

-----Original Message-----

From: Anita Batten <REDACTED>

Sent: 10 November 2022 16:40

To: Jon Bryant <REDACTED>

Subject: REF: LI/22/1292

The effect of the proposed wine tours, the public wine tasting, buying products from the shop, drinking alcohol in the garden area listening to recorded background music outside, will create excessive noise. For me personally it will have an adverse affect on my health and well-being. I have MS and a symptom of this chronic disease is fatigue. I have to sleep in the afternoon and/or early evening in order to function properly without such rest I am liable to falls, disorientation, slurred speech this list goes on. Perhaps if you Google the MS Society website it may help you to understand why sleep is so vital.

The reason for our moving to Deaks Lane two years ago from Lindfield High Street was for the peace and quiet I so desperately sort to facilitate this rest. I ask you please to consider the far reaching problems this licence will cause to myself and my neighbours.

I look forward to your response. Anita Batten

From: [Jon Bryant](#)
To: [Anita Batten](#)
Subject: RE: REF: LI/22/1292
Date: 10 November 2022 16:59:00

Dear Anita

Thank you for your email.

In respect of Licensing Applications I can only take into account “relevant representations”. In Licensing Applications a representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the Licensing Objectives. I am not permitted to accept any representations that are not considered to be relevant under the Act.

The four licensing objectives are:

1. The Prevention of Crime and Disorder. This relates to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises. A licence holder/applicant cannot generally be held responsible for the conduct of individuals once they leave the premises;
2. Public safety. This relates to the safety of the public on the premises, i.e. fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.
3. Prevention of Public Nuisance. This can relate to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.
4. Protection of children from harm. This relates to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

Unlike Planning consultations, comments and representations cannot be considered if they relate to anything else, such as planning permission, the location of the premises, the need for the premises, trade competition, the effect on house prices, the local road infrastructure, parking etc. In other words, representations should relate to the impact of the licensable activities carried on from premises on the objectives. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation in respect to the actual application.

In consideration of your comments below, these could amount to a relevant representation on the Grounds of the Prevention of a Public Nuisance. Please could you confirm that this is the licensing objective that you refer to in your representation?

If a relevant representation is made and it cannot be resolved then the application will be determined by the Licensing Sub Committee. All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised or introduced at this stage and parties are limited to speaking to matters outlined in their original representation although detail provided may be expanded upon. Is there any further detail that you wish to add to your representation, for example your proximity to the location?

Finally, Under the Licensing Act 2003 (Hearings) Regulations 2005 I also require the full address of any persons making representation so I am unable to accept your representation at this time as valid. Please could you therefore confirm the licensing objective and forward to me your address and any further information you may wish to provide surrounding the likely effect of the grant of this licence. I will then be able to accept your representation as relevant.

I look forward to hearing from you.

Kind regards

Jon Bryant

Jon Bryant
Senior Licensing Officer
Mid Sussex District Council

-----Original Message-----

From: Anita Batten <REDACTED>

Sent: 11 November 2022 13:59

To: Jon Bryant <REDACTED>

Subject: LI/22/1292

Dear Jon

My address is - REDACTED ADDRESS.

I can confirm the representation is relevant on the Grounds of the Prevention of a Public Nuisance and also confirm that this is a licensing objective.

I would estimate HOUSE NAME REDACTED is about X yards as the crow flies, bearing in mind this is countryside and sound doesn't go around corners.

Anita

Sent from my iPad

From: [Jon Bryant](#)
To: [Anita Batten](#)
Subject: RE: LI/22/1292
Date: 21 November 2022 13:22:00

Dear Anita,

I have received a response from the Applicant's licensing agent in respect of your representation.

Mitigation:

The premises are set in their own grounds and are already surrounded by trees which minimise noise nuisance. To date a further 10 mature trees have been planted by the applicant to further mitigate against any noise nuisance. The applicant plans to plant a further 30 more mature trees and over 200m of hedging, which should further enhance the above mitigation.

Consequently we believe that the applicant has already addressed their mind and has actioned any likelihood of public nuisance.

As you will know, Licensing Authorities should only set conditions that are appropriate, proportionate and necessary. Regarding all the above, we're not convinced those tests have been met for further conditions to be required. However we have every sympathy with the Representor. Therefore, in order to provide them with reassurance, can we suggest the inclusion of the below?:

- a. Noise or vibration shall not emanate from the premises so as to cause a nuisance.*
- b. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.*

If agreed, the additional conditions at a and b offered by the applicants agent would be placed on the Premises Licence and a breach of them would be a criminal offence.

Is this sufficient to resolve your concerns and representation.

Kind regards

Jon

Jon Bryant

Senior Licensing Officer

Mid Sussex District Council

From: [Anita Batten](#)
To: [Jon Bryant](#)
Subject: Re: LI/22/1292
Date: 23 November 2022 12:34:43

Hi Jon

Thank you for sending me the response from the applicants licensing agents.

Unfortunately I do not feel this is sufficient for the following reasons:

The trees that have been planted are spindly, not mature, and will take many years before they have any effect. At weekends, depending on which way the wind is blowing, we can hear football/rugby on Whitemans Green and similarly music from open air concerts at Borde Hill. Bearing in mind there is a veritable forest between Deaks Lane and those venues, which are approximately over a mile away, the suggested planting of trees and hedging will be of little use.

I understand the vineyard is proposing to host events for up to 60 guests with plans to serve tapas. I appreciate this is more a planning issue but am positive it was not mentioned in their planning application, so would like you to pass this over to planning or give me a contact so I can email them directly.

The suggestion of a call to the police, should the noise become unacceptable, is frankly quite insulting, a) the police response, if at all, for my personal circumstances will be too late as by calling them I have already been deprived of rest and b) how on earth do the licensees intend to quieten 60 people many of who are likely to be intoxicated.

I cannot accept their response, and therefore the matter is far from resolved.

I await hearing from you. Anita

PS can you send emails to EMAIL REDACTED as they are currently going to iCloud and I don't always notice them. Many thanks

Sent from my iPad