COC090

Appendix 15

REDACTED STATEMENT 19.05.2022

STATEMENT READ AT PLANNING MEETING WITH LEDBURY TOWN COUNCIL, MAY 19TH.

My name is David Thomas.

I have lived in Ledbury since 1976 and spent all of my adult life living in various flats within the town centre. I have never had any reason to complain about anything.

I now live at **REDACTED**. This is rented accommodation and I have lived here for 17 years. I chose to live here because it is a very quiet location.

The Barn is situated directly outside my flat.

I said the very same words in a statement that I read at a planning meeting here in September 2019. In that statement I made it very clear to Ledbury Town Council what I was having to put up with since The Barn opened as a venue.

For instance:

1. An unbearable level of volume from music, be it from a live band or a sound system.
2. An unbearable level of noise created from people attending the venue – right outside my window.
3. Terms and conditions of the licence agreement not being adhered to at every event.
4. The owners of The Barn (**REDACTED**) demonstrating an arrogant attitude, a complete lack of consideration for others, as well as a total lack of responsibility as business owners.

All of this along with a complete lack of communication between all relevant parties involved in this case, was having a detrimental effect on my health and well-being – making my life a misery and forcing me to leave my home just to escape the noise. Furthermore, I have had to seek help from my GP.

The council said at that meeting '*Whilst Ledbury Town Council see The Barn as an asset to the town, they can not support the disturbance and breach of licence'.*

I am here now two and a half years later because NOTHING HAS CHANGED.

On October 18th 2019 at a licence review The Barn had their licence suspended for three months.

Sound clips were played to the sub-committee which illustrated the level of noise emanating from The Barn. It was said that warning letters had been sent to the premises licence holder which stated that the issues with regard to noise control needed to be addressed. Officers had advised the licence holder **REDACTED** about improvements which would help prevent the nuisance, but none had been forthcoming.

It was also said, '*Due to the location, physicality of the area, structure of the building, and frequency, times and nature of events being held at the premises, it is our opinion the noise is causing a noise disturbance to the surrounding locality*'. Licencing Officer, Mr Fred Spriggs said '*To put this in to perspective, I would not want to live in the vicinity of these premises, as the noise would be excessive*

for the area and cause me considerable nuisance'. **REDACTED**'s response to this was to ask if she could read out a poem.

The committee chairman Mr Alan Seldon said they decided to suspend the licence for a period of three months. He said '*This is to allow time for consultation with the neighbours and time for noise attenuation measures to be put in place'*. THIS HAS NEVER HAPPENED.

In January 2020, I was informed by Planning Officer Steve Davies that the freight container situated in the outside area of The Barn was unlawful. Furthermore, he said in his final email to me, '*Planning application 190253 has been withdrawn (it was due for refusal) and the applicant is intending to re-submit in the near future with revised proposals. He intends to remove the freight container and has been advised that the use of the bar is unacceptable without adequate measures to mitigate noise nuisance. He intends to address this issue in his revised proposal for which he has been advised to provide the following…..'*

1. A revised planning statement which sets out more realistically the actual use of the premises.
2. A noise assessment which examines the impact of amplified music at the nearest closest sensitive receptors.
3. A detailed noise management plan as to how noise will be managed at the site.
4. Proposed structural upgrading to ensure that there is no noise breakout from inside of the premises through poor structure, doors and windows. THIS HAS NEVER HAPPENED.

However, what did happen is this….

On August 18th 2020 I arrived home from work, but I was unable to access my front door because there was a crane obstructing the entrance to my property. Having been informed about the freight container, I just assumed that the crane was there to remove it, as instructed by planning officers.

The freight container is still there. It was merely re-positioned. I have since been informed by a member of Ledbury Town Council that the owners of The Barn intend to use the container as a 'sound barrier'.

This demonstrates that **REDACTED** will do whatever he likes, whenever he likes, regardless of what he has been told to do by the relevant authorities.

After the lockdown which began in March 2020, which was absolute bliss for me, The Barn re-opened with a new revised licence. The conditions being…

1. All activities will be from 10am – 10pm Monday to Sunday.
2. Customers must leave the premises by 10.30pm.
3. The existing condition regarding noise and vibration will remain in place on the licence.

The licence holder also had to agree a dispersal policy with environmental protection prior to the lifting of their suspension. THIS HAS NEVER HAPPENED.

Also, Section 177 of the Live Music Act 2012 was disapplied.

As I have said before, the owners of The Barn have never had the courtesy to inform or consult me about any building work due to take place there.

In July 2020, without warning **REDACTED** dug up the area outside my home, leaving me with very limited access to my front door. At times, no access at all. **REDACTED**'s behaviour at this time could easily be regarded as intimidation. I reported this to the police.

Councillor Liz Harvey informed me in an email that '*The owners of The Barn have very limited planning permission in place. They have managed to do most of the work to date by 'repairing' The Barn rather than by altering it'*. She went on to say that, '*It is clear to anyone visiting the premises that the work has gone beyond repair and there are retrospective applications that relate to this work'.*

Planning Officer Susanna Burrage said in October 2019 '*We object to the proposed change of use on noise and nuisance grounds as we are of the opinion that as a retrospective planning proposal, what is there is almost certain to adversely impact on the amenity of neighbouring residents. This is in terms of amplified music emanating from a poorly insulated and structurally defective barn'.*

So, I was alarmed when during the second lockdown that began in January 2021, the owners of The Barn began building work directly outside my home. Work that was so noisy, I was forced to leave my flat nearly every day – during lockdown.

I complained about this to Herefordshire Council. I had no response. I complained about this to Councillor Liz Harvey. Her response was to inform me that the council have 'bigger fish to fry and that I would just have to put up with it'.

She also said, '*The use class approval for the building remained as a café and art gallery and that there is no planning permission for it to be used for other purposes. Change of use permission will be needed in order to operate into the evenings and to serve alcohol and play music'.*

So again, I was alarmed when in July 2021 a post appeared on The Barn's social media page saying '*Good news, The Barn in Ledbury is holding an open mic outside every Saturday. Anyone can go along and play to their hearts content. You may even be offered a paid gig in The Barn on a Saturday evening'.*

Furthermore, I had to suffer disturbance from large noisy crowds of people gathering outside of The Barn, outside my window, unannounced on land that does not belong to them.

Again, I complained about this to Herefordshire Council. Again, I had no response. On September 9th last year I asked **REDACTED** who had given her permission to use this land. She replied, 'Liz Harvey'.

As I have said before, I do not enjoy complaining. I am sick to death of it. It is mentally exhausting and extremely boring. Believe me I have far better things to be doing with my time. Due to the poor response from Herefordshire Council I was advised by PC Nick Ashby in July 2021 to complain to the police. He assured me that all disturbances would be logged and all relevant information would be passed on to licencing. I made 14 complaints to the police until I was finally contacted by Environmental Health in December, five months later.

I was appalled to learn that a live music event that was due to take place on December 18th had been granted a Temporary Events Notice, despite my previous 14 complaints.

I was also told that a meeting was going to be arranged involving all relevant parties to discuss the situation at The Barn. I then heard nothing from the council for three months, despite continuing to complain about further disturbances. Eventually, I was contacted by Environmental Health at the end of March this year. I was told that a meeting had taken place with the owners back in January. I should have been informed of this. I have no idea of the outcome of that meeting. The only information I was given is as follows.

There was a dispute over the exact usage of the premises. The owners regard the freight container as adequate noise attenuation. They were also IN COMPLETE DENIAL OF EVER BEING A PUBLIC NUISANCE.

I have been told by Environmental Health that they see no point in sending letters of warning to The Barn because they firmly believe that they are being ignored. The owners have never taken this situation seriously at all.

Anybody who attended the planning meeting in 2019 will recall the ludicrous and frankly embarrassing response from **REDACTED** after I read my statement. He said I had no right to complain because other people living on **REDACTED** were being woken up by tractors driving over drain covers in the middle of the night. He also said that I should just move house.

There have been so many disturbances that I have been unable to list them all in this statement. I have included a few examples.

On August 6th last year, a few days after The Barn was named as trader of the week in the Ledbury Reporter, there was a live music event held at The Barn. Loud music was played beyond the cut off point at 10pm and went on until 11pm. Customers remained on the premises until 11.30pm. When The Barn finally did shut, **REDACTED** and a group of people continued to make a disturbance outside my home past midnight.

I approached them and informed them that I was in bed trying to get some sleep and that if they didn't leave I would call the police.

On September 11th of last year, I was woken up by laughter outside of my flat. I witnessed **REDACTED** telling a female employee of **REDACTED** that I had complained the previous weekend about amplified music being played outside of The Barn. 'I wish I'd been there to see that' she replied. **REDACTED** is owned by **REDACTED**. She is also the previous owner of **REDACTED**. In April 2019 **REDACTED** lied about me to Herefordshire Council in a letter of support for The Barn. This was defamation of character.

On October 20th of last year, another private party was held at The Barn. Once again, I was forced to leave my flat to escape the noise. I was horrified at the amount of vehicles turning into the car park – all heading for The Barn. I thought about the 46 years I have lived in this town, and yet again I was being forced to leave my home – as a result of the actions of irresponsible business owners who simply couldn't care less about the noise that they were making and the impact it was having on people living nearby. People like me – **the nearest, closest, sensitive receptor.**

This year, March 12th, loud music began emanating from The Barn at 10.20pm. This continued until 11pm with what sounded like a man speaking over a PA system alongside the music. Customers remained on the premises past 11pm.

Two days later I informed **REDACTED** that the council had been made aware of this latest disturbance and breach of licence. He looked up at me with a big smirk on his face and told me that he did not need any planning permission whatsoever and that he could do whatever he liked.

On April 20th this year another private party took place outside my home – further disturbance. I complained about this to Herefordshire Council – again I had no response. A week later I arrived home from work to find a large crowd of people gathering outside my home. Not for the first time I witnessed **REDACTED** pointing me out as the one person making complaints about The Barn. However, I am not the only person making complaints.

I was aware that this was another private party because as per usual I didn't recognise anybody and there was no event advertised on The Barn's social media page. I was in disbelief at how loud the music was that night.

After singing Happy Birthday, customers left on time for a change, very noisily.

I later learned that all of this noise was clearly heard by residents of the Alms Houses.

Yet again, my night was ruined. I could feel the vibration of the bass and drums running down my neck and back as I sat on my sofa trying to watch my tv.

I thought about the first line of The Barn's licence agreement. It says '*Noise or vibration shall not emanate from the premises so as to cause a nuisance'.* I have stated this time and time again and I have been ignored time and time again.

I thought about my basic human rights. My right to privacy. My right to relax in my own home.

I thought about comments made by Councillor Phillip Howells who during his term as Mayor of Ledbury agreed to meet me in my flat to discuss the situation at The Barn. In a long conversation he informed me that **REDACTED** had a 'vendetta' against me.

He repeated this to me on two other separate occasions. He has since denied ever saying this.

In December of last year, Mr Howells informed me that he now regards The Barn as a great asset to the town and that the owners were acting perfectly within their rights. He went on to say that there was nothing I could do about it. But there is something I can do about it like I did before. I have continued to gather evidence of noise nuisance at The Barn as instructed by Environmental Health.

Unfortunately, I have had to involve solicitors. This will no doubt cost me money. The thought of this fills me with dread. But I find comfort in the knowledge that I have the full support of my family and friends. People who know exactly what has been happening outside my home. People who are aware of the way that I have been treated. People who actually live in this town.

Finally, I will end in the same way I did in my previous statement two and a half years ago. Would you tolerate being treated in this way – and would you honestly want all of this disturbance going on right outside your home every week? If the answer to that is no, then why am I STILL having to put up with it.