

From: [REDACTED]
To: [REDACTED]
Subject: FW: Harta Retreat Appendix E
Date: 18 January 2023 09:10:00

Shirley Loder – Licensing Case Officer
The Licensing Team
North Devon Council
PO Box 379
Barnstaple
Devon
EX32 2GR
Tel: 01271 388415

From: [REDACTED]
Sent: 09 December 2022 17:11
To: Licensing <licensing@northdevon.gov.uk>
Subject: Licence Application 055556

CAUTION: This email originated from outside North Devon Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Please find attached two document, they both relate to a license application - ref - 055556.

Being a direct neighbour of the premises involved I am taking this opportunity to make my objections known.

I have typed my name into the signature box, if you require it to be hand written please let me know.

Yours sincerely,

[REDACTED]

[REDACTED]

REPRESENTATION FORM

See NOTES overleaf. Boxes marked * are mandatory, any forms with these incomplete will be automatically refused

*Your full name	[REDACTED]
*Postal address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
*Email address	[REDACTED]
Contact telephone number	
*Name of the premises you are making a representation about	Aaron Cousins Harta Retreat, Cleave Farm. Application Ref - 055556
*Address of the premises you are making a representation about	Harta Retreat, Cleave Farm, Hole Lane. East Down Barnstaple EX31 4NX
*Which of the four licensing objectives does your representation relate to?	<i>Please detail the evidence supporting your representation. Or the reason for your representation, use separate sheets if necessary</i>
To prevent crime and disorder	
Public safety	I am concerned that this licence, if granted in full, will encourage even more traffic to use the small lane that leads down from the A3123.
To prevent public nuisance	My representation is regarding noise nuisance I would be subjected to if this application was granted in it's current condition. I live adjacent to the premises (Harta Retreat, Cleave Farm), and any noise made from that premises carries very easily to my own residence – [REDACTED] Harta Retreat, Cleave Farm is less than 400 meters from me, with just open fields between us. Harta Retreat, Cleave farm, is nestled at the base of a natural amphitheatre, with a very steep hill directly behind it, this natural amphitheatre tends to direct any sounds made back towards [REDACTED] Continued on separate sheet...

*Your full name	[REDACTED]
To protect children from harm	
I/We fully understand that this Representation will be made available to the applicant and included in the Sub Committee's Hearing papers which are publically accessible documents, and any subsequent appeal court proceedings. See NOTES for further information.	
Signed*:	[REDACTED]
Date*:09/12/2022	
This form must be returned within the Statutory Period, which ends on:30/12/2022	

NOTES

- 1) Data Handling: Persons making representations under the Licensing Act 2003 should be aware that their personal details will normally be disclosed during the hearing process to the licence applicant. They will also appear in any hearing report published on the Council's website. Where an notice of a hearing is given to an applicant, the Licensing Authority is required by regulations to provide the applicant with copies of representations, however in exceptional circumstances where there are fears of intimidation or harassment and the Authority considers that a person has a genuine and well-founded fear of intimidation and may be deterred from making a representation, the Authority may consider alternative approaches. Further information can be found in North Devon Council's Licensing Act 2003 Policy.
- 2) Please complete the form in black ink or type only.
- 3) If you do make a representation, which is considered relevant, you will be expected to attend a meeting of the Licensing and Community Safety Sub Committee and any subsequent appeal proceedings in the Courts. If you don't attend the meeting for any reason the Committee will consider any representations that you have made.
- 4) All representations whether made on this form or not must be returned to this office within the statutory period, starting the day after the application was given to this Authority. The statutory period is 28 days for a full variation or 10 working days for a minor variation.
- 5) The representation must relate to one of more of the four licensing objectives, nothing else can be taken into account. The 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. The licence holder/applicant can not 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 circuits, lighting, building safety and capacity, first aid etc.
 3. **Prevention of public nuisance.** This can relate to issues such as, hours of operation, noise emanating from the premises, vibrations, lighting, litter etc.
 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.
- 6) Note that it is not acceptable to lobby a councillor who is a member of the Licensing Committee.
- 7) Please return this form when completed with any continuation sheets (which should be numbered 1 of X etc), either to:

Licensing, Environmental Health and Housing, North Devon Council, PO BOX 379,
Barnstaple, Devon, EX32 2GR,

or as an attachment by email to licensing@northdevon.gov.uk

If you have any queries or need advice in this regard, please contact the Licensing Team on 01271 388 870

Page 2 of 2 attachment.

Ref - 055556

Continuation of Representation Form – To Prevent Public Nuisance.

The area that makes up the post code area [REDACTED] is a very quiet rural area. I have lived in this location for 14 years. I suffer from Multiple Sclerosis, and have found that my quiet surroundings help greatly with my health. Relaxation is something that is difficult for me to achieve at the best of times due to my MS, and continued noise is something that causes me great amounts of stress. The stress in turn worsens my overall health, and in turn tends to lead to relapses with my MS.

Thus I am very concerned to learn of the licence application being made by Aaron Cousins, in relation to his new business ventures at Cleave Farm. Until Mr Cousins purchased the property a couple of years ago, Cleave farm had been a very quiet residence. Since moving in Mr Cousins has already built a camp site adjacent to [REDACTED]. The camp site by itself has not been a problem in regards to noise, with the exception of the occasional loud voices being heard. This is to be expected and is no real concern to me because it is not a constant noise. But a licence that would grant Mr Cousins the right to allow **LIVE MUSIC, RECORDED MUSIC, THE PROVISION OF FILMS** between the hours of **11.00** through to **0.00 daily**, would cause a great nuisance me.

Any music played loudly from the location of Harta Retreat, Cleave Farm, will travel the short distance across the field to my residence. Especially when you consider the natural contour of the land around Cleave farm, which I mentioned previously.

Harta Retreat is comprised of tents, so I would imagine that any licence to allow music could well involve music being played outside. Whilst the camp site is fairly quiet in it's current state, and not something I would class as a nuisance, I am sure that would change dramatically if this licence was granted.

The licence application also involves the **sales of alcohol on site**, this, coupled with the music could well lead to the loss of the peace and quiet in this very rural part of the countryside.

I therefore submit my objection to these licences being allowed. Allowing live or recorded and films to be played every day and night of the week year round is totally unacceptable in an area such as this. Whilst I wish Mr Cousins success in his business, it should not be at the cost of his close neighbours.

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: FW: Appendix E 2nd email
Date: 18 January 2023 09:19:24

From: Licensing <licensing@northdevon.gov.uk>
Sent: 15 December 2022 14:58
To: Noel Bourke <Noel.Bourke@northdevon.gov.uk>; Phil Fitzsimons <Phil.Fitzsimons@northdevon.gov.uk>
Subject: FW: Representation with Ref to 055556

Shirley Loder – Licensing Case Officer
The Licensing Team
North Devon Council
PO Box 379
Barnstaple
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EX32 2GR
Tel: 01271 388415

From: [REDACTED]
Sent: 15 December 2022 14:43
To: Licensing <licensing@northdevon.gov.uk>
Subject: Representation with Ref to 055556

CAUTION: This email originated from outside North Devon Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

With reference to license application 055556. I emailed yourselves my objections to this license application a few days ago (9th Dec), one of your members of staff contacted me via phone to acknowledge the receipt of my representation, plus suggesting I have a chat with Aaron Cousins regarding his application for a license.

Aaron and myself have contacted each other via email, and I sent him a further detailed reply to the reasons behind my objections. I have told Aaron that I would also send a copy to yourselves to be included with my representation against the license application. I think it will give both Aaron and yourselves a greater understanding of my concerns and objections. I have attached the document to this email.

If you need any further information do not hesitate to contact me.

Many thanks,

[REDACTED]



Hi Aaron,

I have just spoken to Elissa, she will arrange to meet with you regarding the licencing application. I myself will be unable to come with her due to health reasons. Unfortunately stress of any kind brings out the worst in my M.S, and the concerns I have about your licencing application is in itself stressful for me.

I would however like to take this opportunity to explain a little more about my concerns, and about the consequences it is likely to have on my health if your licencing application were to be successful.

I was diagnosed with Multiple Sclerosis back in 2008 after a major relapse left me unable to walk for several months. This relapse was closely followed by other relapses which severely damaged the nerves to my left eye, along with a total loss of feeling from the waist down, and damage to the nerves that control my bladder and bowels. A mixture of physiotherapy and medication returned some functionality to those parts of me affected.

Since then I have managed to keep my symptoms fairly stable with the help of a large amount of various prescription drugs per day, including disease modifying drug therapy, coupled with living in a quiet and relaxed atmosphere. The mixture of prescription medication and my M.S leaves me in a state where any forms of stress lead immediately to a down turn in my health with muscle spasms and loss of control of some muscles. This in itself has such a big effect on my life – I can no longer plan anything in advance with certainty, never knowing for sure just how much I will be able to do on a day to day basis. The difference between a good day and a bad day with regards to my M.S can vary enormously. But I can say with certainty that avoiding stressful situations makes a massive difference to my quality of life.

Hence living here since 2009, in a relatively peaceful and stable environment, has helped me keep control of my M.S, whilst keeping further relapses and nerve damage to a minimum. My M.S slowly continues to nibble away at my nervous system each year, but the rate of it's progression I am managing the best I can.

The very peaceful nature of this area would make any noise from music – be it live or otherwise, stand out so clearly. The sound easily travels to us from your location. When the air is still, or there is the slightest of breeze blowing from your direction we can often here you talking. When you have had guest staying we often hear them. This is to be expected from locations so close to each other, in such quiet surroundings. And no doubt the same can be said from your end, you no doubt hear sounds from this end – be it a tractor or lawn mower, or the farmer hitting something with his hammer. But these are all normal noises that are not repetitive, and do not go on for hours at a time, or long into the evening and night.

Noise from music, is totally different, it does not need to be loud to cause a great annoyance. The repetitive thump- thump of bass carries a great distance, and can cause enormous stress to others. Speaking for myself, I can think of nothing that is more annoying and stressful than having my life invaded by such noise. Noise which I have no control over, and noise which I know is likely to keep on occurring throughout the year. Without wanting to sound too dramatic, it would totally destroy my enjoyment of life living here.

For example, another property a couple of farms away from my location, will, once per year hold a birthday party. His property is probably 3 or more times further away from me than your own property, and there is a main road between his property and mine. But the sound of the music is very clear to us here. With windows open the sound of the bass and mid tones carry clearly, and with windows shut the bass can still be heard thumping away. It is stressful, but being only one evening per year it is more than acceptable. I can arrange to go out for that evening, or I can put headphones on to block out the noise. But being only one night per year it is not a problem at all.

Your licence application appears to say that you are seeking a licence that would enable you to have live or recorded music from **11am to midnight on a daily basis, year around**. Whilst I am sure that your intentions would not be to cause annoyance to your neighbours, I struggle to see how you could possible control that to not being so.

Even if you built a carefully sound insulated clubhouse of sorts, I am sure the sound of bass at least will escape, and come warm summer days and evenings doors would no doubt be left open. I fail to see how you could possibly mitigate against activities like live or recorded music invading the lives of your close neighbours.

In my view, I must repeat what I mentioned in my previous representation, this quiet and rural location is not suitable for such a licenced venue. I am struggling to see even a compromise of you seeking a licence for only one or two nights per week – that would still be one or two nights per week of stress and anxiety for myself, which in turn is very likely to lead to further M.S relapses for me.

This may sound harsh or unfair to you Aaron, but I myself am concerned about the overall effect this will have on my health, and my overall enjoyment of life living here. Whilst I may have reservations about the effects of increased traffic coming down the narrow lane, my overriding concern is for my mental and physical well-being, and of being able to enjoy living at this location. And like I have mentioned in my representation, I myself have no other objections to your campsite, It does not interfere with my own life at all, and I really do hope it will be a success for you.

I will send a copy of this communication to the licencing department at the council, so that they too may further understand my concerns.

Thank you,

