

Our Ref: PJF/hsw//PF/3700(259)
(Please reply to Banbury office)

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30th May 2007

Mr. D. Chadwick
Principal Planning Officer
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Mr. Chadwick

**TOWN AND COUNTRY PLANNING ACT 1990
THE BISHOP BLAIZE INN, BURDROP
PLANNING APPLICATION 07/00630/F**

I act on behalf of a number of local residents, the Bishop Blaize Support Group – whose names and addresses will be supplied if you so wish – in response to the above planning application. For the reasons I shall set out in this correspondence my Clients consider the application should be refused planning permission.

It is important to recognise that the planning system operates in the overall public interest. The planning system should not be a means to assist private interests – where such interests do not coincide with the public interest.

In the context of this case, whether the current owners paid over the true market price for the Bishop Blaize in February 2006, is a situation of their own making under the principle of caveat emptor. The planning system should not then be exploited by the applicants simply in an endeavour to gain planning permission for an alternative use which may enable them to recover their financial outlay.

The public interest which should be the focus of the decision making is whether this rural service should be lost to the rural community. Once lost it is almost inconceivable that such facilities will be reinstated. The underlying purpose of Policy S26 of the Non-Statutory Cherwell Local Plan 2001 is therefore to ensure that existing village services are not lost to the local community unless they are no longer financially viable or cannot be made viable.

Having regard to the presumption for retention of existing rural services – supported by national planning policy PPS7 (para 2, 6 and particularly para 7), the onus must rest with the applicant to discharge the burden of proof that this rural service is no longer viable or cannot be made viable or cannot be made viable.

In the context of many rural services, including public houses, it should be recognised that viability – which although not defined – may be reasonably regarded as meaning the provision of a reasonable livelihood from the management of the business is to a large measure influenced by the character and attention of the proprietor.

Put simply if a landlord of public house fails to provide a proficient service to customers whether intentionally in order to drive down the vitality of the business – or by sheer incompetence – it is inevitable that his business will deteriorate financially.

Such a situation is quite distinct from the planning issue as to whether the rural service is viable or can be made available. The planning system should not come to the aid of a business proprietor who seeks to run down his business with the aim of gaining planning permission for a more financially attractive development – or the aid of an incompetent business proprietor. Such an approach would be to aid a private interest - at a loss to the public interest.

It is considered that the most telling evidence that this rural service remains a viable opportunity is available from:

- 1) The report by Taylors Business Surveyors and Valuers – dated 13th October 2005 prior to the sale to the current owners. Taylors comment as experts on valuing businesses in the public house trade (para 9.11).

'It is achieving reasonable levels of turnover and profitability at present and is presented to a good quality standard throughout. If a future sale were to be sought, we would expect to see a good level of demand.'

It is submitted that the current owners and applicants for redevelopment cannot provide cogent evidence to suggest that there has been a fundamental change of economic circumstances within the licensed trade to suggest that the conclusion as to profitability and demand no longer can be sustained.

- 2) It is understood that there is serious interest in the acquisition of the Bishop Blaize for the purposes of retaining the licensed premises.

In conclusion the proposed redevelopment may serve a private interest – but this consideration should be given very little weight when weighed in the balance with the circumstances from which that private interest has arisen – and fundamentally in the context of the harm to the local community. On a cumulative basis harm will be caused to the wider public in the rural areas if a low threshold of proof is placed upon applicants to discharge the burden of proof.


Independent evidence is available to demonstrate that the business had vitality prior to the purchase by the current owners in February 2006. There have been no material change in circumstances to substantiate a claim that a viable business could not be re-establish with a competent and proficient proprietor. The fact that evidence is available of a continuing demand to acquire this rural service speaks volumes as to its potential on-going viability.



In conclusion it is evident that the proposal is contrary to Policy S29 – and contrary to national planning policy (PPS7) that seeks to maintain existing rural services.

There are no 'other material considerations' that weigh against this conclusion. Planning permission should be refused accordingly.

Yours sincerely,


(Signed in the absence to avoid delay)

cc. Bishop Blaize Support Group

