

**Michael Moss**

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**Subject:** FW: The Elms Nursery, Bough Beech Road, Four Elms, Kent, TN8 6ND Ref: 19/04703/LAPRE

**From:** Alexis Stanyer <[Alexis.Stanyer@sevenoaks.gov.uk](mailto:Alexis.Stanyer@sevenoaks.gov.uk)>

**Sent:** 09 January 2020 18:09

**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

**Subject:** The Elms Nursery, Bough Beech Road, Four Elms, Kent, TN8 6ND Ref: 19/04703/LAPRE

Dear Sir/Madam,

I am in receipt of your request for comment on a premises licence application for The Elms Nursery, Bough Beech Road, Four Elms, Kent, TN8 6ND.

From the planning history for the site, it appears that the café/restaurant and decking area serving The Elms Nursery was granted planning permission in 2008 under planning application reference 08/02152/FUL and was later granted permission to extend in size under planning application reference: 19/01224/FUL. No conditions relating to the opening hours of the café/restaurant appear to be added to either consent owing to the fact that consent was granted on the basis that the café/restaurant would be ancillary to the main use of the site (garden centre) and therefore would operate during the hours that the garden centre was open.

For example, condition 7 of planning permission ref: 08/02152/FUL states as follows:

‘No part of the premises shall be used for the purposes of a café other than the conservatory and decking area hereby approved. The café shall be used only for purposes ancillary to the main use of the land as a garden centre.’

**Reason:** To ensure that the café use remains ancillary to the main use of the site and that any change in circumstances be subject to a separate application to be determined on its merits, having regard to the impact on the Green Belt and the amenities of the locality as supported by Government advice in the form of Planning Policy Guidance 2 (Green Belts).

I note that the licence application received relates to the supply of alcohol on the premises between the hours of 11am-11pm Mon-Sat and 11am-7pm on Sundays. The application also relates to the playing of recorded music on the premises between the hours of 8am-11pm Mon-Sat and 8am-7pm on Sundays and to the provision of live music events between the hours of 12 midday and 11pm on Mon-Sat and 11am and 12 midday-7pm on Sundays.

It should be noted that if the proposed operating hours extend beyond the hours of the main use of the site then there is the potential for the applicants to be in breach.

With regards to the proposed live music events, it should also be noted that under Class B of Schedule II Part 4 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended), the temporary use of any land for any purpose which occurs for more than 28 days in total in any calendar year will require planning consent so whether consent is required really depends on the frequency of the proposed events.

With regards to the use of either recorded music or live music on the site, given the rural nature of the site you may wish to consult with Environment Health for their comments on the potential for noise pollution to the surrounding area and its impact on any nearby residents and on the local ecology.

With regards to the proposed supply of alcohol on the premises, my understanding is that the current use class for the café/restaurant would be A3 for the supply of food and drink. It is unclear from the submission how frequently or to what extent the premises will be used for the consumption of alcohol but if the applicant is intending to use the premises as more of a drinking establishment, they would require consent for A4 use.

I hope the above is useful to you.

Regards,

**Alexis Stanyer**

Planning Officer

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*This advice is without prejudice to the decision making processes of the local planning authority which considers the views of all those consulted on planning applications and in no way prejudices any future determinations or decisions made by the local planning authority.*

*You are advised to seek your own independent advice on any issues raised in this email.*