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Ask for: Andrew Tait  
Your Ref:  
Our Ref:  
Date: 7 June 2012

Dear Member

**REGULATION COMMITTEE MEMBER PANEL - FRIDAY, 15 JUNE 2012**

I am now able to enclose, for consideration at next Friday, 15 June 2012 meeting of the Regulation Committee Member Panel, the following supplementary correspondence that was unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
3	<b><u>The Lost Village of Dode</u> (Pages 1 - 30)</b>

**Supplementary correspondence from Luddesdown Parish Council and from mr and Mrs Mileson**

Yours sincerely

**Peter Sass**  
**Head of Democratic Services**

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CHRIS AND DENISE MILESON  
WINNATS FARM, WRANGLING LANE, GREAT BUCKLAND, LUDDESDOWN, KENT, DA13 0XF

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tel: 01474 816517

5 June 2012

Mr A Tait  
Governance & Law  
Kent County Council  
Sessions House  
County Hall  
Maidstone  
Kent  
ME14 1XQ

Dear Mr Tait

**The Lost Village of Dode**

We are writing with regard to the forthcoming meeting of the Regulation Committee Member Panel on 15 June 2012 to consider the application for a renewed registration of The Lost Village of Dode as a premises for the solemnization of marriages. As well as our letter to Sarah Manston of 6 February 2012, we would also like this letter and its enclosures to be presented to the Panel for consideration.

In our letter to Sarah Manston we set out our objections to any relaxation of the conditions attached to the granting of a licence for the use of The Lost Village of Dode for holding wedding ceremonies. There are some additional points that we would like to make which are as follows:

1. We refer to Regulation 6 of The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 where Regulation 6(1)(b) states that "*Upon grant of an approval the authority may attach to the approval such further conditions as it considers reasonable in order to ensure that the facilities at the premises are suitable and that proceedings on the premises do not give rise to a nuisance of any kind.*" The special conditions imposed in the past have been effective in reducing the nuisance caused to people in Great Buckland of traffic and noise but they have not eliminated the nuisance altogether. As the intention of this provision is to give the licensing authority the power to eliminate nuisance caused by the wedding ceremonies and Kent County Council has imposed conditions to this end it is not logical for any of the conditions to be relaxed as this will not be compliant with the intent of the provision of making sure that proceedings on the premises do not give rise to a nuisance of any kind. We experience a lot of noise nuisance from weddings taking place at Dode whether it be before the ceremony when guests are in the grounds, during the ceremony with music being played, after the ceremony when photos are being taken in the grounds and a large group of people are talking loudly or refreshments are being served and music is being played in the grounds and then continuing with the holding of a reception at the premises where guests become very noisy having a party both in the grounds and in the building and loud music is played. All these disturbances are occurring as a direct result of the premises being licensed to conduct wedding ceremonies. We have taken legal advice on the ambit of Regulation 6(1)(b). The advice we have received is that the regulation is drafted to provide that the licensing authority must consider whether the grant of a licence will cause any nuisance of any kind to arise and that when enacting this provision, Parliament intended the licensing authority to take a wide and circumspect view. Therefore it is relevant to consider any kind of nuisance that may be

suffered as a result of the use of The Lost Village of Dode for holding wedding ceremonies by neighbouring properties and by other people in the area such as tourists who are attracted to the area in search of peace and tranquility. It is the case that all the examples of noise nuisance that we refer to above arise in connection with wedding ceremonies being held at this venue. All the post ceremony events occur at Dode because the ceremony is held there in the first place.

We have prepared a list of weddings that we have observed during the years 2008, 2009 and 2010 and this is included with this letter (Annex A). In this list we refer to examples of nuisance that we have experienced. In addition there are two other examples of nuisance we wish to mention. The first arose from a wedding held on 22 July 2006. After the ceremony the guests remained at Dode until at least midnight. Many of the guests spent much of the time in the grounds and as they got more intoxicated during the evening the noise level increased as did the volume of the music being played. Some guests were shouting at each other across the grounds and a group of them began yelling unprovoked abuse at us in the field next to the grounds where we were working. On another occasion, a wedding held on 26 May 2007, the ceremony began about 12.30 pm and was followed by a reception that continued until about 11.30 pm. The reception included music from a live band, which was very loud.

The use of Dode for wedding ceremonies can mean that we suffer from noise nuisance for a long period during the day, from when the guests arrive for the ceremony until late into the evening. When the venue is used to hold a reception after the ceremony there can also be additional traffic using the lanes as the guests are sometimes taken away from the premises after the ceremony and are then brought back later for the reception. There is also further traffic when vans are used to bring additional equipment and supplies to the venue. There are many examples of this in Annex A.

We have spoken with our neighbours Mr and Mrs Mather who live at Matthewdown House, which is also next to The Lost Village of Dode. They told us they are fed up with noise from the weddings and have contacted the police about it on a number of occasions.

We know that noise pollution is recognized by the government as being something that should be taken into account in planning as on page 106 of The South East Plan – Regional Spatial Strategy for the South East at paragraph 9.55 it states: *“Noise can have a serious effect on the quiet enjoyment of property and places, reducing quality of life. Ambient noise and neighbour noise can have significant impacts on quality of life.”* While we appreciate that this policy guidance is not binding in connection with the licensing of approved premises for civil marriages we do feel it confirms that noise is regarded as a nuisance and therefore under Regulation 6(1)(b) a licensing authority should take account of it when licensing such premises. We are grateful that KCC has taken this into account in imposing conditions on the licence in the past.

2. As we are usually at Winnats Farm all day, every day of the week, we get to see when any events take place at The Lost Village of Dode. We have recorded the weddings that we have seen take place there during certain years. In 2008 there were 18, in 2009 there were 36 and in 2010 there were 18 (as specified in Annex A). We did not record the weddings in 2011 but we recall the number was similar to 2010, probably fewer rather than more. From these statistics it can be seen that the current limit of 42 ceremonies a year is sufficient to satisfy demand. In addition there are an abundance of venues in Kent where people can have a civil wedding ceremony. The Kentish Ceremony website refers to there being over 200. Therefore it is not necessary to increase the permitted number allowed at The Lost Village of Dode in order to ensure that Kent County Council can offer a sufficient number of venues to meet the demand for civil ceremonies.

3. The current conditions that are imposed on the licence for The Lost Village of Dode are a compromise that allows Mr Chapman to use the premises as a business for holding weddings and therefore earn income which can be used to pay for the upkeep of the premises while at the same time seeking to mitigate the nuisance that this activity causes to local residents and also to other persons who come to Great Buckland, whether it is to work such as farm traffic using the lanes to gain access to fields or for recreation such as in the case of walkers. The prices for having weddings are no longer published on The Lost Village of Dode website but we do have the prices that were charged in 2009 which were previously published on the website (please see Annex B attached). These were £1,200 for a Thursday wedding, £1,350 for a Friday wedding and £1,750 for a Saturday wedding. In 2009 there were 36 weddings that we saw take place at Dode, 4 on a Thursday, 10 on a Friday and 22 on a Saturday (please refer to Annex A for more information). This equates to a gross income of £56,800. This we are sure is not only an adequate income to keep the premises and grounds in good order and repair but will also return a good profit as well. Therefore the current licence conditions do allow for the wedding business at Dode to be run as a profitable business.

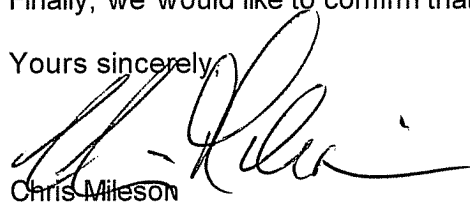
The two retreat cottages on the site also provide an income as they are let out as self-catering holiday cottages through an agency called Hideaways. The Hideaways website reveals that weekly rental for one cottage is £401 to £656 per week and for the other cottage is £270 to £435 per week.

4. The Lost Village of Dode has been put up for sale with Knight Frank. We attach a copy of the sales particulars (Annex C). In the particulars the property is described as "*an enchanting and tranquil spiritual retreat in the heart of a delightful valley in the North Downs of Kent*" and that it "*is located in an inspirational and tranquil position in the heart of the valley between Luddesdown and Holly Hill. The valley is the picture of serenity ...*". These statements are generally true except that the valley loses its tranquility and serenity during the time that weddings are held at Dode. We are not sure if the property is still currently on the market. If it is not, then it may well be put on the market again during the term of the new licence. Accordingly, we are concerned that if the current conditions on the licence are relaxed then a new owner may seek to have as many ceremonies at the venue as possible in order to maximize the earnings from the premises so as to try to recoup as quickly as possible what will no doubt be a substantial sum that was paid as the purchase price. This is a real concern as regulation 7(2) of the 2005 Regulations provides that where a licence holder ceases to own the premises then the licence passes to the new owner. In the sales particulars under Agents Note 2 – Business it is stated "*The properties are currently providing an income and a new owner may wish to continue running it as a going concern*". In this uncertain situation we feel it is especially important not to relax any of the conditions in the current licence.

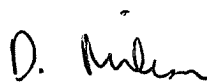
In conclusion we would like to ask the Member Panel considering this licence application to be sympathetic to retaining the charm, special character and heritage of the valley in which Great Buckland and The Lost Village of Dode are situated. The increased commercial activity that would result from a relaxation of any of the conditions imposed under the current licence would impact adversely on these valuable qualities of the area and spoil what is a unique tranquil location which is so easily accessible to people who live in built-up areas near by who are looking for a place where they can relax and unwind.

Finally, we would like to confirm that one of us would like to speak at the meeting on 15 June.

Yours sincerely,



Chris Mileson



Denise Mileson

Annex A

Weddings at The Lost Village of Dode 2008 to 2010

2008

Date	Comments
3 April	Wedding ceremony.
26 April	Wedding ceremony.
3 May	Wedding ceremony at around 2 pm. At about 5 pm Porky & Best catering van arrives. Reception held in evening. Some music but volume kept low.
24 May	Wedding ceremony held about 1 pm. Guests left about 2.30 pm.
7 June	Wedding ceremony at around 11 am.
12 July	Wedding ceremony – guests left by 2 pm.
2 August	Wedding – Porky & Best catering van arrives + hire van + minibus + Rolls Royce bridal car. Wedding ceremony about 2 pm. Music at about 3 pm. Minibus and bridal car left about 4.30 pm. Returned just after 6 pm for reception. Guests used Retreat. Many people walking into the Retreat with Boxes and bags. Taxis used to ferry guests. Many trips. Minibus also brought back guests on at least 2 trips. Party finished 12.08 am. We were woken up by car headlights being flashed through our bedroom window.
15 August	Wedding ceremony held about 1 pm. 2 large minibuses used. Guests left about 3.30 pm.
23 August	Wedding ceremony held about 12 pm. Guests left about 2.15 pm. Noisy guests.
30 August	Wedding and reception – About 1.30 pm guests arrive and Porky & Best catering van. 3 pm guests leave. At 3.05 pm Porky & Best van leaves. Lots of shouting. 5 pm guests arrive again. 2 large minibuses + Porky & Best van. Guests leave at 7.11 pm. Lots of shouting.
5 September	Wedding ceremony – guests left at about 5 pm.
6 September	Wedding ceremony about 12 pm. Guests left at about 2.30 pm.
13 September	Wedding ceremony – 1 coach and 1 minibus.
18 September	Wedding and reception – 2 minibuses + Porky & Best catering van. 4.40 pm minibuses leave. 4.50 pm minibuses return.
20 September	Wedding – 2.30 pm till late. Wedding reception held in marquee on the site. A toilet trailer was parked on the site and an electricity generator used. 2 minibuses used to bring guests. Marquee delivered on 19/9/08 – collected on 22/9/08. Toilet trailer collected on 24/9/08.

25 September	Wedding and reception – guests arrive about 12 pm. 1 minibus + Porky & Best catering van. Minibus leaves at 1.50 pm with guests. Minibus returns at 4.35 pm drops off guests then leaves again. 5.05 pm minibus returns with more guests and bridal car arrives.
29 September	Wedding ceremony.
10 October	Wedding and reception. Guests left about 7 pm. 2 minibuses and a van used.

2009

Date	Comments
4 April	Wedding ceremony. Between 2 pm and 4 pm.
9 April	Wedding and reception. Guests left around midnight.
11 April	Wedding ceremony. Commenced around 1 pm.
16 April	Wedding ceremony. Noisy guests. Commenced around 4 pm. Left at around 5.50 pm.
25 April	Wedding and reception. Commenced around 2 pm. Guests left and catering van (Porky and Best) arrived at 3.30 pm. Guests returned for reception at 5.20 pm. We met them in Buckland Road on our way out for the evening. We do not know how long the reception went on for as we were out all evening.
2 May	Wedding ceremony. Commenced about 1 pm. Coach blocks Wrangling Lane at 2.45 pm. Guests leave at around 3 pm.
9 May	Wedding ceremony. Commenced around 1 pm. 12 cars and two large vans on site.
14 May	Wedding and reception. Guests leave at 4.15 pm. At 5 pm the Porky & Best catering van arrives. Guests return and reception held until late.
15 May	Wedding ceremony. Commenced around 1 pm.
16 May	Wedding and reception. Commenced around 2 pm. Guests left at around 10.30 pm.
22 May	Wedding ceremony. Commenced around 3 pm.
23 May	Wedding and reception. Commenced around 2 pm. Guests left after wedding and returned around 6 pm for the reception.
30 May	Wedding ceremony. Commenced around 2 pm.
5 June	Wedding ceremony. Commenced around 2 pm.

12 June	Wedding ceremony. Commenced around 2 pm.
20 June	Wedding and reception. Commenced around 1.30 pm. Guests left at 3 pm and returned at 6.30 pm for the reception. Stayed till late.
27 June	Wedding and reception. Commenced around 2 pm. Guests left at 3.30 pm and Porky & Best van arrived. Guests returned for reception at 6.30 pm. Started leaving at 8.30 pm.
4 July	Wedding ceremony. Commenced around 2.30 pm.
11 July	Wedding ceremony. Commenced around 2.30 pm.
18 July	Wedding ceremony. Commenced around 2.30 pm.
25 July	Wedding ceremony. Commenced around 2.00 pm.
31 July	Wedding ceremony. Commenced around 1.30 pm.
7 August	Wedding ceremony.
8 August	Wedding ceremony.
15 August	Wedding ceremony.
27 August	Wedding ceremony. Commenced around 3.00 pm.
29 August	Wedding ceremony.
11 September	Wedding ceremony. Commenced around 1.00 pm.
12 September	Wedding and reception. Commenced around 3 pm. O'Brien's catering van at premises.
18 September	Wedding and reception. Guests left after wedding reception and returned about 6.00 pm. Guests spent a lot of time in the grounds of the church. There was lots of shouting.
19 September	Wedding ceremony.
25 September	Wedding and reception. Guests left after wedding ceremony and returned around 6 pm for the reception. Bespoke catering van at premises. Lots of shouting by guests.
26 September	Wedding and reception. Guests left after wedding ceremony and returned around 6 pm for the reception. Very noisy guests with lots of shouting. It was like having a lot of football supporters next door. A small van brought the catering supplies. The guests left around 11 pm. They were so noisy that they could be heard above the sound of our TV.
10 October	Wedding and reception. Porky & Best van brought the catering supplies.
16 October	Wedding and reception. Porky & Best van brought the catering supplies.



	The van blocked Wrangling Lane.
17 October	Wedding ceremony.

2010

Date	Comments
8 April	Wedding ceremony.
10 April	Wedding and reception. Guests left premises after ceremony and returned later for the reception. Porky & Best catering van arrives. Music at reception. Guests leave about 8 pm.
24 April	Wedding ceremony.
1 May	Wedding ceremony.
14 May	Wedding and reception. Porky & Best catering van on site. Very noisy guests. Guests left about 8 pm.
15 May	Wedding and reception. Porky & Best catering van on site. Very noisy guests who we could hear above the sound of our TV. Guests left about 11 pm.
24 July	Wedding and reception. Very noisy guests dressed in medieval costumes. Rubbish thrown into our field.
30 July	Wedding ceremony.
6 August	Wedding ceremony.
7 August	Wedding ceremony.
20 August	Wedding ceremony.
27 August	Wedding ceremony.
28 August	Wedding and reception.
9 September	Wedding and reception.
7 October	Wedding ceremony.
21 October	Wedding ceremony.
28 October	Wedding ceremony.
30 October	Wedding and reception.

# Annex B

## Weddings

[Dode Home](#)

*The Lost Village of Dode Is undoubtedly one of the most exclusive and sought after Wedding venues in Kent.*

*Its unique marriage room, built over 900 years ago is small in scale and suitable for parties of up to a maximum of only 45 people – people that are truly special to you as a couple.*

*Only one wedding per day is held on Thursdays, Fridays or Saturdays from the 1st April to the 31st October each year. Every wedding ceremony is special and unique to your individual requirements.*

*Christmas weddings on Thursdays, Fridays & Saturdays may now be held from the 1st until the 23rd of December*

*Hire Charges for 2008 | 2009 are:*

- *Thursdays - £1,100 / £1,200*
- *Fridays - £1,250 / £1,350*
- *Saturdays - £1,550 / £1,750*

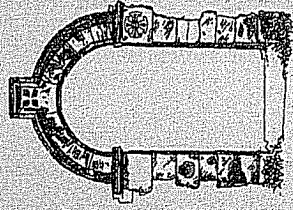


[Directions](#)

*Please contact Mary & Doug Chapman for a brochure or if you would like to visit.*

*Tel: 01622 -734205 or E-mail: [dougchapman@hotmail.com](mailto:dougchapman@hotmail.com)*

Annex C



# THE LOST VILLAGE OF DODE

Holly Hill, Nr Luddesdown, Kent



# THE LOST VILLAGE OF DODE

Holly Hill, Nr Luddesdown, Kent

An enchanting and tranquil spiritual retreat in the heart of a delightful valley in the North Downs of Kent and considered by many to be one of this country's ancient spiritual sites.

Meopham 3.2 miles ♦ M2 Junction 2 4.55 miles  
M20 Junction 2 5.85 miles ♦ Ebbsfleet 9.4 miles  
Central London 29.3 miles (all distances approximate)

Accommodation and Amenities  
Dode Church: A two cell former Norman Church in its original form, with minstrels gallery

Hill View: Open plan sitting room/kitchen  
First floor bedroom ♦ Shower room

Woodside: Open plan sitting room/kitchen ♦ Master bedroom with en-suite shower room ♦ First floor bedroom  
Further shower room.

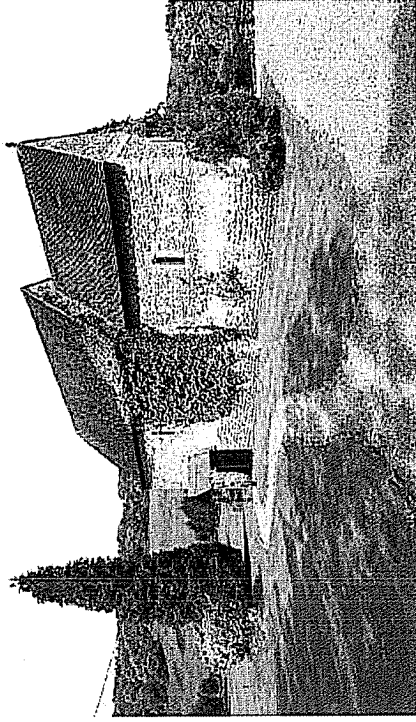
Gravel parking and turning area ♦ Delightful gardens and grounds.

In all about 1.42 acres.

For sale Freehold

01732 744477

113-117 High Street, Sevenoaks,  
Kent. TN13 1UP  
george.berry@knightfrank.com



### Situation

The Lost Village of Dode is located in an inspirational and tranquil position at the heart of the valley between Luddesdown and Holly (Holy) Hill. The valley is a picture of serenity 3.2 miles from Meopham with its main line station and with its day to day amenities. The M20 at junction 2 is 5.85 miles away providing links to the national motorway network, London, the Channel Tunnel, Gatwick, Stansted and Heathrow airports and the Kent coast. Ebbsfleet International Station is 9.4 miles to the north with high speed links to London St Pancras and Paris. Sevenoaks is 14.3 miles with a comprehensive range of shops, restaurants and recreational facilities together with mainline station to London Bridge, London Waterloo East, London Charing Cross, and London Cannon Street. There is golf at Wrotham Heath and Wildemesse, motor racing at Brands Hatch and cricket at The Vine, Sevenoaks.

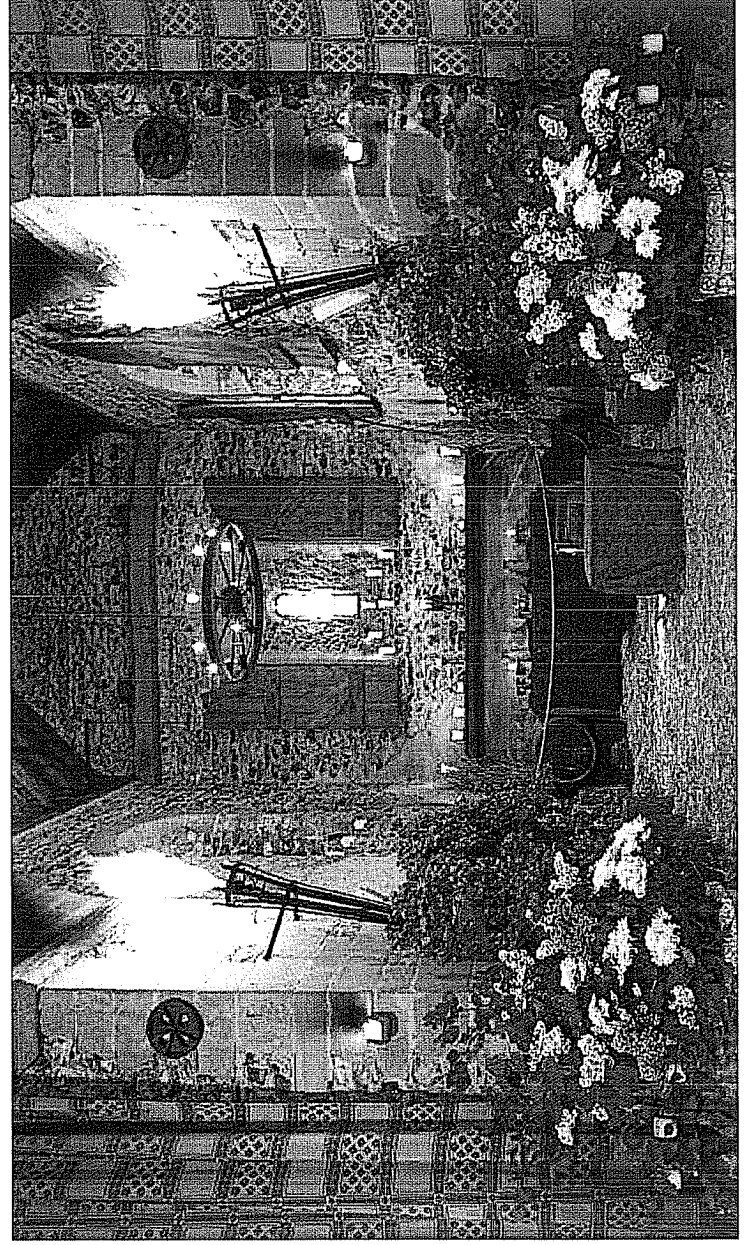
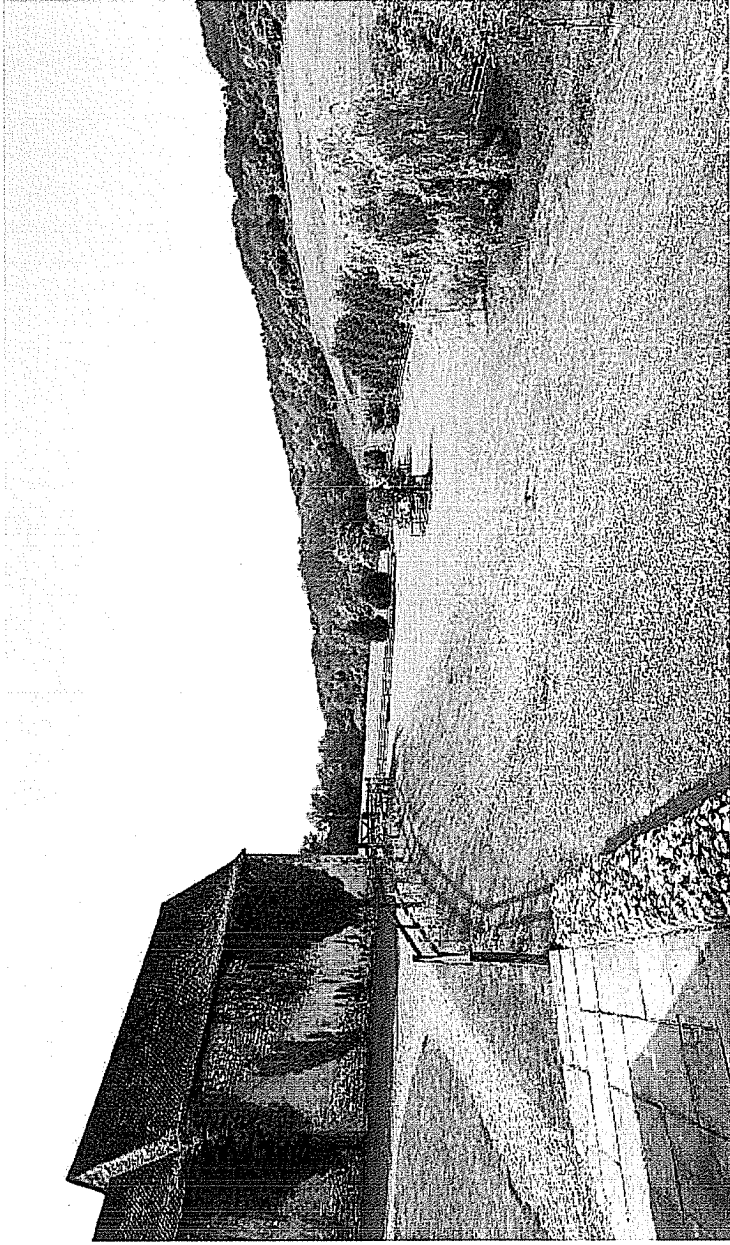
### History

Archaeological evidence in the 19th century confirms occupation of the site during the Roman period. The mound upon which Dode Church is built stands at the end of a ley-line which stretches to the east for some ten miles. Upon this line stands three Pre-Reformation churches, two Roman sites and a bronze age burial ground. The village of Dode was destroyed in 1349 as a result of the Black Death and shortly afterwards Dode Church was abandoned, never to be used for regular worship again. The church which was formally known as Our Lady of the Meadow is Grade II\* listed, it is described in Arthur Mee's The Kings England as being "....a jewel of our lonely countryside".

Within its grounds lie buried the remains of an ancient road leading poignantly to the village well.

### Description

The Lost Village of Dode comprises part of the site of the village of Dode and includes its former church and two residential retreats currently used for spiritual vacations. The church comprises a 12th century Grade II\* building restored in 1905-6 and then again by the current owner. The building is constructed of uncoursed flint with ashlar dressings under a pitched and tiled roof. The two cell church has small single light round arched windows in the nave and chancel. The building provides an enchanting spiritual



setting for civil /humanist ceremonies. To one end is a free standing oak framed minstrels gallery.

Hill View and Woodside, which were built in time for the millennium, have been cleverly designed to nestle into the landscape and are of green oak construction under a pitched and tiled roof. Hill View comprises a double aspect open plan sitting room/kitchen with stairs to a first floor bedroom with range of exposed timbers. There is a shower room and a covered veranda to the front. The covered veranda continues to the front door of Woodside which again comprises an open plan sitting room/kitchen with stairs to a first floor bedroom with exposed timbers. There is a further ground floor bedroom with en-suite shower room and separate hot tub together with a separate shower room.

#### Externally

The property is approached from Wrangling Lane via a gravel private drive providing parking for several vehicles. A path leads to the main door of the church and leads down to the retreats. All three properties have delightful views over the grounds which follow the undulating contours of the valley. The adjacent farmland and woodland provides for a delightful backdrop to this enchanting site. The grounds are laid predominantly to lawn with a former pond. Close to the entrance is an excellent timber pergola.

#### Services

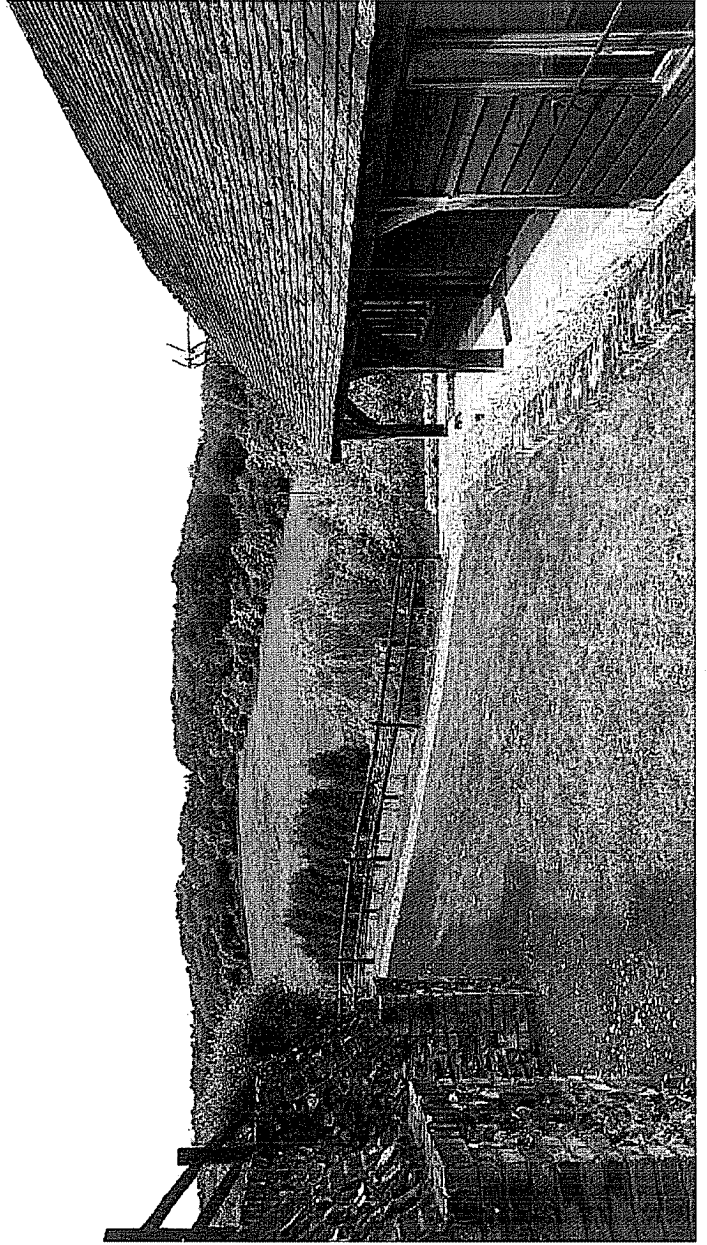
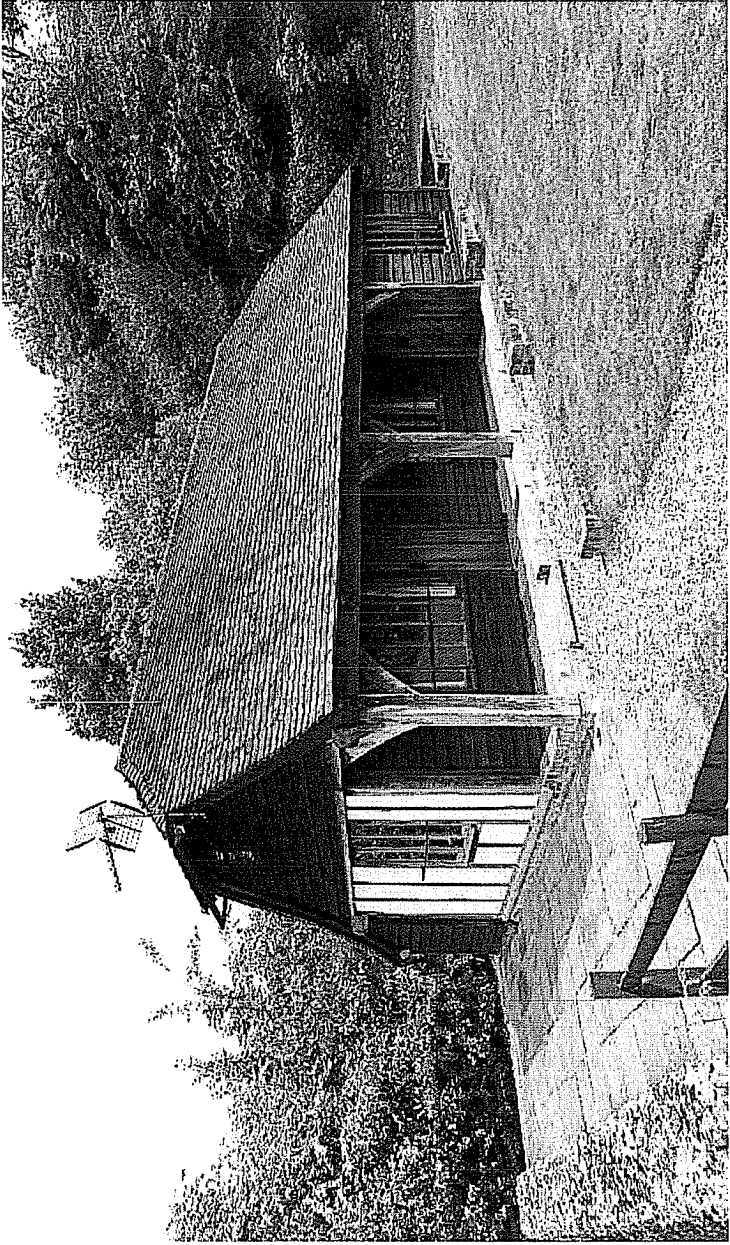
Mains water, Main electric, Septic Tank for 1 and 2 The Retreat, Electric heating in 1 and 2 The Retreat and Electric heating in Dode Church.

#### Fixtures and Fittings

All items known as vendors fixtures and fittings are specifically excluded from the sale however certain items may be available by separate negotiation.

#### Agents Note 1 – Planning

Dode Church is currently utilised as a place of congregation performing most of the functions of a Church in a Civil or Humanist format. It holds a Civil Wedding Licence for 42 weddings per year with a capacity 45 people. In April 2011 it was voted in the Independent as being one of the best 50 wedding venues in the Country.



1 and 2 The Retreats were granted planning under Section 106 and are deemed as retreats only and can not be used currently for permanent occupation. They are currently let through [www.hideaways.co.uk](http://www.hideaways.co.uk) for spiritual vacations and recuperation.

#### Agents Note 2 – Business

The properties are currently providing an income and a new owner may wish to continue running it as a going concern. Further information can be provided upon request from the vendor only to those parties seriously interested.

#### Directions

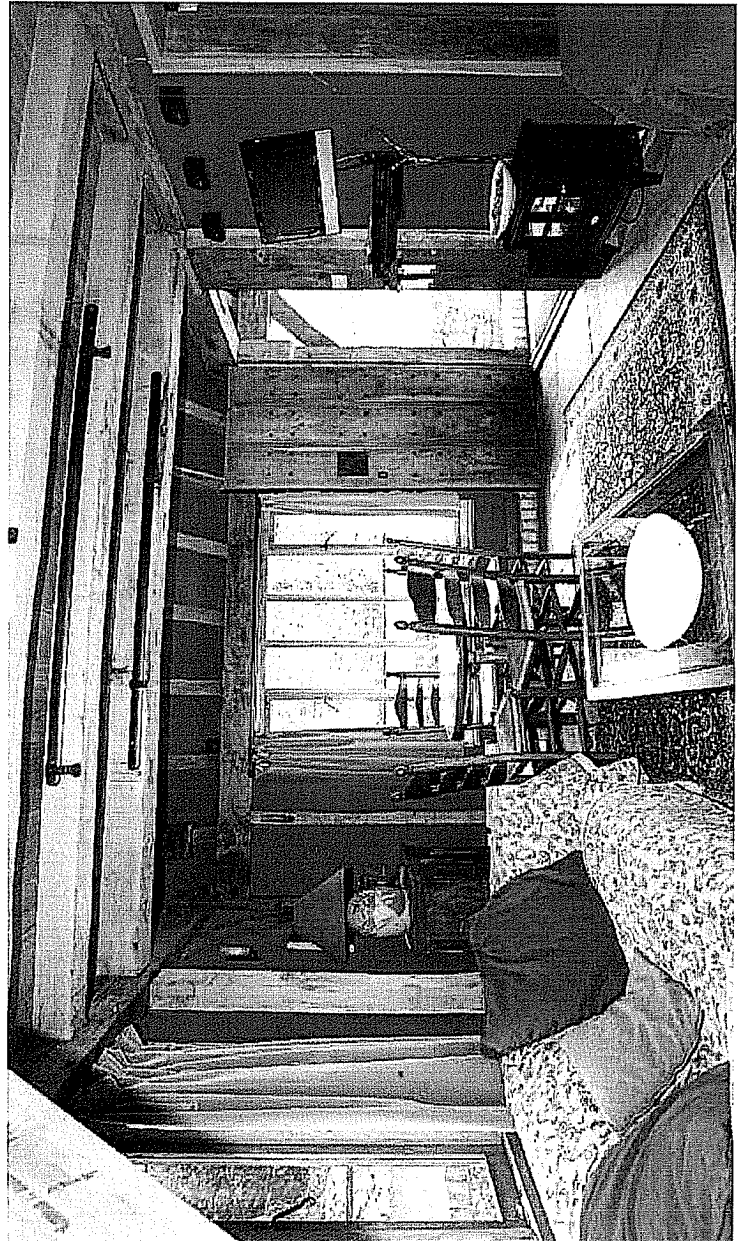
Leave the M20 at junction 2 heading south on the A20. At the roundabout take the first exit onto the A227 towards Meopham and Gravesend. Continue on the A227 through Vigo and Culversten Green and upon entering Meopham turn right into The Street. Continue along Foxen Down Lane and in turn into Oakingdon Road towards Luddesdown. Continue along Oakingdon Road into Luddesdown Road and at the staggered crossroads turn right into Cutteridge Road which joins Buckland Road. Continue along Buckland Road and on the bend fork left into Wrangling Lane where The Lost Village of Dode can be found on the right hand side.

#### Local Authority

Tonbridge and Malling Borough Council 01732 840636

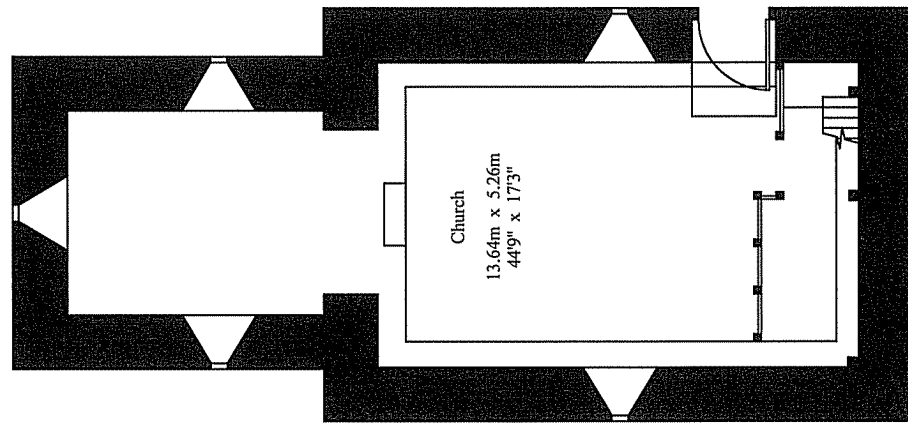
#### Viewings

Strictly by prior appointment with the vendor's sole selling agents Knight Frank 01732 744477.

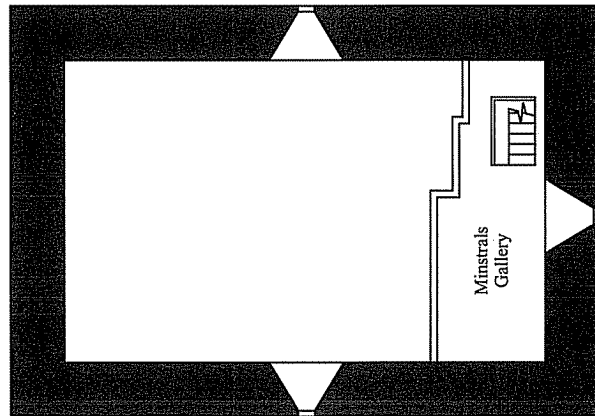


## The Lost Village of Dode

Church - Gross Internal Area : 105.9 sq.m (1139 sq.ft.)  
 Woodside - Gross Internal Area : 55.1 sq.m (593 sq.ft.)  
 Hill View - Gross Internal Area : 31.3 sq.m (336 sq.ft.)



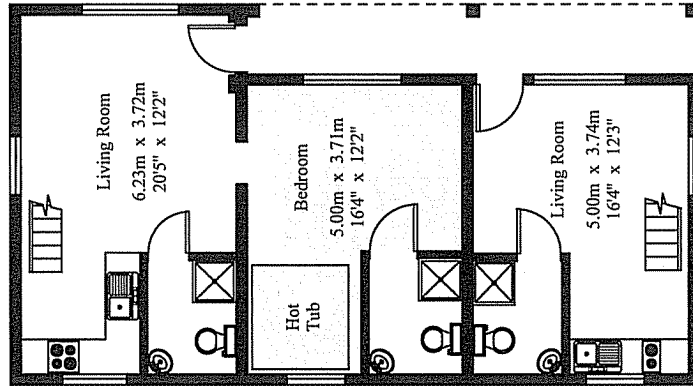
Ground Floor



First Floor

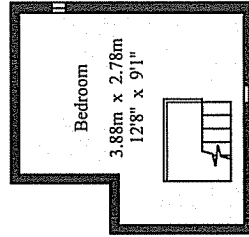
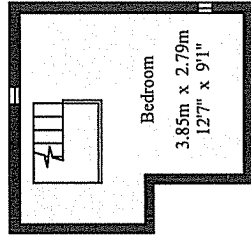


Woodside



Ground Floor

Hill View



First Floor

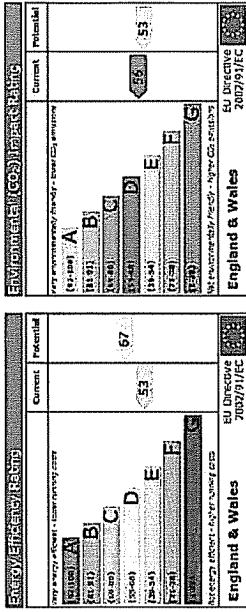


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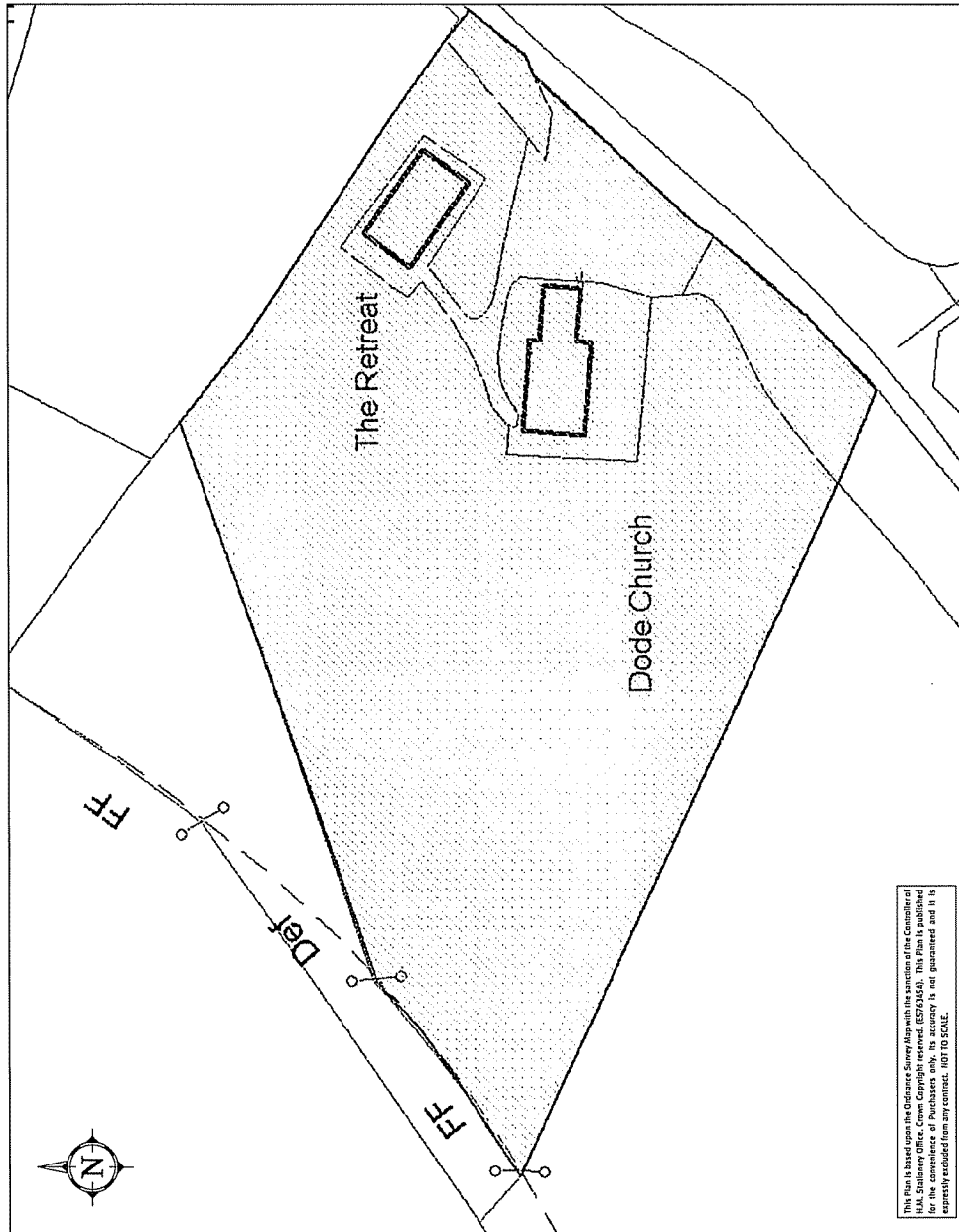
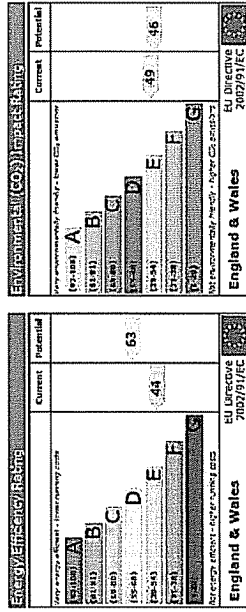
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Hillview



Woodside



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01732 744477

113-117 High Street, Sevenoaks,  
Kent. TN13 1UP  
george.berry@knightfrank.com



Important Notice

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# Luddesdown Parish Council

Please reply to: The Clerk  
1 Reynolds Cottages, Henley Street  
Luddesdown, Kent DA13 0XB

3<sup>rd</sup> June 2012

Mr A Tait  
Governance & Law  
Kent County Council  
Sessions House  
County Hall  
Maidstone  
Kent  
ME14 1XQ

Dear Mr Tait

## The Lost Village of Dode

Luddesdown Parish Council would like this letter and the papers enclosed to be considered at the meeting of the Regulation Committee Member Panel on June 15<sup>th</sup> 2012. It is our wish also to speak at the meeting.

We have in our letter to Sarah Manston dated January 30<sup>th</sup> 2012 set out reasons why we oppose the removal of any of the current restrictions and conditions relating to The Lost Village of Dode being licensed as a venue for ceremonies. We would like to put our objections in context with the history of the use of Dode for holding ceremonies. From our perspective the background to this latest application by Mr Chapman is as follows.

During the period of the first civil ceremony licence (August 1999 to August 2002) a lot of correspondence took place between Luddesdown Parish Council and Kent County Council over complaints from residents about the weddings. That licence did not restrict the number of weddings that could take place each year. Weddings were permitted to take place in any month of the year and on any day of the week. When the application for a new licence was heard by a Member Panel in March 2003 the panel did take account of the nuisance that this unrestricted position had caused local residents. It granted a new licence but imposed a number of new special conditions which included the following:

The number of ceremonies restricted to 30 a year.  
Ceremonies may only be held on Thursdays, Fridays and Saturdays.  
Ceremonies limited to one a day.  
Ceremonies may only be held between April 1 and September 30.  
The number of persons attending limited to 30.  
No more than 10 vehicles allowed to attend the ceremony and must be parked on site.

Mr Chapman did appeal this decision. We wrote to you on July 11<sup>th</sup> 2003 to ask the Member Panel hearing the appeal to reject the appeal and to express our concern that if the conditions were removed then the nuisance suffered by local residents during the previous three years would be allowed to continue. A copy of this letter is attached as Exhibit A.

Although the Member Panel reviewing the special conditions did increase the number of persons permitted to attend ceremonies to 45 it stuck with the other restrictions imposed.

Following a review of the licence conditions in 2008 we ended up with the position that we have today in that the number of ceremonies permitted to take place in a year is 42 and ceremonies may now take place between April 1 and October 31 and also between 1 and 23 December.

In April 2009 the licence was renewed with the same special conditions. I have reviewed old correspondence on the Parish Council's files and it is worth noting that after the licence was issued in 2003 there continued to be some problems. These are referred to in a letter sent by the vice chairman of the Parish Council, Mr Paul Gillard to Mr Martin at Kent Highways services dated 10 February 2006. A copy of this letter is attached as Exhibit B. However, gradually over time things have settled down. This council therefore asks the Member Panel not to relax the conditions as requested by Mr Chapman as they have been working to reduce nuisance caused to local residents by the ceremonies taking place at Dode.

Dode is on a single entry lane approached by up to four miles of single track lanes with no official passing bays which are hazardous in themselves, let alone with the addition of increased traffic including minibuses and coaches on occasion. There are some blind bends which are made more hazardous in the summer months when the vegetation on the verges grows tall. This Parish Council is therefore concerned to minimise the amount of traffic using the lanes wherever possible in order to reduce the possibility of accidents. This is especially important for the most vulnerable users of the lanes who are walkers, cyclists and equestrians.

Dode is in an extremely sensitive location environmentally being in the Kent Downs, an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area where peace and quiet are extremely important. The innate tranquillity of the beautiful landscape is what the Kent Downs are renowned for and it is respected and appreciated by walkers, cyclists and equestrians who are drawn to the area for recreation.

In a planning application made by Mr Chapman in March 2002 (this was for a change of use of the Retreat Building at the site and was refused) he said that 97 ceremonies had taken place at Dode since September 1999. At that time under the original licence 50 persons were permitted to attend at each ceremony. That equates to a possible 4,850 additional visitors to the area over a thirty month period. In an area that has just fifteen houses this is a large influx of people and resulted in a vastly increased amount of traffic along unsuitable roads causing parking and access problems to local residents. The adjoining properties to Dode also suffered from noise, intrusion and loss of privacy. Also in March 2002 Mr Chapman applied for permission to erect a restroom on the site. This request was refused, one reason being concern that it would lead to the expansion of the business activities which would lead to a further erosion of the quality of the tranquil environment. A copy of the refusal dated June 28<sup>th</sup> 2002 is attached as Exhibit C. The decisions of Tonbridge & Malling Borough Council were upheld on 21 May 2003 when Mr Chapman's appeals against the decisions were dismissed by the Planning Inspectorate. A copy of the inspector's decision is attached as Exhibit D. At paragraph 24 the inspector states: "For the reasons I have given, I conclude that the proposal as currently presented, would result in intrusion into the tranquillity and quietude of the countryside of the AONB (and SLA) and would in these respects be harmful to the character and amenity of the area."

Our conclusions are these:

1. It is important to preserve the special character of the area and retain its charm and heritage. We feel that this is something all local councils should support.
2. The original arrangements caused residents problems, but these were ameliorated by the conditions imposed in 2003.
3. Ceremonies for memorials, baby namings and the renewal of vows are also offered on the Lost Village of Dode website in addition to weddings, which could increase the use even further.

We therefore oppose the proposed changes requested by Mr Chapman to the licence conditions in respect of the Lost Village of Dode, and ask that all the current restrictions remain as they are. These have generally worked well for nine years, and we are concerned that any relaxation, particularly as the property has been up for sale recently, may result in a return to the most unsatisfactory situation experienced during the term of the original licence issued in 1999.

We are keen to gauge the feelings of all local residents, which is difficult with the short notice coinciding with the Jubilee celebrations. We are holding a meeting on Monday June 11<sup>th</sup> for this purpose, and hope that I will be allowed to use information gained then when I address the Member Panel on the 15<sup>th</sup> June.

Yours sincerely



Mrs Amanda Jones  
Chairman

LUDESLOW PARISH COUNCIL

Clerk – Mrs. C. A. Griffiths

Phone/Fax 01474 814526

'Berkeley'  
Henley Street  
Luddesdown  
Gravesend  
Kent  
DA13 0XB

11 July 2003

Mr Andrew Tait  
KCC  
Legal & Secretariat  
Sessions House  
County Hall  
Maidstone  
Kent  
ME14 1XQ

Copy to Mr Beynon – KCC Member

Dear Mr Tait

**Dode Church – Civil Marriage Licence Review**

We are concerned to hear that KCC are considering an Appeal by Mr Chapman for the removal of conditions to the new civil marriage licence for Dode Church Great Buckland. These conditions were put in place by officers and members in an attempt to address the many problems suffered by the residents of Great Buckland described in voluminous correspondence and presentations at the hearing in March 2003, as well as to KCC during the previous 3 year tenure of the licence.

Despite the objections of this Council, Gravesham and Tonbridge & Malling Borough Councils and KCC members for Gravesham and Tonbridge and Malling the licence was awarded. However, conditions were applied which, in our opinion, were the minimum necessary to control the nuisance, noise, and traffic problems, etc.

Although KCC apparently do not consider planning as an issue in this context, I would remind you that the applicants two planning appeals were decisively rejected by the Planning Inspectorate, who intimated that any further business development on this most sensitive site would be inappropriate (a copy of these decisions has been lodged with Mrs A Bendall).

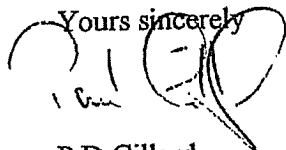
We cannot understand why the various parties to the previous hearing (who indeed include those most affected) are now excluded from Mr Chapman's Appeal Hearing, a situation that does not appear to be conducive to a democratic process.

We understand from local residents that the conditions have made a significant improvement in reducing the considerable disturbance experienced during the previous 3 years of the expired licence. Therefore, we can only be concerned as to the potential outcome were the conditions to be removed and the residents were to be subject to a further three years of blight and anguish.

We ask that the appeal committee reject the appeal and uphold the conditions currently applied for the sake of the residents right to enjoy their properties in peace, safety and privacy.

If you wish to discuss this we would be happy to meet with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P D Gillard', written over a circular stamp or mark.

P D Gillard  
Vice Chairman Luddesdown Parish Council

Exhibit B

LUDESDOWN PARISH COUNCIL

Clerk: Mrs C.A.Griffith

Phone/Fax: 01474 814526

Berkeley  
Henley Street  
Luddesdown  
Kent  
DA13 0XB

Mr C Martin  
Kent Highways Services  
Joynes House  
Gravesend  
Kent  
DA11 0AT

Tel: 01474 544074

10 February 2006

Dear Mr Martin

We understand from KCC - Mr Adey that you are currently considering the effect of traffic attending the Dode Church site for civil wedding ceremonies. We are very concerned regarding this request since the implications are that KCC may wish to increase the currently approved number of weddings from 30 per year. The restriction was originally imposed on the license because of the problems residents and other users of the Great Buckland area experienced when weddings were taking place. The lane conditions have not changed since the license conditions were imposed and the residents still experience problems. They have not reported them during this license period because the license having been granted meant that nothing further could be done. Effectively they have tolerated problems some of which are listed below.

- On occasions large coaches attend the site.
- Regularly mini-buses and taxis shuttle back and forth between the Golden Lion Public House and the church site before and after weddings.
- Private vehicles attending the weddings generally leave together forming a convoys.
- There is significant traffic generated by unsupervised viewings.
- The lanes are single track, with no official passing bays with blind bends.
- The lanes are used by residents are also used recreationally by horses, walkers cyclists etc. particularly at the weekends.
- There have been a number of occasions where the drivers of the vehicles attending have been rude to residents particularly when asked to reverse, primarily we believe because they have a dead line and they are not used to having to back-up in the lanes to pass. Also it is very difficult to pass.
- In the past there have been near misses, occasions where people have been forced off the road, a cyclist forced into the ditch breaking his collar bone and minor scrapes etc.



- Damage to the lanes & verges.

In addition to the weddings the owner of the site is now conducting an advertising campaign to increase the business and use of the site for parties, corporate functions, educational visits and pagan evenings etc. All of which will greatly affect the volume of traffic using the single track lanes and seriously impact on the users and residents of Great Buckland.

Last time you considered this matter, some three years ago your department recommended that the number of people attending the site could be raised from 30 to 45, which was adopted by KCC. However, when a Parish Councillor discussed this with your assistant it became apparent that perhaps you had not been given all of the relevant information on which to base your conclusion. Therefore, we are keen this time to ensure that all relevant information is provided to you for your consideration.

The residents have compromised with KCC regarding the 30 wedding limit, in accepting this imperfect situation, but now that KCC are considering increasing the number still further we are very concerned as to the future in terms of road safety and access. The Parish Council is representing the residents concerns in this matter and would welcome meeting with you to discuss the issues. Perhaps you might be available next week.

We had occasion to meet with Maria Baker and Sarha Hayler of your department where we discussed this problem and other related issues. They have understood the problems and will discuss this with you.

Thank you for your attention in this matter and could you please call me on 01474 813247 to discuss a suitable date and time for an appointment.

Yours sincerely

P D Gillard  
Vice Chairman – Luddesdown Parish Council



Exhibit C

Development Control  
Gibson Building, Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ

Telephone 01732 844522  
DX 92854 West Malling  
Minicom 01732 874958 (text only)  
Web Site <http://www.tmbc.gov.uk>  
Email [planning.services@tmbc.gov.uk](mailto:planning.services@tmbc.gov.uk)

Luddesdown Parish Council  
Berkeley  
Henley Street  
Luddesdown  
Gravesend  
Kent DA13 0XB

Your ref  
Our ref TM/02/00752/FL  
Contact Aaron Hill  
Direct line 01732 876254  
Fax 01732 876363  
Date 1st July 2002

Dear Sir/Madam,

### Notification Of Decision Under The Planning Acts

APPLICATION NO: TM/02/00752/FL

PROPOSAL: Erection of restroom for use of visitors/staff

LOCATION: Dode Church (Church Of Our Lady In The Meadow) Wrangling Lane  
Luddesdowne Gravesend Kent

The above application has now been decided by the Borough Council. The Council has decided to Refuse the application.

The Applicant has the right of Appeal against any condition attached to an Approval or against a Refusal. Should any appeal be lodged, you will be notified to enable you to comment further should you wish to.

Yours faithfully

**Keith Nicholson**  
Director Of Planning & Engineering Services



Director of Planning & Engineering Services: Keith Nicholson BA (Hons) MRTPI  
Chief Planner (Development Control): Lindsay Pearson BA (Hons) (Soc Sci) MSc DipTP MRTPI



INVESTOR IN PEOPLE

**TONBRIDGE  
& MALLING**

**BOROUGH COUNCIL**



**Planning & Engineering  
Services**

Exhibit C

Development Control  
Gibson Building, Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ

Telephone 01732 844522  
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Web Site <http://www.tmbc.gov.uk>  
Email [planning.services@tmbc.gov.uk](mailto:planning.services@tmbc.gov.uk)

Mr D And Mrs M K Chapman  
East Lodge  
Harple Lane  
Detling  
Maidstone Kent  
ME14 3ET

Your ref DC/MKC  
Our ref TM/02/00752/FL  
Contact Aaron Hill  
Direct line 01732 876254  
Fax 01732 876363

Date 28th June 2002

APPLICATION: TM/02/00752/FL

OS REF: TQ 566819 163733

VALIDATED: 20th March 2002

PARISH: SNODLAND

As detailed in letters dated the 25 April 2002 and the 19 March 2002 and by plans received on the 20 March 2002.

APPLICANT: Mr D And Mrs M K Chapman East Lodge Harple Lane Detling Maidstone Kent ME14 3ET

**Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order 1995**

TAKE NOTICE that the TONBRIDGE AND MALLING BOROUGH COUNCIL, the District Planning Authority, under the Town and Country Planning Acts, **HAS REFUSED TO PERMIT** Erection of restroom for use of visitors/staff at Dode Church (Church Of Our Lady In The Meadow) Wrangling Lane Luddesdowne Gravesend Kent, and that the reasons for such refusal are:-

1. The site lies within the Metropolitan Green Belt and accordingly there is a strong presumption against permitting new development outside the presently defined extent of urban areas and the present extent of any village, unless the development conforms with the open recreational functions of the Green Belt or is directly related to agriculture or other uses appropriate to a rural area. Accordingly, the proposed development is contrary to Policies MGB3 of the Kent Structure Plan 1996 and P2/16 of the Tonbridge and Malling Borough Local Plan 1996.
2. The proposal will give rise to reinforcement to the uses at Dode Church thus facilitating expansion. Such expansion will lead to the further erosion of the quality of the tranquil environment by virtue of potential for increased visitor usage and associated traffic.
3. The personal reasons put forward in support of the application are not considered by the Local Planning Authority to be sufficiently strong to outweigh the planning objections to the proposal.

Signed

  
Director of Planning & Engineering Services

**IMPORTANT: Your attention is drawn to Notes A1 to A10 attached**



Director of Planning & Engineering Services: Keith Nicholson BA (Hons) MRTPI  
Chief Planner (Development Control): Lindsay Pearson BA (Hons) (Soc Sci) MSc DipTP MRTPI



INVESTOR IN PEOPLE



# Appeal Decision

Site visit made on 6 May 2003

Exhibit D

by **B M Linscott BSc (Env Planning) MRTPI**  
an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

21 MAY 2003

## Appeal Ref: APP/H2265/A/02/1106109 (Appeal A) Dode Church, Wrangling Lane, Great Buckland, Luddesdown, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D & Mrs M K Chapman against the decision of Tonbridge & Malling District Council.
- The application (Ref. TM/02/00752/FL), dated 19 March 2002, was refused by notice dated 28 June 2002.
- The development proposed is the erection of a restroom for use of visitors/staff at Dode Church.

**Summary of Decision: The appeal is dismissed.**

## Appeal Ref: APP/H2265/A/02/1107506 (Appeal B) The Retreat, Dode Church, Wrangling Lane, Great Buckland, Luddesdown, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D & Mrs M K Chapman against the decision of Tonbridge & Malling District Council.
- The application (Ref. TM/02/00755/FL), dated 19 March 2002, was refused by notice dated 28 June 2002.
- The development proposed is the change of use from retreat to provide accommodation to facilitate the continued proper use of Dode Church.

**Summary of Decision: The appeal is dismissed.**

### Procedural Matters

1. I shall refer to the Appeal A and B development proposals as "Scheme A" and "Scheme B" respectively.
2. Dode Church is a grade II\* listed building and I have thus had regard to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) in reaching my decisions, requiring that regard be had to the desirability of preserving the fabric and settings, inter alia, of listed buildings when relevant planning proposals are determined.
3. Despite the description of Scheme A above (taken from the application form) I have noted that the submitted drawings refer to the building simply as a proposed (disabled) toilet. Scheme B is not supported by any proposal drawing and was accompanied only by the originally approved scheme drawings (which I note differ from the scheme which has been implemented). It seems to me from the application form and the Appellants' letter dated 19 March 2002 and supporting statement (page 3, numbered para. 3) that a complete change of use of the building is intended. Scheme B therefore goes beyond simply providing toilet facilities. Whilst I acknowledge that the appellants regard the two schemes as alternatives and would not necessarily wish to implement both, I have addressed and judged each on its own merits.

4. I have noted that a certificate of lawful use or development has been granted by the Council in respect of the siting of a "mobile prestige toilet" within the building and another outside it close to the entrance to the site. At the site visit I saw that two temporary toilet cubicles stand approximately in the position of the proposed new building (Scheme A) and that a cubicle has been stationed in the nave of the church, behind a free-standing timber and wattle screen with a curtain.
5. I acknowledge the representations concerning the lawful use of the listed building, but this is not a matter for me to address in the context of a S78 appeal, since there are specific provisions in the Act for establishing what the lawful use might be. Nothing in this decision should be taken as prejudicial to the proper consideration of any future application for a Certificate of Lawfulness.
6. The church has recently been used for civil wedding ceremonies and is a place that people may visit, indeed the Council itself promotes the building as one of heritage importance, encouraging visitors. There is no suggestion from the Council that it has treated either of these uses as a breach of planning control during the several years that they have been conducted. Whether or not the deconsecration of the church takes it outside Class D1 of the Town and Country Planning (Use Classes) Order 1987 is not a determining factor since development would only have occurred if the present uses are materially different to the use of the building as a church. It is, however, clear from the representations that the Appellants are seeking to change the use of the Retreat to provide ancillary facilities in connection with the use of Dode Church (i) as a visitor attraction and (ii) for the conduct of civil wedding ceremonies. That is the basis upon which I have considered Appeal B.

#### Planning Policy

7. The site lies in the Metropolitan Green Belt where there is a presumption against inappropriate development as defined in the Government's PPG2 - *Green Belts*, unless there are very special circumstances. It is also in the Kent Downs Area of Outstanding Natural Beauty (and Special Landscape Area).
8. The statutory development plan includes the Kent Structure Plan and the Tonbridge & Malling Borough Local Plan. In the former, policy MGB3 reflects the approach in PPG2, with a general presumption against inappropriate development. It limits new buildings to, inter alia, those representing essential facilities for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Re-use of buildings is also appropriate if the openness is preserved and other planning considerations are not prejudiced. Policy RS5 indicates that development in "rural Kent" will not normally be permitted unless, inter alia, it is the re-use or adaptation of an existing rural building which is in keeping with its surroundings, where the change is acceptable on environmental, traffic and other planning grounds (or is the provision of public or institutional uses for which a rural location is justified). Policy ENV3, along with policy P3/5 of the Local Plan, provides long-term protection for the county's Areas of Outstanding Natural Beauty (AONBs), both indicating that any harm to the natural beauty of the area will be weighed against social and economic considerations.
9. Local Plan policy P2/16 provides long term protection for the Green Belt, requiring development outside specified areas to be supported by exceptional justification. Policy P3/6 protects areas designated as Special Landscape Areas, indicating that where development is permitted, particular regard will be had to its effect on the character of the area. Policy P4/1 simply reflects and elaborates upon the provisions of Section 66 outlined above.

#### Main Issues

10. The first main issue in each case is whether the proposal represents appropriate development in the Green Belt and, if it does not, whether there are very special circumstances which justify its approval. In respect of Appeal B there is a second issue which concerns the effect of the proposed use on the rural setting and amenity of the area.

#### Reasons

11. Dode Church lies in very attractive and relatively remote countryside, approached by narrow and winding roads. The lane leading to the church itself is a cul-de-sac leading, I was told, to a single dwelling beyond. A small number of dwellings, served by the same lane lie generally to the north of the church. Otherwise the countryside here is put over mainly to livestock grazing, grassland and woodland.
12. The church is a very modest stone and tile building set behind an intermittent belt of trees and hedging permitting views of it from the lane. A car park has been laid out next to it and its open grounds slope down the valley side. The retreat building, a pleasingly simple timber-framed structure, stands to the north-east on lower ground and, in visual and landscape-setting terms, defers to the importance and visual prominence of the church.

#### Appeal A

13. PPG2 explains that the construction of new buildings in the Green Belt represents inappropriate development unless it is for one of a number of purposes, which it goes on to list. The proposed new building falls into none of these listed categories and I therefore conclude that it represents inappropriate development in the Green Belt.
14. The Appellants would suggest that a number of factors should be regarded as very special circumstances in favour of the proposal. These include that there are no public toilets for many miles, that such facilities are necessary to allow the proper use of the building and that the lawful cubicles do not preserve the listed building or its setting.
15. I accept that toilet facilities are desirable in such a remote location. Modest facilities would seem to me adequate and appropriate, whether the level of use is that associated with the mainly weekend visiting by members of the public or by the 50 people I am advised was previously the maximum permitted under the various regulations applicable to the use of the building for wedding ceremonies. By their nature, visitors in the latter events, in particular, would be unlikely to spend considerable time at the site, moving on to where the reception would be conducted after the service. The toilet arrangements which the Appellant says are in place generally for 4 days a week (unless there are other events), whilst prominent in their chosen positions, seem to me satisfactory, do not appear unduly intrusive and have not harmed the fabric, expansive setting or general qualities of the church. They are removable (and transitory in that respect) when compared with the robust and enduring qualities of the listed building and its setting. The Appellants have suggested that the need to deliver and replace them regularly brings heavy lorries onto unsuitable lanes, whereas a permanent facility would not require such activity. Whilst vehicle movements are probably unavoidable, the nature of the vehicles seems to me to be a matter for the Appellants and contractor which, in my view, could be readily overcome with the use of smaller vehicles, albeit perhaps with a different contractor. In any event, it is not a matter which I regard as outweighing my finding above.
16. Whilst acknowledging that the proposed building is inoffensive in its design and form, for the reasons I set out above, I do not consider there to be any very special circumstances which would justify my allowing inappropriate development in the Green Belt. Accordingly the proposal fails to satisfy policy MGB3 of the Structure Plan and P2/16 of the Local Plan.

#### Appeal B

17. The Retreat is a three "cell" building, the two outer units being identical and having an upper floor, or platform, used as a bedroom, which the centre unit lacks. All three were laid out at the time of my visit as modest self-contained residential units. I have not seen the S106 Undertaking or the planning permission relating to this building, but I have been advised, and the Appellants have not disputed, that the facility was permitted on the basis that it would be for quiet contemplation in

peaceful surroundings, also providing a human presence in the interests of security. I regard that permitted use as undoubtedly apt for this beautiful, tranquil and somewhat remote setting.

18. Although the application form description refers to an accompanying statement, which I have carefully read, the nature of the use nonetheless appears vague. The Appellants explain in the statement that the proposal would change the use of the building so as to provide interview and reception facilities (prior to civil wedding services), as well as a WC.

*Green Belt*

19. PPG2 and the development plan policies allow for new uses of buildings if they would not prejudice the openness of the Green Belt. Such re-use is therefore not inappropriate if, amongst other matters, the use would have no greater impact than the present use on the openness of the area and purposes of including land in the Green Belt. The PPG goes on to advise that if there are other convincing planning reasons for refusal (eg on environmental or traffic grounds) a proposal should not be rejected before it has been determined that those concerns cannot be resolved by the use of conditions.
20. There is nothing before me to suggest that the proposed use of the building would have any greater effect upon the openness of the Green Belt than does the current use. Accordingly I conclude that it does not represent inappropriate development and does not conflict with the relevant development plan policies. In reaching this conclusion I recognise that the original justification for the building relied upon very special circumstances being found and that none exist for the current case. However, as the building now exists, I must judge the proposal against the relevant policies and guidance applicable to new uses.

*The effect of the rural setting and amenity of the area*

21. The conduct of civil weddings is reportedly subject to controls by Kent County Council and by the Appellants. The latter suggest that there is a demonstrable need for facilities for such weddings and fulfilling that need would guarantee an appropriate use and help to offset the substantial costs of the repairs undertaken. They also argue that the interview/reception/restroom/WC facilities are necessary for such an enterprise to succeed and for "controlled use" to continue. The alternative would be, in their view, an uncontrolled use (which they do not explain but which I take to mean unorganised congregations of people) resulting in unwelcome and excessive traffic movements. I do not underestimate the value of the restoration of an important church building which was under threat from vandalism some ten years ago. Furthermore, the Appellants have suggested that PPG15 advises that continuing use of listed buildings is the best way of safeguarding them for the future (which I accept) and have argued that in this case, future use is dependent upon the provision of the proposed facilities. However, the Appellants have not submitted any evidence which substantiates their assertions that the use of the building is necessary for the purposes and reasons they claim.
22. To elaborate: there is no evidence before me to explain what costs were involved in the repair or what income is required to offset those and to safeguard the future of the building, which the Appellants regard as a key motivation for the use. Nor is there any evidence of the income, if any, derived from the Retreat and the use to which that income is put. Neither is there anything to explain the perceived disadvantages in the current reception and interviewing arrangements. Those arrangements do not seem to me significantly different to a great many rural wedding venues and churches up and down the country. The Appellants refer to concerns that there are two distinct and "sometimes conflicting" uses at the site but they do not elaborate; whilst the Retreat does appear to be functionally independent of the church, the Council appears content that it fulfils its original purpose and I saw nothing to lead me to suppose otherwise. My views on the question of the availability of WC facilities is no different to those I have reached in my consideration of Appeal A.

23. On the basis of all of the above, I consider that there is nothing before me which could lead me to conclude that the proposal is necessary in the interests of maintaining the church or sustaining a proper use for it. Moreover, I consider that, given the substantial size of the building and the vagueness of the description of the proposal, there is likely scope for equally substantial activity arising from its proposed use for the purposes ancillary to the church as apparently intended, when compared with the nature of the Retreat and the very minimal impact of its use. The latter has no perceptible effect upon the setting of the listed building and the particularly tranquil countryside in which it lies. The size of the building and the potential activity arising from its (albeit only vaguely defined) use are such that, if used to support the civil weddings enterprise as suggested by the Appellants, it is likely that there would be significant activity of a manner which would seriously harm its peaceful rural setting. Such activity would be particularly manifest in the comings and goings of visitor, staff and other vehicles and the likely difference in the type of activity arising with such people, as compared with those seeking peace and tranquillity in retreat, or simply visiting the church as at present.
24. For the reasons I have given, I conclude that the proposal as currently presented, would result in intrusion into the tranquillity and quietude of the countryside of the AONB (and SLA) and would in these respects be harmful to the character and amenity of the area. It would thereby conflict with policies RS5 and ENV3 of the Structure Plan, as well as with policies P3/5 and P3/6 of the Local Plan. Having in mind the advice in PPG2, notwithstanding that I have concluded that the proposal would not represent inappropriate development in the Green Belt, that conclusion is outweighed by the harm which I have found in my conclusion on the second issue. Whilst I note that permission was specifically sought for a four year period, I do not consider that this affects my conclusion that the proposal would be inherently harmful.

#### Other Matters

25. The Appellants have suggested that the Council has relied heavily upon interested parties' objections which they consider it has failed to substantiate with evidence, and that it has concentrated unduly upon the aspect of civil weddings. I have noted the local residents' concerns, including their allegations over the level of traffic generated and the inadequacy of the local roads to support that traffic safely and conveniently. However, their allegations are essentially assertions and I have not been supplied with substantiated evidence to support them. Accordingly, and noting the Appellants' indications (i) that all civil weddings have been attended by representatives of the Licensing Authority and (ii) that there are controls to address matters such as the numbers of attendees etc, the weight I have attached to the residents' correspondence on those matters is limited.
26. I have also noted the suggestions that the terms of the original permission and accompanying S106 Undertaking have not been complied with. Having seen neither of those documents nor substantive evidence concerning any alleged breaches, this is not a matter which has influenced my decisions.

#### Conclusions

27. For the reasons given above and having regard to all other matters raised, I conclude that neither appeal should succeed.

#### Formal Decisions

28. In exercise of the powers transferred to me, I dismiss both appeals.

#### Information

29. A separate note is attached setting out the circumstances in which the validity of either of these decisions may be challenged by making an application to the High Court.

