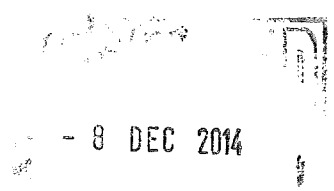


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Licensing Manager  
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Hampshire  
SP10 3AJ

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Our ref: OMJT/184499

04 December 2014

By email only –

Dear Sir / Madam

## **OBJECTION TO PREMISES LICENSE APPLICATION AT BETTERIDGE'S BREWERY, COOPERS BARN, HURSTBOURNE TARRANT, HAMPSHIRE, SP11 0AG**

I act on behalf of Mr and Mrs Leopold Antelme, the owners of Bramble Bank, Hurstbourne Tarrant, SP11 0AG. Their property neighbours the Betteridge's Brewery at Coopers Barn, subject of a current Premises Licence application made by the owner, Mark Betteridge.

### Relevant Background

On 7 August 2013, Mr Betteridge corresponded with my clients by letter, a copy of which is enclosed. In summary, this letter outlines his intention to run a "micro-brewery" from an ancillary outbuilding at his property. The "micro-brewery" was intended to provide Mr Betteridge with an occupation and enable him to produce and supply beer to the local community. His activities were described at this time as being of a 'hobby' nature, and as such planning permission was not required.

In October 2013, my clients met with Mr Betteridge to discuss his proposals. There have since been two more exchanges of correspondences between the two parties which I enclose for your reference.

I understand that the "micro-brewery" has been operational since April 2014. I further understand that Mr Betteridge has a commercial vehicle which he uses to supply local Public Houses and at present the Betteridge Brewery website (<http://www.betteridgesbrewery.co.uk/stockists/>) lists six local Public Houses as stockists.

In November 2014, I was instructed by my clients to report a breach of planning control to the Planning Enforcement Manager at Test Valley Borough Council relating to the current scale and nature of operations taking place at Betteridge's Brewery; I have enclosed a copy of this correspondence for your reference. In summary I submitted that the current scale and nature of the "micro-brewery's" operations have led to the creation of a separate planning unit and a material change of use has occurred for which Mr Betteridge has not sought planning permission. Furthermore I submitted that the activities currently taking place at Betteridge's Brewery constitute it being classified as a Class B2 (General Industrial) land-use, which is not appropriate in a residential environment.



The breach of planning control has been investigated by Samantha Francis, Enforcement Officer at Test Valley Borough Council. Mrs Francis agrees with my submission that a material change of use has occurred at the property. Accordingly, Mr Betteridge has been instructed to cease his current activities and either source alternative premises or submit a planning application to the Local Planning Authority for their consideration.

#### Premises License Application

In October 2014, my client received a notice – a copy of which is enclosed – informing them that Mr Betteridge was applying for a Premises License. The stated purpose for the license is to “enable tastings at brewery tours, off sales and the sale of beer at functions”. The application seeks sale of alcohol for consumption both on and off the premises from 1100 to 2300 hours Monday to Saturday and 1100 to 1400 hours Sunday.

Given my submission that Mr Betteridge is currently operating the “micro-brewery” in breach of planning control, my clients wish to raise an objection to the application for a Premises Licence on the grounds that granting a licence to an operation lacking the required planning consent of the Local Planning Authority would be in contravention of the licencing objectives of ensuring public safety and the prevention of public nuisance.

Firstly the present lack of planning permission ensures that Test Valley Borough Council have not had an opportunity to make an assessment of whether the “micro-brewery’s” current operations are acceptable in land-use planning terms and whether or not they may represent a threat to public safety and a creation of a public nuisance. Secondly my clients have concerns relating to the increased noise and odour emissions created by the likely increased production of beer resulting from a grant of a Premises Licence to enable beer tastings, tours and on-site sales. Thirdly the brewery tours, potential for seven days a week sales (including until 11pm up to six days a week) and probable increased commercial production resulting from the grant of a Premises Licence would result in increased traffic to and from Betteridge’s Brewery. The brewery premises lack sufficient parking provision to cope safely with increased traffic volumes and my client’s residential amenity is already being harmed by vehicles parking in the private lay-by outside of their property, preventing safe and convenient access for themselves and visitors to their property.

Therefore I request that the Licensing Authority refuses Mr Betteridge’s application for a premises licence.

Yours sincerely

**Oliver Taylor, MSc (Dev.Plan) MRICS MRTPI**  
**Senior Planner**  
**On behalf of Strutt & Parker LLP**

Cc. Mr & Mrs Antelme



Enc. Correspondence dated

- 7<sup>th</sup> August 2013
  - 10<sup>th</sup> October 2013 (Bramble Bank)
  - 10<sup>th</sup> October 2013 (Coopers Barn)
  - 13<sup>th</sup> November 2014 (Strutt & Parker to TVDC Planning Enforcement Manager)
- Public Notice

Coopers Barn  
Hurstbourne Tarrant  
Hampshire  
SP11 0AG

 **COPY**

All immediate neighbours

**Brewery Project**

*Dear Neighbours!*

*1 Oct 2013*

You will by now have gathered, either directly or otherwise that I was unsuccessful in my bid to buy the Church Hall at auction. Having left the Army 4 months ago I had hoped to set up a very small microbrewery there in order to provide me with an occupation and the village with their own beer source. Sadly the Hall was bought by a couple of people who had sold up in business and wanted to create a pension plan out of buying up properties for commercial rent. Their aims and my appetite for costs and lease conditions were not compatible and so I have to move on to Plan B.

It may seem an obvious choice to some but Plan B is best offered in Coopers Barn. My Barn is in the midst of a dwelling area (including my own) and offers the size and facilities needed for brewing on a small scale, and therefore would naturally raise questions as to suitability for what is classified as "light industry". It is important to me that anything I propose, is met with acceptance and approval by my neighbours. To this end, I have enclosed some information for you to understand the scale of what I propose to do and some factors which mitigate against any activities which could otherwise have been intrusive in any way.

I have been through the planning process once before during my application for the Church Hall, which is also 15 yards from a dwelling (Kim) and very close to others; (Bex Riley and the Physio). I would therefore be very keen to talk to you and to explain the size of the project (which is classified by brewers as not much more than home-brewing), what is involved and how I intend to keep any potential problems to an acceptable and minimum level. Please give this some thought and feel free to ask whatever you like and we can arrange for an individual two-way discussion, which I hope will allay your fears. Common questions are listed on the attached sheet and I have answered these as best I can in this letter but I am happy to expand to any degree to ensure you are content with the idea based on knowledge rather than supposition.

I look forward to talking to you at your convenience either here or with you at home. I will do everything I can to maintain good neighbourly relations and peace in our part of HBT and hopefully even bring some added benefits.

With kind Regards,

MJ Betteridge

From MJ Betteridge

**Proposal for Microbrewery in Coopers barn**

7<sup>th</sup> August 2013

To all immediate neighbours to Coopers Barn

The questions below follow the normal sequence of subject requiring explanation and verification by Test Valley Borough Council (TVBC), of which we are part, and to whom I have to answer in order to abide by their planning regulations.

Prior to going through some anticipated questions I would like to make it quite clear that I intend to make this a completely honest and open process and to try to take any mystique or misinterpretation out of what I am trying to achieve. Brewing on a small scale can be done in the barn now. It involves turning ingredients (water, malted barley, hops and yeast) into beer for putting into vessels and selling them locally. Much like a bakery baking bread, it shares the same ingredients except it is wet and flour is from unmalted grains. It is a traditional rural activity lost to this village with the demise of pubs, other small scale agriculture and labour intensive activity. Hurstbourne Tarrant once had five pubs and a number of maltings – even Ibthorpe had four maltings in the square at one time. My intent is to brew honest real ale for the village and locality on a small scale without upsetting anyone.

is there any intent to build any other buildings? – No

Are there any changes to construction and if so what materials are to be used? - There are none.

What work is required in order to bring the barn to a standard required for brewing? – The Barn was previously a brewery, a maltings and a coopers (all courtesy of the HBT Historical Society and census material from 1871 – 1891). It was last used as a stable when the Pond family lived here (the last owners). The concrete floor was put in by the Ponds - and Bryn Evans helped lay it with others currently living in the village.

There is no need to do anything else to the fabric of the building but to waterproof and angle the floor with screed to enable water to drain to mains drainage. Three phase electricity will need connecting but this is simply a connection to existing supplies across the road along existing lines.

are there any emissions (noise and odour) from the brewing process?

The brewing process involves soaking malt and other adjuncts in brewing liquor for 1 – 1 ½ hours and then boiling the wort (malt and hops), for an hour. This would normally happen once a week to begin with and then increase to twice a week based on demand and fermentation capacity. I have taken mitigating action to prevent the boiling process causing any steam emission (the source of any smells) by having a condenser fitted to the proposed brew house and therefore this will condense and drain to mains. There is therefore no requirement for any steam outlet and hence there is no smell. The boiling process would normally take place between 9 – 11am.

Noise will be limited to the running of water and cleaning. There is no noise involved in the mashing or boiling process. I am living close to the barn too and have had experience of working in much bigger breweries. To that extent I am confident of not making any disturbance. I will take every step possible to ensure that I mitigate against any unacceptable levels of noise as you would expect of a good neighbour. I rely on your goodwill for the reputation of the business and that of a neighbour!

What would be the effect on traffic and deliveries?

I intend to get a small van (possibly white!), and my suppliers are local in the main as I intend to get malt from Warminster. I will therefore deliver and to collect using my own vehicle. Initially there will be delivery of the equipment which would arrive on a small truck and occasionally (once per month or less) there may be deliveries of bottles or other dispensable items. Hops will arrive by postal services and otherwise it is me, the van and the dog. My car park is bigger than that available at the Church Hall which required parking for 2 cars and a van to comply with parking regulations.

What about the rats, hedgehogs, moles, rats, mice, voles, deer et al?

There is no requirement or desire to disturb any small or rare animals and if there are any in there I would be very surprised. Rats and mice are my enemy and all grain will be stored securely above ground level.

We have driven past Fishers in Cheswick and seen other microbreweries which are large and situated in industrial units in business parks. How big is a microbrewery?

Mine has a brew-length of 2 ½ bbl (Brewers barrel). This means that I can produce 410 litres per brew. A barrel holds 164 litres of fluid and each cask contains 40 litres of real ale and so I will produce the equivalent (in bottle, cask or bag in a box) of 10 casks per brew. This is in comparison to the Hopback brewery in Salisbury (classified as a microbrewery), which produces 50 bbl per day! I am not in fact doing anything more than large scale homebrew for HBT and the local area, and could do this without planning permission if I wished to remain non-commercial. The brewing equipment is enclosed on a stainless steel frame and is insulated with wood, and looks fantastic. I will initially have two fermenters but would hope to afford more later. It is a very small operation.

What is my work for hours?

I do not want the brewery to take up all of my time. I am hoping to make this a pleasure and a passion and not a chore. At 55 years of age I would like to work 3 – 4 days a week. Certainly the size of the operation for one man would require this but actual brewing would be for two mornings each week. I also love travel and entertaining my friends and family, so should demand end up on the scale of Sharpe's or SAB Miller I promise you I will employ many more people and will not want to do this in my back garden! This size of brewing is fun and pocket money. The planning requirement is for the purposes of being commercial albeit on a very small scale.

## Summary

I am sure you will have many more questions but I wanted you all, as immediate neighbours to be the first to know of Plan B for the brewery, and to have the opportunity of gaining confidence in my plan. Realistically I cannot, nor do I want to do it without you and your support so please get back to me with your thoughts and questions and I will answer them in as much detail as you require. Please let me know if you wish to speak about this on a one to one basis at your home or mine. Having spent 10 months working on this plan for the Church Hall and going through a similar process for the immediate neighbours there, it is important that I have your support too. I also hope that you like real ale, and even if you do not – you are all welcome to try it with me at any time and learn to appreciate the old art.

With Regards,

Mark Betteridge

Coopers Barn  
Hurstbourne Tarrant  
Hampshire  
SP11 0AG

Mr L Antelme  
Bramblebank  
Hurstbourne Tarrant  
Hampshire  
SP110AG

 COPY


*10<sup>th</sup>* October 2013

*Dear Leopold,*

Thank you for your card dated 10<sup>th</sup> October and the enclosed response to SSE regarding your refusal of wayleave consent. I have to say I was surprised not to have been informed prior to your sending it. I am afraid you have misunderstood, and as I said in my initial letter to you, I intend to apply for planning permission should I decide that my hobby is viable commercially. If this should be the case, I expect you to object as you have previously stated in person. I fully realize the requirement for change of use should I commercially make beer, but I do not know if I wish to until I have proven a product, and prior experimentation and non-commercial activity (my passion and pastime) is required to see if it is indeed viable.

I regret your decision to be obstructive without prior dialogue, and would ask that you consider changing your mind on that basis. No planning permission is required for making beer in my barn, and I would kindly ask that you reconsider. If you wish to talk with me about this then I am very happy to do so as I value our ongoing good relations and I would hope to maintain the status quo. The upgrade to the supply involves use of the same electricity post as the current supply to the barn, but needs a 3-phase supply. The equipment has been ordered at some expense and partially paid for. I am sure you will understand the predicament you put me in. Perhaps we could talk about this. I look forward to hearing from you.

With best wishes,

  
Mark Betteridge



BRAMBLE BANK  
HURSTBOURNE TARRANT  
HAMPSHIRE SP11 0AG

Mrs F Walsh-Kay  
Scottish and Southern Electricity  
Reading Depot  
Arrowhead Road  
Theale  
Reading  
Berkshire RG7 4AH

 COPY

10 October 2013

Dear Mrs Walsh-Kay

**Barn at Coopers Barn**  
**Ref: Dyf633**

Thank you for your letter of 8 October and the enclosed wayleave consent, which you have asked me to sign

The increased electricity supply requested by Mr Betteridge is for the purposes of a microbrewery, which he is installing in his barn adjoining my property.

I understood that he would be applying for planning permission for this project and he is aware that I intended to oppose it. However, for some weeks, preparatory works have been progressing on a daily basis and no planning application has yet been made. I am, therefore, led to assume that he means to proceed without planning consent, which he believes he is entitled to do.

In the circumstances you will appreciate that this is a delicate situation and I cannot enter into any wayleave agreement with your company to enable you to supply extra power for a development to which I object.

Yours sincerely

**Leopold J Antelme**

# BETTERIDGE'S BREWERY

## UPDATE AND NEWS



In order to give a better service to the local area and the village in particular, I would like to be able to sell beer from the Brewery at specific times during the day, and to conduct brewery tours, beer tastings and the odd event throughout the year. In order to do this I require a Premises License through the TVBC.

The license application will involve publication of broad hours of opening to cater for all events, but will not of course be the actual opening hours. All events will be for small numbers and I am most aware of the need for there not to be any form of noise nuisance to the village in general and my immediate neighbours in particular. The details are required be published in a local newspaper and I will put them on the village website.

The purpose of this short update is to ask for your support for the license and to ensure the village understand that this is not intended to compete with the George and Dragon or the British Legion, but to provide a sales outlet for bottles and casks from the Brewery, and an additional string of business and interest for the convenience of local people. Patrick Vaughan-Fowler has been consulted and approves of the idea.

I would ask that if anyone has any misgivings or worries concerning my intent, then they should in the first instance contact me and I will explain anything which is either misunderstood, or address any concerns about the idea. They will of course be able to subsequently make objections to the application through the Borough Council if they still have concerns. Details will also be made available on the HBT website.

Contact details: Mark Betteridge, .....  
email  
or the website contact page on  
[www.betteridgesbrewery.co.uk](http://www.betteridgesbrewery.co.uk)

What two ideas are more inseparable than Beer and Britannia  
H. Pearson "The Smith of Smiths" (1934)



**COPY**

Planning Enforcement Manager  
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Email: [planning@testvalley.gov.uk](mailto:planning@testvalley.gov.uk)

Our ref: OMJT/184499

05 December 2014

Dear Sir / Madam

**UNAUTHORISED ACTIVITIES AT BETTERIDGE'S BREWERY, COOPERS BARN, HURSTBOURNE TARRANT, HAMPSHIRE, SP11 0AG**

I act on behalf of Mr and Mrs Leopold Antelme, the owners of Bramble Bank, Hurstbourne Tarrant, SP11 0AG. Their property neighbours the Betteridge's Brewery at Coopers Barn.

Relevant Background

In August 2013, Mr Betteridge – the owner of Coopers Barn – corresponded with my clients. I enclose a copy of the letter dated 7 August. In summary, this letter outlines his intention to run a "micro-brewery" from an ancillary outbuilding at his property. The "micro-brewery" was intended to provide Mr Betteridge with an occupation and enable him to produce and supply beer to the local community. His activities were described at this time as being of a 'hobby' nature, and as such planning permission was not required.

In October 2013, my clients meet with Mr Betteridge to discuss his proposals. There have since been two more exchanges of correspondences between the two parties which I enclose for your reference.

I understand that the "micro-brewery" has been operational since April 2014. I further understand that Mr Betteridge has a commercial vehicle which he uses to supply local Public Houses.

In October 2014, my client received a notice – a copy of which is enclosed – informing them that Mr Betteridge was applying to Test Valley Borough Council ("TVBC") for a Premises License. The stated purpose for the license is to enable Mr Betteridge to sell beer from the Brewery at specific times of the day, and to brewery tours and beer tastings, to include the odd event through the year.

Breach of planning control

Planning statute allows for any building or other land within the curtilage of a dwellinghouse to be used for purposes incidental to the enjoyment of the dwellinghouse without the need to seek the express consent of the Local Planning Authority. Planning permission is, however, required where there has been a material change in the use of any building or other land.

In considering whether a material change of use has taken place, I would ask you to consider – as a starting point – the planning unit. It is clear to me that 12 months ago, Mr Betteridge's proposals may reasonably have been considered "incidental" however since becoming operational it is apparent that his activities extend beyond those of a 'hobby'. I consider there is now a functional and physical separation between the existing dwellinghouse and the "micro-brewery". Accordingly, I submit that Mr Betteridge's activities have led to the creation of a separate planning unit and a material change of use has occurred. A

breach of planning control has thus occurred and to my client's knowledge no planning application has been submitted or approved by your Authority.

It seems to me also that an important planning consideration going forward is the Use Class within which a "micro-brewery" falls. Mr Betteridge's letter dated 7 August 2013 alleges that a micro-brewery is a "light industrial" process.

The Town and Country Planning (Use Classes) Order 1987 ("**the 1987 Order**") states that a "light industrial" use can be carried out in any residential area without detriment to the amenity of that area. Whilst this may be so it does not negate his requirement to seek planning consent from the Local Planning Authority in the first instance. Nevertheless, I submit that Mr Betteridge is incorrect in his assessment that his activities fall within Class B1(c) (Light Industrial) of the 1987 Order.

An "industrial process" is defined as a process for or incidental to any of the following purposes: -

(a) *"the making of any article or part of any article..."*

The term "article" is synonymous with an object or item. In this context, the product of the "micro-brewery" can reasonably be considered an "article" and as such a "micro-brewery" falls within Class B2 (General Industrial) of the 1987 Order. Moreover, according to the *'Land Use Gazetteer: The Comprehensive Guide to Land Uses and Their Use Classes'* a brewery or a mild beer brewing place are both considered to fall within Class B2 of the Order 1987.

By reason of the activity taking place at Betteridge's Brewery, a use falling within Class B2 is not appropriate within a residential environment. To this end, I would request that you investigate the breach of planning control that has occurred with immediate effect, serve a Planning Contravention Notice, inform Mr Betteridge that his activities are unlikely to be supported by the Local Planning Authority should an application be forthcoming, and liaise with the relevant department within the Council responsible for the handling of Premises Licenses and advise them that such a license should be refused.

Lastly, Mr Betteridge states in his letter dated 10 October 2013 that it was his intention to apply for planning permission should he decide that his hobby was viable commercially (my emphasis). In my respectful submission, this declaration confirms that it has always been his intention to run the brewery as a commercial enterprise. As such and in the first instances, I submit that Mr Betteridge should have applied for a temporary grant of planning permission to 'test' the viability of his business.

Yours sincerely

**Oliver Taylor, MSc (Dev.Plan) MRICS MRTPI**  
**Senior Planner**  
**On behalf of Strutt & Parker LLP**

Cc. Mr & Mrs Antelme

- Enc. Correspondence dated
- 7<sup>th</sup> August 2013
  - 10<sup>th</sup> October 2013 (Bramble Bank)
  - 10<sup>th</sup> October 2013 (Coopers Barn)
- Public Notice