

Caerphilly County Borough Council
Licensing & Permits
Ty Penallta
Pare Tredomen
Ystrad Mynach
CF82 7PG

31st March 2022

**Licensing Act 2003 - New Premises Licence
TOG Farm Ltd - The Old Granary, Pentwynwyn Road, Rudry, CF83 3OG
The sale of alcohol Monday to Sunday inclusive 1500 to 2300 hours.**

Dear Sirs

I wish to object to the issue of the above-noted licence on the following grounds:

1. Prevention of crime and disorder.

By way of background I attach the text of a letter of objection to planning application 21/0972/RET dated 10th November 2021 (Appendix I) - the letter was unanimously endorsed by Members of Draethen, Waterloo and Rudry Community Council (DWRCC) at the Ordinary Meeting of the Council on 25th November 2021.

The activities previously conducted at TOG Farm, being mainly entertainment events involving alcohol, have resulted in numerous complaints from local residents in respect of noise, general disturbance and anti-social behaviour which have resulted in police attendances and the issue of a noise abatement order. While it appears that alcohol has been previously provided for these events without licence, it will only serve to increase the detriment to local residents if the sale of alcohol for 40 hours each week in a peaceful [open-air] countryside location is permitted under licence.

2. Public Safety

As you will see from the images on the attached letter dated 10th November 2021, I (and DWRCC) had serious concerns regarding the safety of visitors to TOG Farm which are likely to increase with the permitted sale of alcohol in what is essentially a farming environment in close proximity to farm animals.

There is ample evidence to support the assertion that the consumption of alcohol decreases inhibitions and increases the likelihood of risk-taking behaviour resulting in a greater risk of injury. Consuming alcohol in a farmland setting means the risks are more so where farm animals present an unpredictable risk in any event.

There is also feedback on TOG Farm's Facebook page that suggests public safety is not high on TOG Farm's agenda. The feedback from one 'guest' dated 15th November outlines an incident where a gas stove exploded (Appendix II).

3. Prevention of Public Nuisance

It is clear from the previous complaints received regarding TOG Farm's activities that the consumption of alcohol has fuelled several instances of public nuisance due to the inhibitions of 'visitors' or more accurately 'partygoers'. The more usual setting for public consumption of alcohol is in public houses where noise and behaviour impacts those within that environment rather than those outside and around it. At TOG Farm, which is an open-air event environment in a countryside setting, the noise and behaviour impacts greatly on local residents and has been unacceptable as evidenced by the attendance of police and the noise abatement order. Licensing the sale of alcohol for TOG Farm events will likely result in a proliferation of such complaints.

TOG Farm is also applying for a licence to provide films from 1800 hours to 2300 hours, Monday to Sunday both indoors and outdoors. In the recent past TOG Farm has held live music events and the noise from these events has resulted in several complaints from residents regarding the noise. The noise from showing outdoor films is likely to be equally intrusive. As sound carries far and wide from the open fields, this will disturb the peace of residents who are entitled to expect to enjoy the peace and quiet usually associated with the countryside.

4. Protection of Children from Harm

As you will see from the images on the attached letter dated 10th November 2021, I (and DWRCC) had serious concerns for the safety of children attending TOG Farm where they were in close proximity to farm animals with no apparent protection.

DWRCC were particularly concerned regarding these two pictures posted by a 'visitor' which demonstrates a lack of responsible behaviour by clearly placing children in harm's way. The sale of alcohol will only increase this risk by decreasing inhibitions and increasing risk taking.



This recent image from TOG Farm’s Instagram page shows an extremely concerning situation:



Other issues relating to the application:

The application provides no assurance for public safety. The submission under Licensing Objectives for (c) [Public Safety] states, “The general public will not be in contact with any of our guests.....” which fails to recognise that paying guests *are* the general public. The submission, instead, focusses [extremely briefly] on the safety of TOG Farm’s staff.

The submission under Licensing Objectives for (e) [The prevention of public nuisance] fails to take account of the fact the unacceptable levels of noise from previous TOG Farm events can be heard in the surrounding properties in Rudry and Waterloo. While TOG Farm is indeed private land it is open farmland and not suitable for such entertainment events. Historically, it has created a considerable public nuisance. Those of us in the area have had no choice but to listen to loud amplified music and commentary throughout the day and evening not just on the odd occasion but consistently throughout the summer months and beyond.

The application provides no assurance for the protection of children from harm. The submission under Licensing Objectives for (e) states, “There will be no children on site when larger groups are attending” which completely fails to address the issue. It does not state what steps will be taken to protect children from harm when children do attend TOG Farm in ‘less than larger groups’; only that there will be no children when larger groups attend!

The general steps TOG Farm states it will take to meet all four licensing objectives includes the assertion that it currently operates a ‘bring your own’ policy in respect of alcohol. However, there is evidence to suggest that this is not a true statement. I refer to the attached Facebook feedback [Appendix III] on TOG Farm dated 09/11/2021 and specifically the highlighted section suggesting that alcoholic drinks were included in the price.

See also Appendix IV, a capture from TOG Farm's Instagram page showing the indulgence box which includes a bottle of Prosecco. The indulgence box was advertised as part of a romantic getaway [Valentines] for £210 per couple.

This suggests that the application statement of "We currently operate a 'bring your own' policy with alcohol, which will stop immediately if granted a license [*sic*]" is a misleading, if not false, statement.

Finally, the application should not be allowed in consideration of the *We/I-being of Future Generations (Wales) Act 2015*. The application by TOG Farm relates to the historic landscape known as Pentywngwyn Farm which is an agricultural setting in a rural community. TOG Farm is attempting to establish an open-air entertainment venue in the heart of the countryside which has already resulted in substantial nuisance for local residents in relation to unacceptable levels of noise, unacceptable drunken behaviour of participants and the exposure of unacceptable risk to both adults and children attending 'events'.

Finally, I do not mean to be frivolous but the application states that [TOG Farm Ltd] the company's registered address is TOG Farm, Rudry, Caerphilly, CF83 30G whereas Companies House notes it as The Old Granary, Rudry, Caerphilly, CF83 30G.

I trust you will take the above issues into account when considering this application.

Yours sincerely

A large black rectangular redaction box covering the signature and name of the sender. Below it is a smaller black rectangular redaction box covering the contact information.

APPENDIX I

10th November 2021

Planning Application: 21/0972/RET
TOG Farm Ltd - The Old Granary, Pentwynwyn Road, Rudry, CF83 3DG

Dear Mr Cooke

I am the Chair of the Draethen, Waterloo and Rudry Community Council's Planning & Environment Committee but as my findings and recommendations have not been presented to Council for any resolution due to the shortness of time and the [pre-set] timing of meetings, I make these comments as a community councillor; they are not ratified nor endorsed by the Members of DWR Community Council at this time but informal discussions have been had with Members who also received complaints and this application will be put forward to Council at our next meeting in November.

The application generally describes the proposed change of use for the purpose of 'seasonal tourism' by way of 'tourist accommodation' and makes no mention of the historical events such as 'hen' and 'stag' nights, weddings, engagement parties, birthday parties, date nights, movie nights, live music [festivals] events, birthday parties and other large social gatherings – as advertised on TOG Farm's various media outlets. The application appears to misrepresent the reality of the existing and proposed business inasmuch as it purports to be little more than camping/glamping.

TOG Farm has, for over a year, delivered what can only be described as entertainment events on the land. As a result of these events, I and other community councillors have received a great many complaints regarding the noise, general disturbance and anti-social behaviour which have occurred. On more than occasion, this has resulted in Police attending the site in response to complaints and also the issue of a Noise Abatement Order.

The site is traditional farmland located in a very rural environment on the outskirts of Rudry village within a designated Special Landscape Area (SLA). The area accords with the expected 'peace and tranquillity' of the countryside which is at odds with the outcomes of TOG Farm's activities to date.

The proposal also pronounces the expectation to '*provide visitors with a [more] comprehensive countryside experience*' yet the reality of the past year [the referred to 'trial run'] is far from that and more akin to an urban based [open air] nightclub, which is entirely inappropriate in a 'countryside' setting.

The proposal avers that the 'trial run' carried out under Permitted Development demonstrates that "*there is continued growth and popularity for this type of vacation*"; but the word 'vacation' is misleading, as is the reference to 'tourism' inasmuch as the events carried out under the 'trial run' were clearly entertainment events and had little or nothing to do with tourism or vacations.

Policy CW2 Amenity: The proposed change of use will inevitably have an unacceptable impact on adjacent properties and the land in question.

Access

The Site Plan Entrance and Service Area plan (PA-04) fails to show directly impacted properties/residences. Aside from The Old Granary, there are two further dwellings which use the shared drive/access: Badgerswood Barn and Pentwyngwyn Farm. The driveway is also access for the owner of land adjacent to the site [the site being within Title CYM186458].

The driveway is accessed from a sharp bend on Pentwyngwyn Road (a single-track rural lane) with obstructed vision and is not appropriate for increased traffic which will result from the proposed change of use. The proposal does not meet the requirements of Policy CW3.

The Block Plan, Bell Tent Siting shows that access to the most north-westerly field is currently marked on land not within the site area [CYM186548] but impeding on land [the disused railway line] owned by a third party, Machen Land Ltd [Title WA641788].

We have also been advised by members of the community that a PROW across the land/site had been blocked or diverted by the erection of fencing and the presence of potentially dangerous cattle:



Ecology

Policy SP10: Without the benefit of an ecological impact assessment report I can only strongly suggest that due to the known nature of land generally in the area and based on the activities undertaken in the so called 'trial run', there would be a detrimental impact in terms of noise and light pollution. Several of the activities/events undertaken in the recent past have involved fireworks and a great deal of [amplified] noise generally. The noise is a considerable issue with the sound of amplified music travelling large distances due to the terrain and open countryside.

There also appears to be an omission on the detail of the 'Meet and Greet' to be located in the Cattle shed/barn. This would seem to be somewhat over the top for the suggested 4 Bell tents and fails to provide any detail on the activity/ies that would be conducted within that and if changes were to be made to the building. I am advised that the building has recently had a residential static caravan installed within it, in addition to the static caravan unlawfully sited in one of the fields and not mentioned in this proposal.

Policy SP9: Waste Management. I am also concerned with the impact in terms of event detritus as evidenced from previous events and noted, for example, in a public complaint from one party-goer published on social media: *"Staff were asked for bin liners for our rubbish on arrival and we were told 'just throw it on the floor', we are not that environmentally irresponsible and we took our rubbish home with us in our bags. We have photos of the clean-up carried out by our friends in the morning of their rubbish."*

Due to the shortness of time, I have been unable to fully research the many issues raised by residents but it is clear to me that this application lacks integrity.

In stating that the proposal would, in its second phase, accommodate up to six bell tents, it fails to mention that the 'trial run' involved up to 10 tents in various locations, along with marquees, gazebos and other structures as evidenced by TOG Farm's own social media. My cynical view is that applying to site 4 bell tents is a means to set up matters on a much larger and more disruptive scale.



The application under the heading 'Movement', states that *"animal well-being is important in relation to the tourist visitors and that both have to be respected and kept apart unless under expert supervision"*.

The following images from TOG Farm media do not demonstrate any such supervision and give cause for concern regarding both animal welfare and visitor ('tourist') safety:





I believe this application lacks credibility and clarity and should be refused. I urge those responsible for considering it to undertake a site visit and obtain the necessary ecological impact assessment reports and further information as noted above.

I am happy to discuss this further with you at any time.

Yours sincerely

APPENDIX II

Myself and my friends had a very similar experience and not only the same regarding the three course meal it was late and freezing, promised a chef to cook the bbq the first night only to be told once pitch black they couldn't and they promised to lay the table they didn't, have our battery charger to the other tent. They said they would do a film night instead and we told them what film, that was ignored and pulp fiction was put on. The best part is that someone left the gas stove on top of the wood burner this exploded and luckily the broken bits did not hurt myself or my friends, so over priced, terrible communication and for glamping a porta loo and no shower is not what glamping is. Totally catfished.

APPENDIX III

What a terrible experience and the worse customer service I've ever witnessed.

We visited Tog farm for a friend's special birthday for a festival themed party. My partner and I paid £40 each to stay until 9pm and have food from a BBQ, which I thought was a bit pricey but as it was a friend's birthday it wasn't a problem. Here is a list of what went wrong:

- no ice or cooler boxes on arrival as promised.
- missing one tent on arrival for those staying, no communication on where they should be staying until someone just turned up and started putting mattress in another tent.
- no music system set up as promised.
- staff were asked for bin liners for our rubbish on arrival and we were told 'just throw it on the floor', we are not that environmentally irresponsible and we took our rubbish home with us in our bags. We have photos of the clean up carried out by our friends in the morning of their rubbish.
- incredibly rude lady dealing with complaint, threatened to ring taxis for us all to leave.
- no lighting as promised.
- no loo roll or hand sanitiser provided in the portaloo for 26 people... in a pandemic!
- the BBQ was 2.5 hours late, served in pitch darkness, luckily we brought snacks.
- we were told we had to leave by 9pm if we were not staying and food was served at 8:30pm.
- food was supposed to be for 26 people, there were 12 burgers. When asked how many burgers were cooked the response was 36, we have a photo of the food, it was 12. People went without food as there wasn't enough and chicken was left on the BBQ unattended and no one returned (have photo).
- welcome drinks promised on arrival for 26 people. 2 bottles of prosecco left on the table with plastic pint glasses. When asked, again really poor customer service, more was bought to the table after asking but no glasses (have photo).
- 3 friends left the site after food due to the bad smell and condition of the sleeping arrangements.
- we were told we had to leave by 9pm so childcare was arranged around this. No one came to take us back to the car until 9:40pm.
- we were picked up by a 4x4 which had soup all tipped in the foot well, on the seat and all up the window. I had to sit on the edge of the seat not to get covered in it. When we got out to collect our belongings they had all been thrown in the back of the 4x4 with the bowl of soup (really bizarre) and bags of rubbish. Soup all over our bags.
- we were not there for breakfast but our friends told us it was just as bad as the evening experience.

Things that went well:

- nice balloon display!

I don't usually like leaving bad reviews as I'm a firm supporter of local businesses and giving chances. Due to the lack of response to the original offline complaint, the shocking customer service, the audacity to respond to other friends reviews with pure lies, even when photos have been provided as evidence, the fact my friends birthday was ruined and the fact that I don't want anyone else's hard earned cash being wasted, has pushed me to leave an honest review on what I observed and experienced. This company is very quickly gathering a local reputation of being really poor, which is such a shame as it has so much potential.

APPENDIX IV

