

IN THE MATTER OF HUSH HEATH WINERY

LICENSING SUB-COMMITTEE, 28TH MARCH 2019

**SUBMISSIONS ON BEHALF OF AMANDA AND BERNARD TIPPLES,
KIM AND SALLY HUMPHREY, ANGUS CODD AND ANDREA
HODGKISS, POLLY HARDWICK, FRANK AND ANNE TIPPLES, ,
PAUL AND DOREEN STANLEY, ALISON CLARK, RICHARD AND
NATASHA DAVIDSON-HOUSTON, DAVID TAYLOR AND NICOLA
FEAKIN, MARCUS RENNICK**

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Tab 1

IN THE MATTER OF HUSH HEATH WINERY

LICENSING SUB-COMMITTEE, 28TH MARCH 2019

**SKELETON ARGUMENT ON BEHALF OF AMANDA AND BERNARD TIPPLES,
KIM AND SALLY HUMPHREY, ANGUS CODD AND ANDREA HODGKISS,
POLLY HARDWICK, FRANK AND ANNE TIPPLES, PAUL AND DOREEN
STANLEY, ALISON CLARK, RICHARD AND NATASHA DAVIDSON-HOUSTON,
DAVID TAYLOR AND NICOLA FEAKIN, MARCUS RENNICK**

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, a single carriageway in places and unlit, along which children and cyclists pass to and from school and other activities. This is particularly dangerous after dark.
3. The owner of the winery, Mr Balfour-Lynn, has aspirations greatly to increase visitor activity at the winery. This has the clear potential to impact on the above sensitivities.
4. He is, however, constrained by one key factor, namely a condition on his premises licence:

“The supply of alcohol on the premises will be limited to tasting samples only.”
5. In other words, it is currently acceptable for someone visiting the winery to be offered a tasting sample. It is not acceptable to turn the winery into an independent visitor facility (whether that is a corporate entertainment venue, events facility, private function room, pub or restaurant), where alcohol is served as part of the attraction.

6. Undoubtedly, and despite Mr Balfour-Lynn's best efforts, this condition remains a protective constraint. Having secured longer hours of operation before this sub-committee in September 2018, he tried and failed to remove the condition through a minor variation application in November 2018. This is his second attempt, and his third licence application in eight months.
7. Meanwhile, Mr. Balfour-Lynn has already done his best to grow the events side of the business despite the licence condition:
 - a. He has built a 200 seat "tasting room" (**Agenda p 346**).
 - b. He has built substantial external visitor terraces at both ground and mezzanine level (**Agenda p 346**) with the clear potential for noise from visitors drinking outside.
 - c. In 2018 he stated in the press that he intended to increase the visitor numbers to 50,000 annually.
 - d. In January 2019 he advertised for a full-time events manager. The advertisement specifically referred to private, corporate and public events. (**Agenda p 372**).
 - e. The web-site says that the winery now has a "commercial kitchen ideal for weddings and corporate events" (**Agenda p 346**) and that the venue can offer "corporate venue hire packages" for up to 200 guests. (**Agenda p 353**).
 - f. The site contains signage giving directions to "coach parking" (**Tab 7 herewith**).
 - g. Four companies are advertising coach travel to the site, one referring specifically to 53 seater coaches (**Agenda pages 360-370**).
 - h. He has started to increase the events usage of the winery, even in advance of this application being heard, with recent and forthcoming events including a large corporate event, a private function and two public events.
8. He is building up this part of the business even though it is directly in conflict with the planning permission for the site, which is for a winery, and a condition on his

planning permission which restricts the retail element of the winery to that which is “strictly ancillary to the primary use of the site as a winery.” This is currently being investigated by the planning department.

9. The residents are deeply concerned as to Mr Balfour-Lynn’s intentions and the impact on them both in terms of nuisance, public safety and protection of children. The roads are simply not designed for a commercial visitor destination, particularly one involving the sale of alcohol. Public use of the terraces, including the service of alcohol, is liable to disturb the amenity of surrounding houses.
10. Mr Balfour-Lynn has protested that there is no intention to establish an independent commercial operation. See:
 - a. the application for variation itself (**Agenda page 12**);
 - b. the letter from his solicitors to some local residents dated 26th February 2019 (**Tab 2 herewith**).
 - c. Mr and Mrs Balfour-Lynn’s own letter to some local residents dated 4th March 2019 (**Tab 3 herewith**).
11. In those documents, to which the sub-committee is respectfully referred, various assurances were offered as to limitations on the nature, hours and controls attaching to the operation.
12. The objectors’ position is as follows. The assurances would go a considerable way to meeting the concerns of the objectors, provided that they are attached as licence conditions. If they are not attached as licence conditions, they are nothing more than unenforceable promises, giving no protection at all.
13. Therefore, on 14th March, the named objectors wrote to Mr Balfour-Lynn’s solicitors, referring to the promises which had been made, simply suggesting that they be included as conditions. (**Tab 4 herewith**). The conditions, set out in a schedule drafted by experienced licensing counsel, were a practical and sensitive reflection of the promises, to give certainty and protection both to the applicant and local residents.

14. The letter stated *“these conditions are advanced in a spirit of co-operation and to set a code to give assurance to residents while giving your client the latitude which he seeks under the premises licence.”* The letter contained an open offer that, if the conditions were accepted, then they could be presented as agreed conditions, so as to avoid the need for a contested hearing.
15. **The Sub-Committee is respectfully requested to read the letter at Tab 4 and the schedule of conditions attached to it.**
16. On 19th March 2019 the applicant’s solicitors replied to the letter. **(Tab 5 herewith).** Most regrettably, their reply failed to engage with the substance of the letter at all. Instead, their reply avoided dealing with the substance by requiring the objectors to withdraw and apologise for one comment in the letter before there could be any negotiations. There is in fact no reason for the objectors to do so. (It is not intended to lengthen these submissions by giving chapter and verse on the point, but it can be expanded upon at the hearing if required.)
17. On 21st March 2019, the objectors wrote to the applicant’s solicitors, urging them to reconsider their stance so that constructive discussions could occur. **(Tab 6 herewith).**
18. The current position, therefore, is that the objectors have made a clear, express offer to the applicant to compromise this case in substance on the very terms of the applicant’s promises to them. However, the applicant has not, as yet, indicated that he is willing to include his own promises as licence conditions. This is not only disappointing, but also worrying.
19. The sub-committee is entitled to ask itself why the applicant is unwilling to submit to conditions reflecting the informal promises he has made. In particular, does it reflect the reality that he does not wish to be bound by his own promises? Or is it simply that he does not wish to co-operate with his neighbours? Either way, this ought to lead to a precautionary approach on the part of the sub-committee.
20. The objectors remain deeply concerned that use of the terraces and also noise from music will disturb their amenity, and that expanded vehicle use of the inadequate

approach roads, particularly after dark, will endanger pedestrians and cyclists, particularly children, on those roads.

21. Regarding licensing hours, the current hours are 10 a.m. – 5 p.m. (see e.g. **Agenda page 435**). The residents are seriously concerned at the public safety implications of closing later than that, particularly in winter, when there are children walking and cycling home from school and other activities in the dark.
22. These concerns engage the licensing objectives of prevention of public nuisance, public safety and the protection of children from harm. As such, they are squarely licensing matters. It would be an error of law to treat them as irrelevant because they may be planning matters too. Briefly, nearly all of the interests protected by licensing are already protected by other statutory regimes: this does not render them irrelevant.
23. In the light of the lack of clarity regarding the applicant's intentions, his unwillingness to subscribe to conditions reflecting his own promises, and the clear potential for harm to the licensing objectives, the sub-committee is invited to refuse this application.
24. If, however, the sub-committee is minded to grant the application, it is respectfully invited to adopt the schedule of conditions proposed by the objectors. They are proportionate conditions which give the applicant the latitude he claims to require, and the residents the protection which they deserve.

PHILIP KOLVIN QC

21st March 2019

Cornerstone Barristers

London WC1

Tab 2


GULLANDS
SOLICITORS

Our Ref: 108/SM/608863-1

Alison Martin-Clark and Jill Clark

26 February 2019
(Dictated 22 February 2019)

By post and email: [REDACTED]
c.c. lorraineneale@maidstone.gov.uk

Dear Mesdames

Hush Heath Winery, Five Oak Lane, Junction of Snoad Lane, Staplehurst, Kent, TN12 0HT

We act for Richard Balfour-Lynn, holder of the Premises Licence for the above property.

We have been passed a copy of your email dated 21st February timed at 23:20 hours.

Please do not contact our client or the Winery but do direct all further communications in relation to our client's Application to Vary or any more queries to this firm. The writer's email address is l.bradley@gullands.com.

Please be advised that there is a distinction between issues which relate to planning and those concerning licensing. Planning issues fall outside the scope of the Licensing Application that has been made.

Our clients run a responsible and professional organisation with well trained staff and have recently been awarded the Gold Award by Visit England. The Application to Vary is simply to remove the existing limitation concerning tasting samples and allow for the sale of alcohol during limited hours, so that visitors may be able to purchase wine if they so wish.

Our clients do not anticipate there being any significant increase to traffic. Since the Winery opened in 2010 there have been no incidents reported either by police or any of the neighbours (including yourselves) about such visitors being stopped for drunk driving, being involved in road traffic accident or suchlike. It is commonplace for visitors to share vehicles and have a designated driver.

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

16 Mill Street, Maidstone, Kent ME15 6XT Tel: 01622 678341 Fax: 01622 757735
DX 51973 Maidstone 2

18 Stone Street, Gravesend, Kent DA11 0NH Tel: 01474 887688
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Partners: A. Blair Gulland · Philip W. Grylls · B. Leroy Bradley · John LI. Roberts · Alex G. Astley* · Alan M. Williams
David C. Brown · Amanda Finn · Julie L. Hobson · Marianne Webb · Catherine D. Lloyd
Consultants: Timothy J. Simmons · Paul C. Burbidge · A.M. Miller · J.E. Rice · D.W. Cramp*

* Notary Public - Regulated by the Faculty Office

The Winery has had absolutely no issues in terms of drunkenness since they have opened and the team are specifically trained not to pour wine for anyone who appears to have drunk too much. The premises are not a pub, a restaurant or a bar and certainly not a "drinking establishment" nor is there any kind of a "drinking culture". This will continue in the future and the Variation will not impact on that. Visitors typically tend to be in their 30's to 70's and are interested in walking round the vineyard and apple orchards, learning about wine making and tasting and enjoying wine produced by Hush Heath.

Our client has no intention to develop the venue for events and further, if he did an appropriate application would have to be made and approved.

Yours faithfully

GULLANDS

I.bradley@gullands.com

DDI: 01622 689723

Tab 3



HUSH HEATH

ESTATE

SHARE OUR PASSION

4th 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 / +44 (0)7825758833 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

TEL: +44 (0)1622 832794 SALES: +44 (0)1622 832794 / +44 (0)7825758833 VAT REGISTRATION NO GB795 884058

HUSH HEATH WINERY | FIVE OAK LANE STAPLEHURST | KENT | TN12 0HT
WWW.HUSHHEATH.COM

Tab 4

[REDACTED]
Kim and Sally Humphrey

[REDACTED]
Angus Codd and Andrea Hodgkiss

[REDACTED]
Polly Hardwick

[REDACTED]
Frank and Anne Tipples

[REDACTED]
Guy and Janice Barkaway

[REDACTED]
Paul and Doreen Stanley

[REDACTED]
Bernard and Amanda Tipples

[REDACTED]
Dawn Lye

[REDACTED]
Shirley Stallman

[REDACTED]
Alison Clark

[REDACTED]
Richard and Natasha Davidson-Houston

[REDACTED]
David Taylor and Nicola Feakin

[REDACTED]
Marcus Rennick

Your Ref. 108/SM/608863-1

14 March 2019

Messrs Gullands
16 Mill Street
Maidstone
Kent ME15 6XT
By email l.bradley@gullands.com and first class post

Dear Sirs

Hush Heath Winery

We the undersigned have made representations with respect to the application by your client Mr Balfour-Lynn for variation of the premises licence for Hush Heath Winery.

It is fair to say that this, your client's third application for variation in a number of months, taken alongside his recent recruitment and commercial activity and multiple breaches of planning control, has caused us serious misgiving as to his intentions and trustworthiness.

However, adopting a constructive approach, we have carefully read the existing licence and the application, alongside your firm's letter dated 26th February 2019 to some local residents and your client's letter to local residents dated 4th March 2019. Taking those documents together enables one, we believe, to spell out a number of clarifications or concessions which, if incorporated as licence conditions, may form the basis for agreement, so avoiding the need for, and cost of, a contested hearing.

The licence

As you are aware, the licence sets out a number of conditions in relation to evening events, as well as the condition restricting supply of alcohol to tasting samples only, the condition which your client is concerned to remove as a result of this application. There are also several ancillary conditions regarding children, hazardous materials etc.

The application

In your client's application, although section J has been completed showing the supply of alcohol to midnight 7 days per week, with similar hours set out in section L for opening hours, both of these are subject to clarification that the intention is for on-sales to extend to 7 p.m., with later on-sales on only 12 occasions each year.

In box M(b), it is confirmed that the intention is to open only during limited hours, with the typical visitor being somebody who has tasted wine following a tour of the vineyards, and the aim that *"visitors will be able to purchase alcohol which is Hush Heath Produce only."* It is then stated that *"Hush Heath is not a public house or a restaurant."*

In box M(d) it is confirmed that the winery is not a *"public house, night club or similar establishment."*

The rider to Part 3 of the application reconfirms that alcohol sold will be confined to that produced at Hush Heath, which does not include spirits, and that the licence for on-sales to midnight is confined to 12 events per annum. The licence for off-sales to midnight is for on-line orders rather than over the counter trade.

In your firm's letter of 26th February, you state:

"... The application to vary is simply to remove the existing limitation concerning tasting samples and allow for the sale of alcohol during limited hours, so that visitors may be able to purchase wine if they so wish."

...

"Our clients do not anticipate there being any significant increase to traffic..."

...

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

...

"The premises are not a pub, a restaurant or a bar and certainly not a 'drinking establishment... This will continue in the future and the variation will not impact on that. Visitors ... are interested in walking round the vineyard and apple orchards, learning about wine making and tasting and enjoying wine produced by Hush Heath."

We read that letter as making it clear that the purpose of the application is to enable those visiting the winery for tours and education to taste wine there without being restricted to tasting samples.

In Mr Balfour-Lynn's letter of 4th March 2019, he claims that the existing licence allows the winery to open for tours and tastings up to midnight daily. Clearly, that was not how it was presented to, or understood by, the Sub-Committee in September 2018. Fortunately, however, Mr Balfour-Lynn goes on to make the concession that he did not intend to trade daily until midnight, stating:

"... and to reinforce this message we changed midnight to 7 p.m. in our current application to reassure everyone that we will not be opening in the evenings."

Mr Balfour-Lynn continued by stating:

"Secondly the winery is not a pub or a restaurant and has no intention of becoming one. Indeed we decided to hold no weddings at the winery as they are too noisy and disruptive."

...

"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 pm – 3 pm in winter months and 12 pm – 5 pm in summer months."

"We will also offer private and corporate group winery tour bookings for events linked to wine tasting tours of the estate and winery... We will not, however, 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 our 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..."

In the light of the assurances set out above, we invite your client to agree the list of conditions set out in the schedule hereto, which reflect the spirit of those assurances.

In one respect, we need some further assurance. As your client will be aware, children walk along Pinnock Lane and Five Oak Lane, which is a narrow carriageway without a footway, coming home from school and other activities at the end of the working day. We are deeply concerned about the proposal

for on-sales to finish at 7 p.m. This will mean that there will be children walking along an unlit carriageway when your client's patrons are leaving the winery on roads which will not be familiar to them, perhaps having had a drink going beyond a tasting sample. The reality is that the opening hours of the winery are to 5 p.m., as advertised. We believe that closure at 5 p.m. in winter and 6 p.m. in summer will help to promote the licensing objective of public safety and protection of children from harm.

These conditions are advanced in a spirit of co-operation and to set a code to give assurance to residents while giving your client the latitude which he seeks under the premises licence.

We would invite you to agree the conditions by close of business on Wednesday 20th March, to enable us to prepare for a fully contested hearing if they are not accepted. If, however, they are accepted, we will be pleased to present the conditions to the licensing authority as an agreed set of conditions, so hopefully avoiding the need for, and cost of, a contested hearing.

Yours faithfully

Signed electronically:

Kim and Sally Humphrey [REDACTED]

Angus Codd and Andrea Hodgkiss [REDACTED]

Polly Hardwick [REDACTED]

Frank and Anne Tipples [REDACTED]

Guy and Janice Barkaway [REDACTED]

Paul and Doreen Stanley [REDACTED]

Bernard and Amanda Tipples [REDACTED]

Dawn Lye [REDACTED]

Shirley Stallman [REDACTED]

Alison Clark [REDACTED]

Richard and Natasha Davidson-Houston [REDACTED]

David Taylor and Nicola Feakin [REDACTED]

Marcus Rennick ([REDACTED])

Schedule

Definitions

1. In these conditions:

“Core licensing hours” shall be 10 a.m. to 6 p.m. in April to October inclusive and 10 a.m. to 5 p.m. in November to March inclusive.

A “Special Event” is an event at which:

- a. recorded or live music is provided after 5 p.m; or
- b. alcohol is supplied outside the core licensing hours; or
- c. hot food is provided; or
- d. late night refreshment is provided.

General

2. The premises shall not be operated as a pub, restaurant, drinking establishment, night club, wedding venue or similar establishment.
3. 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.
4. 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 licensing officer upon request.
5. No customers will be left unsupervised on the premises.
6. Children will be kept under adult supervision at all times.
7. All hazardous materials will be kept under child proof lock.
8. 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 the PASS Hologram.
9. The premises licence holder shall organise a meeting with residents living within 800 metres of the Hush Heath Estate on two occasions each calendar year to discuss any impact of the premises on the promotion of the licensing objectives.

On-sales

10. The sale of alcohol for consumption on the premises:
 - a. shall be restricted to products produced at Hush Heath Winery and shall not include spirits;
 - b. shall be only to those attending the winery for the purposes of winery tours, tastings, and vinicultural and viticultural education;
 - c. shall not be accompanied by hot food.
11. The licensing hours for the sale of alcohol for consumption on the premises shall be the core licensing hours.
12. The opening hours of the premises for the purposes of the sale of alcohol for consumption on the premises shall be the core licensing hours.

Off-sales

13. The licensing hours for sale of alcohol for consumption off the premises shall be:
- a. 10 a.m. to midnight for on-line sales;
 - b. the core licensing hours for sales in person.

Special events

14. Notwithstanding conditions 10-12 above, Special Events may be held at the premises subject to the following conditions:
- 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 at Hush Heath Winery and shall not include spirits;
 - e. after 11 p.m. 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 11.45 p.m.
 - g. all visitors to the premises will leave the premises and parking area by 12 midnight;
 - h. signage will be placed at the exits of the premises asking visitors to leave quietly and respect neighbours;
 - i. a noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents. All amplified music must be routed through the noise limiter;
 - j. 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.

Tab 5


GULLANDS
SOLICITORS

Our Ref: 108/LE/608863-0001
Your Ref:

19 March 2019

[REDACTED]
TN12 0HN

Via email and post: [REDACTED]
[REDACTED]

Dear Madam

Re: Hush Heath Winery, Five Oak Lane, Junction of Snoad Lane, Staplehurst, Kent, TN12 0HT

We refer to your letter dated 14 March.

However whilst noting your wish to explore negotiation the starting point in your aforementioned letter calls into question our client's "intentions and trustworthiness" which, is totally unacceptable and insulting and no way to start a negotiation. As such we invite you to apologise in writing and withdraw that comment on behalf of all the signatories to your letter dated 14 March who are being copied in to this response.

One further point that occurs to us is that for any negotiation to be progressed positively you will need to have full authority to act on behalf of all the objectors so when writing in response to this letter please confirm that that is the case.

Please be advised that there is no breach of planning in relation to usage or hours of operation. Further and in any event Planning and Licencing are separate areas and dealt with by the relevant authorities.

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DX 6805 Gravesend

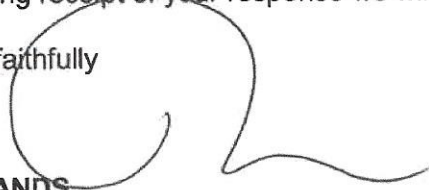
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Partners: A. Blair Gulland · Philip W. Grylls · B. Leroy Bradley · John LI. Roberts · Alex G. Astley* · Alan M. Williams
David C. Brown · Amanda Finn · Julie L. Hobson · Marianne Webb · Catherine D. Lloyd
Consultants: Timothy J. Simmons · Paul G. Burbidge · A.M. Miller · J.E. Rice · D.W. Cramp*

* Notary Public - Regulated by the Faculty Office

Following receipt of your response we will take instructions and be in contact with you.

Yours faithfully



GULLANDS
DDI: 01622 689723
i.bradley@gullands.com

Copies to via post only:-

Kim and Sally Humphrey
Angus Codd and Andrea Hodgkiss
Polly Hardwick
Frank and Anne Tipples
Guy and Janice Barkaway
Paul and Doreen Stanley
Dawn Lye
Shirley Stallman
Alison Clark
Richard and Natasha Davidson-Houston
David Taylor and Nicola Feakin
Marcus Rennick

Tab 6

[REDACTED]
Kim and Sally Humphrey

[REDACTED]
Angus Codd and Andrea Hodgkiss

[REDACTED]
Polly Hardwick

[REDACTED]
Frank and Anne Tipples

[REDACTED]
Paul and Doreen Stanley

[REDACTED]
Bernard and Amanda Tipples

[REDACTED]
Alison Clark

[REDACTED]
Richard and Natasha Davidson-Houston

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David Taylor and Nicola Feakin

[REDACTED]
Marcus Rennick

Your Ref. 108/SM/608863-1

21 March 2019

Messrs Gullands
16 Mill Street
Maidstone
Kent ME15 6XT
By email l.bradley@gullands.com

Dear Sirs

Hush Heath Winery

Thank you for your letter of 19th March 2019. We are disappointed that your letter fails to engage with the substance of our letter of 14th March, which represented a constructive attempt to find a workable solution to this dispute. We invite you now to deal with the substance of the letter.

In any event, and with respect, we do consider that your client has been in breach of planning in a large number of respects which, if you wish, we will be prepared to outline to you separately. We do not apologise for the remarks but stand by them. Be that as it may, we are sure that you will find it preferable, and ultimately more constructive, to concentrate on the conditions which we have fairly

suggested. It is in the interest of all parties to try to arrive at an agreed position and not to engage in side arguments.

We therefore look forward to hearing from you as a matter of urgency.

Yours faithfully

Signed electronically:

Kim and Sally Humphrey [REDACTED]

Angus Codd and Andrea Hodgkiss [REDACTED]

Polly Hardwick [REDACTED]

Frank and Anne Tipples [REDACTED]

Paul and Doreen Stanley [REDACTED]

Bernard and Amanda Tipples [REDACTED]

Alison Clark [REDACTED]

Richard and Natasha Davidson-Houston [REDACTED]

David Taylor and Nicola Feakin [REDACTED]

Marcus Rennick [REDACTED]

cc. Guy and Janice Barkaway [REDACTED]

Dawn Lye [REDACTED]

Shirley Stallman [REDACTED]



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