sales elsewhere it was felt that this could be accommodated by sufficient notice to visitors on the premises. There was no evidence that if the on sales were restricted as to type of product , visitors linked to tours, tastings and education and advertisement was controlled that there would significant increases in visitors and thereby likelihood of nuisance to neighbours. There was also evidence that sound insulation inside the premises and types of music played would not be excessive, despite the tranquil nature of the surrounding area. Members were of the view that conditioned restrictions already in place and some additional ones are sufficient in this instance to promote prevention of public nuisance.

Noting the nature of the area and concerns of residents likely to be affected by any impacts and the agreement of the applicant to restrict his operations to his intended business activities Members conditioned the type of licensable activity allowed, that it be ancillary to the winery use, that there be no external advertising of non shop on sales and supervision of outside areas. They considered this to be appropriate and proportionate to promote the prevention of public nuisance.

PRINT NAME (CHAIRMAN): COUNCILLOR MRS HINDER

Signed [Chairman]: A copy of the original document is held on file

Date: 28/03/2019



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No: 20/01678/LAPRE

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Applicant: Mr Richard Balfour-Lynn

Regarding **PREMISE LICENCE (VARIATION)**  
Hush Heath Winery, Hush Heath Estate, Five Oak Lane,  
Staplehurst, Kent TN12 0HX

Date(s) of hearing: 10<sup>th</sup> September 2020

Date of determination: 10<sup>th</sup> September 2020

Committee Members: Councillor Mrs Joy (Chairman), Councillor Mrs Sams and  
Councillor Mrs Springett

Legal Advisor in attendance at hearing: Mr Robin Harris

Democratic Services Officer in attendance at hearing: Miss Oliviya Parfitt

Online Meeting Facilitator: Mr Ryan O'Connell

This was an application for:

Variation

for a

Premises Licence

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

## **Applicant**

Name: Mr R Balfour-Lynn

Witnesses: Cllr Perry, Cllr Riordan Staplehurst Parish Council

## **Responsible Authorities**

Not applicable

## **Other Persons**

Name: Represented by Mr P Kolvin QC (Angus Codd and Andrea Hodgkiss, Kim and Sally Humphrey, Alison Clark, Richard and Natasha Davidson-Houston, Amanda and Bernard Tipples, Frank and Ann Tipples, Dawn Lye, David Taylor and Nicola Feakin.)

Witnesses: Mrs N Davidson-Houston

## **Representations considered in the absence of a party to the hearing:**

In support – Staplehurst Parish Council

Objections – Ian and Liz Tipples, Guy and Janice Barkaway, Brenda Webb and Darryl Evans, Marcus Rennick

Together with all written representations received, from all above-named other persons represented by Mr Kolvin QC and as witnesses for the applicant, appearing in the agenda papers at appendix 3

## **B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives;  
Sections 34 - 36 which relate to the variation of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapters 8 & 9 which relate to premises licences & determinations  
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17.9 which relates to prevention of crime and disorder

Chapter 17.16 which relates to the promotion of public safety

Chapter 17.19 which relates to the prevention of nuisance

Chapter 17.23 which relates to the protection of children from harm.

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

**C: Determination:**

**The Committee has decided to: Grant the Application and**

- Vary conditions appropriate for the promotion of the licensing objectives

Mandatory conditions remain; embedded conditions not applicable, current conditions at annexes 3 and 4 to be deleted and replaced with those below.

Hours:

Off sales (online)	00:00 – 00:00 (24 hours)
Off sales (shop)	10:00 – 17:00 November – March and; 10:00 – 18:00 April – October
Off sales (shop) (non special event*)	10:00 – 23:00 Fridays and Saturdays only
Off sales (shop) (special event)	10:00 – 24:00
On sales (non special event*)	10:00 – 19:00 Sunday to Thursday and;
On sales (non special event*)	10:00 – 23:00 Fridays and Saturdays only
On sales (special event*)	10:00 – 00:00
Late night refreshment	23:00 – 00:00
Live and recorded music	10:00 – 24:00
Opening hours (non special event*)	10:00 – 19:00 Sunday to Thursday and;

Opening hours (non special event*)	10:00 – 23:00 Fridays and Saturdays only
Opening hours (special events*)	10:00 – 00:00
Opening hours (online sales only no public attendance)	00:00 – 00:00

\* as defined below

A special event (previously referred to as “event occasion”) is an event at which: recorded or live music is provided after 17:00 or late night refreshment is provided and are subject to the additional conditions imposed by condition 12 a-i.

A non special event with extended hours refers to Fridays and Saturdays where on and off sales are permitted until 23:00 subject to the conditions imposed by condition 13 a-f. All other non special events refer to occasions where there is not a special event or a non special event with extended hours.

The following conditions apply at all times:

1. The premises shall not be operated as a public house, restaurant, drinking establishment, nightclub, wedding venue or events venue (other than events ancillary to the winery use).
2. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a winery.
3. There shall be good CCTV coverage of all licensed areas. The CCTV system will be kept in good working order and any images captured will be kept for a minimum of 30 days and supplied to a Police officer or local authority officer upon request.
4. No customers will be left unsupervised on the premises.
5. Children will be kept under adult supervision at all times.
6. All hazardous materials will be kept under child proof lock.
7. A Challenge 25 proof of age scheme shall be operated at the premises, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with PASS hologram.
8. The premises licence holder shall organise a meeting with residents living within 800 metres of the Hush Heath Estate once per calendar year to discuss any impact of the premises on the promotion of the licensing objectives. (See also informatives).

9. The sale of alcohol for consumption on the premises shall be restricted to products produced by Hush Heath Winery and shall not include spirits.'
10. The sale of alcohol for consumption on the premises shall be only to those attending the winery for the purposes of winery tours, tastings and vinicultural and vinicultural education.
11. There shall be no external advertising generally or at the premises, of the sale of alcohol for consumption at the premises, by the licence holder or any person instructed by or associated with him, including on any signs or any third party website. The website for the premises may advertise the services and hours that are available at the premises.

The following condition applies during special events as defined above.

12. Special Events may be held at the premises subject to:
  - a) Special Events shall be limited to 12 per calendar year.
  - b) Special Events shall not occur on consecutive weekends.
  - c) Special Events shall be notified by letter or email to neighbours within 800 metres of the premises a minimum of 7 days before the event.
  - d) The supply of alcohol shall be restricted to products produced by Hush Heath Winery and shall not include spirits.
  - e) After 23:00 live and recorded music and late night refreshment will be indoors only and windows and doors will be closed save for entry and exit.
  - f) Live and recorded music will end by 23:45.
  - g) All visitors to the premises will leave the premises and parking area by midnight.
  - h) Signage will be placed at the exits of the premises asking visitors to leave quietly and respect neighbours.
  - i) The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises, including on the exterior terrace, do so in an orderly manner and are supervised by staff so as to ensure that there is no nuisance to local residents.

The following condition applies during non special events with extended hours as defined above

13. Non Special Events (Extended hours on Fridays and Saturdays)
  - a) The extended hours to 23:00hrs apply only on Fridays and Saturdays, but are available all year round.
  - b) The premises may only be opened for extended hours on a Friday or Saturday where there are pre-booked activities.
  - c) The maximum number of customers during extended hours is limited to 60 persons.

- d) Licensable activities during extended hours will occur indoors only.
- e) The supply of alcohol during extended hours shall be ancillary to a full table meal only.
- f) Off sales during extended hours are only available to persons taking part in the pre-booked activities.

**Informatives:**

If issues should arise during the operation of a licence which are related to licensable activities at the premises and promotion of the licensing objectives, application may be made for a review of a premises licence in accordance with the Licensing Act 2003.

Any term or condition of the premises licence does not confer planning permission for the activity licensed and should any conflict arise implementation of the licence may put the licensee at risk of planning enforcement unless appropriate planning permission is obtained.

Any issues arising or complaints may be raised with the premises licence holder as they arise and not await an organised meeting, to facilitate constructive discussion at the time.

The premises licence holder is strongly recommended to engage fully with local residents prior to making any further applications.

**Reasons for conditions:**

Members of the Licensing Sub Committee considered that all the conditions attached to this licence are appropriate and proportionate to the scale of this premises and nature of its operation as a winery with tours, tastings and wine related education and activities, including a limited number of special events ancillary to its main function and the new addition following this hearing of extended hours for on and off sales that are permitted on Fridays and Saturdays. They are such as to continue to promote the licensing objectives, following the addition of extended hours on Fridays and Saturdays.

In respect of conditions previously in Schedules 3 and 4 to the premises licence granted on 28<sup>th</sup> March 2019, these have been transferred with very minor amendments to the conditions to form schedule 4 of this licence, for clarity.

The condition limiting extended hours to Fridays and Saturdays only was appropriate and proportionate to promote the licensing objective of preventing public nuisance. The Sub-Committee were of the view that three nights a week including a night during the ordinary working week could lead to public nuisance due to the increase in customers attending the premises later in the evening.

The condition limiting the number of customers allowed during extended hours was appropriate and proportionate for the same reason and also for the promotion of the

public safety objective, in respect of an increased volume of traffic, in so far as that is relevant. The Sub-Committee noted that the applicant requested 10 tables and in the current climate that sets a maximum of 60 people and that number going forwards was appropriate for the promotion of the licensing objectives.

The other on sales extended hours conditions are consistent with the conditions already on the licence in respect of the use of the facility being ancillary to the primary use as a winery and clarify that this remains the case during extended hours as they continue to promote the licensing objectives going forwards.

The condition relating to off sales during extended hours is appropriate and proportionate to promoting the licensing objective of preventing public nuisance and consistent with the conditions already on the licence in respect of the use of the facility being ancillary to the primary use as a winery and clarify that this remains the case during extended hours. The Sub-Committee confirmed that it was not mistaken when it set the hours for the shop previously and these hours remain unchanged.

The existing condition restricting advertising externally the sale of alcohol for consumption on the premises remains appropriate and proportionate to prevent public nuisance, as such advertising is reasonably likely to attract a number visitors seeking a premises selling alcohol rather than for wine tasting experiences provided as ancillary to services intended by the winery operation. However, the Sub-Committee considered the amendment to allow advertising of services and hours on the premises website to strengthen this condition as it would limit speculative visits to the premises and support the pre-booking condition.

The Sub-Committee felt that a further informative in respect of the premises licence holder engaging with residents prior to any application would be helpful.

### **Reasons for determination:**

Having heard from Mr Kolvin, on behalf of many objectors, Mr Balfour – Lynn, the applicant and those in support of his application and read all the representations made, (see lists above), Members of the Sub Committee took account of the lengthy and detailed evidence where relevant to promotion of the licensing objectives and impacts relating to this variation application.

They also took into account that there were no representations from Responsible Authorities.

The Sub-Committee noted that there was no objection to online sales being 24 hours a day.

Members have carefully balanced the stated requirements of the applicant in operating his winery business and ancillary licensable activities against the concerns of

neighbours likely to be affected by uncontrolled licensable activities which have a reasonable likelihood of not promoting the licensing objectives.

### **Prevention of Crime and Disorder**

The Sub-Committee noted that there were no representations under this licensing objective.

### **Protection of Children from Harm**

The Sub-Committee noted that there were no representations under this licensing objective that would meet the definition in the guidance. However, reference to child safety generally, particularly on the roads was raised and was therefore considered under the public safety objective.

### **Public Safety**

In respect of public safety, the Sub-Committee noted that the objectors' main concerns centred around the potential of this variation to create a substantial increase in visitor numbers, leading in turn to an increase in traffic on the small local roads, during evening hours which they state is the time of highest risk. A witness was able to point to a specific example of a vehicle departing the winery causing a hazard, which had been reported to the Parish Council.

Further, objectors were concerned regarding the safety of the public when moving around the site after dark, due to the potential planning limitations on the use of the external lighting at the premises.

In response, the applicant stated that they had a well run premises, there was no history of public safety issues at the site and where residents had raised concerns these had been responded to, for example by purchasing a minivan and routing this vehicle from Marden rather than Staplehurst. The applicant suggested conditions in relation to public nuisance which were also relevant to this licensing objective, namely a limitation on the number of customers and operating a pre-booking system.

The Sub-Committee noted that there was no representation from any responsible authorities on this issue and given the representation from the Parish Council, there was a range of opinion, even among local residents in respect of public safety on the roads.

No party produced expert evidence in respect of the proposed variation on visitor numbers or traffic flows.

The Sub-Committee was satisfied that there is adequate lighting available at the premises. The Sub-Committee draws attention to the informative regarding the relationship between planning and licensing that was made at the previous hearing and remains extant.

Taking into account all of the above, the Sub-Committee were of the view that the proposed variation was likely to increase visitor numbers in the evening. However, due to issues of road safety not being evidenced as occurring on the premises or the immediate vicinity of the premises, or linked to the proposed variation, it was considered that the public safety objective was not sufficiently engaged by the proposed variation to justify specific conditions under this objective, but, the Sub-Committee felt that conditions that were appropriate to the promotion of the prevention of public nuisance also assisted in respect of this licensing objective, in as far as it is relevant.

### **Prevention of Public Nuisance**

The Sub-Committee noted that the objectors main concerns around this issue were related to a potential increase in visitors, which had the risk of increased noise and disturbance in an area which is both rural and tranquil and further, that the proposed variation was indicative of a move away from services ancillary to a winery towards an operation akin to a hospitality venue, with a more social experience, which would by its nature be a noisier enterprise.

The representations made both at the hearing and in advance of the hearing pointed to previous assurances by the applicant that there was no intention to change the existing licence.

Representations noted that the applicant had not used his quota of 12 special events but now wanted to increase late night openings 14 fold.

The applicant responded that the changes were not planned and that he had been genuine when he had given assurances previously. However, the impact of the Covid-19 pandemic required a response and there was also a change in the demand from customers, which as a business the premises had to respond to or the business could fail. The applicant noted that neighbouring properties would not be impacted by noise from inside the winery, due to the construction of the winery.

The applicant advised that he felt it unlikely that the hours would be exercised three nights a week, but that the business wanted there to be flexibility. He noted that he is the closest resident to the winery and that he also has an interest in limiting noise from the premises.

The applicant also proposed a condition on the maximum number of guests that could attend later in the evening, along with pre-booking and the suggestion of dimming the lights during the hours of darkness.

The Sub-Committee noted that there was no representation from any responsible authority in respect of this licensing objective.

The Sub-Committee noted the support of the Parish Council to the application.

Taking into account all of the above, the Sub-Committee considered that the application as originally made failed to adequately promote this licensing objective. However, with some of the modifications proposed by the applicant and appropriate conditions applied by the Sub-Committee the application could be approved in part and continue to promote this licensing objective.

The Sub-Committee felt that three nights a week, including an ordinary working day was likely to cause a public nuisance. However, a reduction to two weekend evenings with a limitation on the total number of customers and the further additional controls noted above, would be sufficient to promote this licensing objective and ensure that the licensable activities on the premises remained as ancillary to the primary use as a winery.

The Sub-Committee permitted off sales to run concurrently with the extended hours, but did not change the hours for other days of the week. The intention of 19:00 for on sales at the premises was stated in the previous application to be to allow flexibility for any visitors staying a little over time. This was not a mistake and has promoted the licensing objectives.

Members amended the no external advertising condition to allow advertising of services and hours on the premises website. They considered this to be appropriate and proportionate to promote the prevention of public nuisance.

PRINT NAME (CHAIRMAN): COUNCILLOR MRS JOY

Signed [Chairman]:

A copy of the original document is held on file

Date: 15 September 2020

**IN THE MATTER OF HUSH HEATH WINERY**

**LICENSING SUB-COMMITTEE, 10<sup>th</sup> SEPTEMBER 2020**

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**SKELETON ARGUMENT ON BEHALF OF ANGUS CODD AND ANDREA HODGKISS, KIM AND SALLY HUMPHREY,** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**Introduction**

1. Hush Heath Winery sits on rural land south west of Staplehurst.
2. There are three relevant sensitivities:
  - a. The surrounding countryside is tranquil.
  - b. There are several nearby dwellings. The nearest are a few metres away.
  - c. The access roads are narrow country lanes, with no footpaths, rough verges and ditches, single carriageway in places and unlit, along which children and cyclists pass to and from school and other activities. There is no street lighting. This is particularly dangerous after dark.
3. The owner of the winery, Mr Balfour-Lynn has long-held aspirations greatly to increase visitor activity at the winery. This has the clear potential to impact on the above sensitivities.
4. This is the fourth licence application he has made in just two years to secure that increase, in each case contrary to assurances he has previously given.
5. Most recently, in March 2019, the Licensing Sub-committee considered a 500 page bundle, and conducted a full day hearing, before imposing a balanced code of control which, among other things, permitted just 12 evening events per year. No party appealed.

6. By this application, the applicant seeks permission to increase that to 168 evening events per year, This is contrary to all previous controls and all assurances that he has repeatedly given.
7. The Sub-Committee is respectfully invited to reject this latest attempt. There is no reason based on the licensing objectives to depart from its previous decisions.
8. The Sub-Committee is principally referred to:
  - a. The objections filed to this application at Tab 2 herewith.
  - b. The submissions filed for the hearing on 28<sup>th</sup> March 2019 at Tab 12 herewith.
9. It should also be pointed out that the local community finds it difficult to keep resourcing objections to these repeated licence applications. While an applicant is entitled to make as many applications as they like, it imposes an unfair time and costs burden on local people to have to keep responding to them.
10. In these submissions, the objectors do not seek to re-argue the case extensively. Rather, they provide brief references to the documents in the bundle a) to refer to the objections they have lodged and b) to underline the history.

### **The application**

11. The application contains three limbs.

#### **(1) Off-licence hours**

12. First, in its decision of 28<sup>th</sup> March 2019, following full argument, the Licensing Sub-Committee required the shop to close at 5 p.m. in November to March and 6 p.m. in April to October (Tab 14). The applicant now wishes to extend that to 7 p.m. He informed the Parish Council that the off-licence hours had been imposed by mistake (Tab 17). However, there was clearly no mistake in the Sub-Committee's decision, and in any case there was no appeal against it. There is no basis for a departure now.

#### **(2) Hours of non-special events**

13. Second in its decision, the Sub-Committee imposed a careful code of control, permitting on-sales (non-special events) to 7 p.m. and on-sales (special events) to

midnight but restricted to 12 events per year. This meant that (TENs aside) the applicant was restricted to 12 events after 7 p.m. each year. The rationale for that approach was carefully set out in the decision, and also reflected a previous decision of the Sub-Committee in 2018.

14. The applicant now wants to extend the hours of non-special events on three days per week, i.e. 156 times per year. This would be in addition to the 12 special events, making an increase from 12 evenings to 168 evenings. This is directly contrary to assurances given over the years and to previous decisions of the Sub-Committee, following full hearings. Again, there is no basis for this departure.

### **(3) External advertising**

15. The Sub-Committee gave clear reasons for imposing a condition restricting external advertising, which were not appealed. The applicant seems to propose retaining part of the condition but to delete the words “or at the premises” and “including on any signs or any web-site”. The applicant seems to be suggesting that he should be able to advertise by signage at the winery and also on the web-site, which cuts across the reason for having the condition.

### **Licence history**

16. In 2013, the applicant applied for and was granted a licence on the basis of statements in his operating schedule (Tab 3):

*“... limited access to the public....”*

*“The supply of alcohol will be restricted to members of the public tasting samples.”*

17. In July 2018, the applicant applied to vary his premises licence granted in 2013 to accommodate what was described as a tasting room (Tab 4). In the application, he expressly stated:

*“The supply of alcohol will be restricted to members of the public as tasting samples.”*

18. Following a hearing, the Sub-Committee's decision (Tab 6) recorded that the proposed licence was primarily the same as the current licence save in the new facility, the business primarily being a winery with tastings to 17:00 hours and with conditions:

- a. Restricting the supply of alcohol to tasting samples only.
- b. Permitting up to 12 events per annum with additional hours.

19. In his submissions, the applicant said he was not planning on having more than 12 events a year and in response to a specific question from the Sub-Committee indicated that he did not object to the number of events going past 6 p.m. being limited to 12 a year.

20. The Sub-Committee permitted the application accordingly, stating that they had:

*"... carefully balanced the requirements of the applicant in operating his business as a winery with some events in an extended space and the need for the promotion of the licensing objectives of prevention of public nuisance and protection of public safety to protect the concerns of neighbours likely to be caused nuisance by uncontrolled licensable activities.*

*"Having considered the topography of the area, the close proximity of residents and the likely travel of sound and the concerns of local residents regarding quiet use of their premises Members have provided conditions to ensure a reasonable balance."*

21. There was no appeal against that decision.

22. However, just two months later, in November 2018, the applicant applied by way of minor variation (Tab 7) to remove the condition restricting the supply of alcohol to tasting samples only, stating in the form that the condition "hampers our operation." The application was rightly rejected.

23. Two months after that, in January 2019, the applicant applied to remove the "tasting sample" condition (Tab 8). The application form stressed that "Hush Heath is not a public house or restaurant." A rider to the application stated that the current practice

was to close at 5 p.m. in November to March and 6 p.m. in April to October “and this practice is likely to continue as a general rule.”

24. It is a feature of the applicant’s approach that he claims that the objectors have misunderstood his operation. Therefore, on 24<sup>th</sup> February 2019, he wrote to the Council (Tab 9) stating:

*“First, many complainants have referred to the Winery increasing our opening hours. This is not correct. In the winter months we are open from 10 a.m. to 5 p.m, and in summer from 10 a.m. to 6 p.m. We do not intend to alter this... We are not and have no intention of being open in the evenings, apart from up to 12 permitted events in the year....”*

*“Equally, we are not, and have no intention of becoming a restaurant. We employ no chefs or cooks...”*

25. This was reiterated in his solicitors’ letter of 26<sup>th</sup> February 2019 (Tab 10) in which they stated:

*“The proposed variation has no impact on the number of events that can be held at the premises, which is limited to 12.”*

26. This was then backed up again in a personal letter from the applicant to all their neighbours dated 4<sup>th</sup> March 2019 (Tab 11), again starting with a baseless allegation that neighbours were misinformed:

*“There has been much speculation and misinformation surrounding the Hush Heath Winery. In order to clarify exactly what our plans are, Leslie and I have decided to write to all our neighbours.*

*“Firstly, we are not changing our opening hours. We are open to the public from 10 a.m. – 5 p.m. from October to April and from 10 a.m. – 6 p.m. from May to September. We are not going to change these times either now or in the future....”*

*“Secondly, the Winery is not a pub or a restaurant and has no intention of becoming one. Indeed, we have decided to hold no weddings at the Winery as*

*they are too noisy and disruptive. We own a number of local pubs ... and we encourage our visitors to have lunch or dinner in them...*

*“What we will do, is serve cold sharing platters at the Winery comprising local cheeses, charcuterie and vegetables (no cooking or chefs involved) between 12 p.m. and 3 p.m. in winter months and 12 p.m. – 5 p.m. in summer months.”*

27. Relying on those assurances, the objectors helpfully provided a list of suggested conditions which, as the minutes of the hearing (Tab 14) show, the applicant largely agreed. He expressly agree that only 12 events should go past 7 p.m. and that “in relation to safety people would not come in the dark.”

28. The Sub-Committee gave the matter the most careful consideration and imposed a detailed code of control on the basis of which it was prepared to remove the restrictions to tasting samples only. It stated:

*“Members of the Licensing Sub-Committee considered that all the conditions attached to this licence are appropriate and proportionate to the scale of this premises and nature of its operation as a winery with tours, tastings and wine related education and activities, including a limited number of special events ancillary to its main function. They are such as to continue to promote the licensing objectives of prevention of public nuisance and public safety, following addition of the amendment to hours and permitted sale of alcohol for consumption on the premises without restriction to tasting samples only.”*

29. A condition of the special events was that they must be notified by letter or email to neighbours in advance. The objectors can recall only one such notification since March 2019.

30. In January 2020 there was a community meeting between the applicant and local residents as required by the licence (Tab 15). At the meeting, the applicant again disavowed any intention to expand the licence:

*“Q. Are there any plans to vary the licence or increase the number of events under the licence regime / TENS?”*

A. *Mr B-L stated that there were to be no more events beyond those allowed under the existing licence and TENS systems. The Winery Manager added that they did not have enough staff to increase the number of evening events.*”

31. The current application was made in July 2020 (Tab 16).

32. On 10th August 2020 the applicant addressed the Parish Council accusing both the objectors and the Licensing Sub-Committee of mistakes (Tab 17). He started by saying “I think, as usual, there is a lot of misconception about what we want to do.”

33. As to the objectors’ “misconception” he said that he wanted to provide a three course meal prepared for visitors in the evenings accompanied by Hush Heath wines, stating that this is not a restaurant. However, whether it is termed a restaurant or a “wine and dine experience”, the environmental impact is the same.

34. As to the Sub-Committee’s “mistakes”, these were:

- Trying to close the shop before the winery. However, the Sub-Committee was perfectly aware of what it was deciding and why.
- Not understanding that the actual visitation is less than the 200 capacity of the tasting room. However, that is the actual capacity of the room as stated on many previous occasions. For example, the winery’s web-site stated on 15<sup>th</sup> February 2019, the month before the hearing:

*“Since October 2017 we have been carrying out a major expansion of our winery and visitor centre at Hush Heath estate. We are proud to now offer the following new facilities:*

- *A 200 seater tasting room....*
- *A commercial kitchen ideal for weddings and corporate events.*
- *A large roof-top terrace bar...*
- *Extensive visitor parking.*”

35. In trying to control the operation to an acceptable level, the Sub-Committee was under no illusions as to its capacity.

**Other relevant events**

36. The applicant installed lighting bollards in breach of planning control and after residents brought this to the attention of the planning authority he made an application for retrospective consent which expressly relied on the paucity of evening events to overcome environmental concerns, including harm to wildlife and the dark environment.

37. The application letter (Tab 18) said:

*“... in winter months [the car park lights] are activated at dusk and then turned off at 7 pm when the last member of staff leaves..... It is envisaged that the lighting will not be employed in the summer months... The lighting around the decked area will only be employed on very limited occasions when an event is held in connection with the site’s temporary events licence.”*

38. The applicant’s consultant’s report stated expressly

*“The site is located in a predominantly rural area with no significant sources of artificial light in the night time landscape, i.e. streetlighting.”*

39. The officer’s report (Tab 19) notes that this is an intrinsically dark location, which was material to light impact on the environment including biodiversity. The applicant’s case as recorded was that there would be little impact because the lights would be turned off by 7 p.m. when the last member of staff leaves. The planning assessment was that the application could be granted because of the limited number of evening uses of the lighting. Conditions were imposed on the planning consent accordingly (Tab 20).

40. I.e. the applicant procured planning permission for a lighting scheme by relying on a code of licensing control restricting the number of evening events, but is now seeking to increase the number of events by a factor of 14.

## **Conclusion**

41. The objectors' simple request is that the Sub-Committee stick to the careful licence balance it has previously struck and make it clear that applicants should not expect to be rewarded simply for persistence.

**PHILIP KOLVIN QC**

**3<sup>rd</sup> September 2020**

**Cornerstone Barristers**

**London WC1**



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# Appeal Decision

Site visit made on 22 February 2023

**by C Hall BSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> March 2023**

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**Appeal Ref: APP/U2235/W/22/3303617**

**Balfour Winery, Five Oak Lane, Staplehurst TN12 0HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Leslie Balfour-Lynn against the decision of Maidstone Borough Council.
  - The application ref. 22/501047/FULL, dated 25 February 2022, was refused by notice dated 11 May 2022.
  - The development proposed is the retention of a marquee to be sited for a period of 3 years for continued use for ancillary purposes to the existing winery site.
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## Decision

1. The appeal is allowed and planning permission is granted for the retention of a marquee to be sited for a period of 3 years for continued use for ancillary purposes to the existing winery site at Balfour Winery, Five Oak Lane, Staplehurst TN12 0HT in accordance with the terms of the application ref. 22/501047/FULL, dated 25 February 2022, subject to the following list of conditions:
  - 1) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of that period the use shall be discontinued and the land restored in accordance with a scheme of work, including a timetable for implementation, that shall first have been submitted to and approved in writing by the Local Planning Authority.
  - 2) The marquee shall be used for ancillary purposes to the winery only and for no other purpose.
  - 3) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

## Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

## Reasons

3. Balfour Winery is situated on Five Oak Lane and, amongst other things, comprises a number of large metal and timber framed buildings and a car park. It is located in a wider rural area consisting of sporadic residential properties, fields and woodland.

4. In relation to economic development, policy SP21 of the Maidstone Borough Local Plan October 2017 (LP) states that the Council is committed to supporting and improving the economy of the Borough and providing for the needs of businesses. Amongst other things, this will be achieved through supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.
5. LP policy DM37 advocates that planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area, provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape.
6. I am aware of the current wider economic situation, and the impact of COVID on the hospitality sector. With this in mind, the appellant argues that a covered outdoor seating area for use during tours of the winery would assist in allowing the business to continue to operate in a viable manner.
7. The marquee the subject of this appeal has white plastic walls and triangular roof projections that give it a stark appearance. Nevertheless, its impact is tempered somewhat by its positioning at the rear of the property, with only passing glimpses of it being evident from the public highway along the extensive tarmac driveway into the land.
8. Although it may be more visible from the open fields to the south and west towards Wilden Park Road and Husheath Hill, the development is set against the backdrop of the more substantial barns that make up the overall winery enterprise. There is also a broad expanse of decking with outdoor benches and tables adjacent to the marquee. These serve the shop and tasting area, and to my mind are consistent with the ancillary retail and visitor facilities that form part of the business. Overall, within this context the negative effects of the proposal accrue moderate weight in my reasoning.
9. The national Planning Practice Guidance says, at Paragraph 014 in the section dealing with the approach to be taken to imposing conditions, that circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. I consider that this advice is relevant to this position, and am aware that the retention of the marquee is for a period of 3 years, which would allow the business time to manage the challenging conditions in the industry. Bearing in mind the policy context and current cost of living situation, I assign substantial weight to the economic benefits of the proposal.
10. An unrestricted permission would not be concordant with environmental objectives for rural areas such as this, as it would make it difficult for the Council to control other similar proposals and cumulatively the impact could be more substantial. Therefore I am satisfied that the 3 year temporary permission is justified; the detrimental effects of the scheme would be temporary, and are outweighed by the economic benefits to the business.
11. Consequently, the proposal would not result in harm to the character and appearance of the the surrounding area. It would meet Policies SP17, SP21, DM1, DM30 and DM37 of the LP and Policy PW2 of the Staplehurst Neighbourhood Plan June 2020, which seek to secure new development of acceptable scale and appearance that integrate into the wider landscape. It

would also be consistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

### **Conditions**

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. A condition is necessary to control the duration of the development since I have found that a temporary planning permission is appropriate in this case.
13. Additionally conditions limiting the use of the marquee for ancillary purposes only and restricting external lighting are necessary in the interests of the character and visual amenity of the area.

### **Conclusion**

14. Having regard to the above and all arguments put forward, I allow the appeal.

*C Hall*

INSPECTOR