

The Planning Inspectorate

COMMENTS ON CASE - PERSONAL FORM (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in either the start date letter or the notification letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/15/3136680

SENDER DETAILS

Name

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Name

Bishop Blaize Support Group

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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DETAILS OF THE CASE

Appeal Reference

Appeal By

Site Address

SENDER DETAILS

Name

Company/Group/Organisation Name

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: BBSG Representation 25.11.2015.pdf
File name: Appellant's statement 20.11.2015.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

BBSG Representation to the planning inspector hearing
APP/C3105/W/15/3136680

For the avoidance of doubt re Mr. Noquets comments in his Appeal statement 4.8

The Bishop Blaize Support Group was formed July 2006 by Mrs Eileen Haynes and her husband Tony Haynes after seeking advice from the then head of Cherwell District Council in respect of the planning application 06/01697/F. This was the third planning application for change of use in the 5 months that had elapsed since Mr and Mrs Noquet acquired the tenure of Bishop Blaize, Burdrop Banbury OX15 5RQ in February 2006). Mr G.R. Noquet was very obviously and quite deliberately driving customers away from the pub with a view to getting the pub de-licensed. It is a travesty of the truth to suggest as he does in his most recent statement to the Inspectorate that he and his wife "had every intention to run a successful pub and (that) the villagers and the LPA...persecuted (them) at every stage". The reverse was true. On the advice from Cherwell District Council Eileen organised a public meeting which was attended by 200 plus locals who all pledged their support. Sadly Eileen died suddenly in 2011 which was when I was asked to be the coordinator of the BBSG. The support for the BBSG comes from around the world from people who have enjoyed past times at the Bishop Blaize Public House and do NOT want to see it closed or converted into a house as they realise it is a very important Community Asset.

The BBSG would make the Inspector aware of our assessment of the inconsistencies in the appeal statement submitted by Mr. Noquet.

1. The building was the old bottle store and had been used for that purpose for the past 50 years at least. Not as stated an "Old Barn"

2.The building is not situated in Sibford Gower it is situated in Burdrop.

2.1 There is a Gastro pub situated in Sibford Gower the nearest locals pub is probably Epwell

Planning permissions

3. The planning Permission allowed was given on appeal by a Planning Inspector the conditions made were specific for a holiday let to be run ancillary to the Bishop Blaize pub! If Mr Noquet was not happy with the conditions set he could have appealed to the High Court and was advised by the P.I. of this fact. Instead he waited a few months and applied to the LPA for the removal of the conditions which was refused. and has now appealed to the P.I.in an effort to get the refusal reversed.

3.2 The Holiday cottage does NOT have two Legal extra parking spaces or a legal garden. Both the parking spaces and the mock-up of a garden are located in the Bishop Blaize car park which has A4 planning with domestic use being C3 planning, the BBSG are not aware of any planning application submitted to the LPA that would entitle Mr Noquet to change

the use of the pub car Park. In fact there are two current Enforcement Notices for items contained within the car park that are due to be enforced to secure its continued use as a parking area for the pub.

3.4 In theory it could be possible to sell the holiday cottage separate to the Bishop Blaize but in practice it is probably impossible unless the same person bought both properties so that they can abide by the conditions attached to the Holiday let. There is no comparison with trying to sell a terraced house and a Holiday cottage which is subject to the "Holiday lets only" conditions.

3.5 The Holiday let cannot be sold separately without the removal of the conditions specified when the Planning Inspector gave planning permission for a Holiday let

3.6 to 3.9 If the holiday let was given domestic use planning C3. it would compromise the Bishop Blaize Pub to an extent whereby it could not trade with the proximity of the holiday let being so close it would also deprive the Bishop Blaize of around £25,000.00 in income per annum.

3.10 The holiday let could not be used legally by one family for a period of 16 weeks as the conditions state 8 weeks use in any calendar year the year would start from the date the person moved in and after 8 weeks the Calendar year starts again!

3.11 As far as the BBSG are aware the Holiday Cottage is currently not in a fit state to let in any event, the fact that the appellant and his wife were convicted in October 2014 at Oxford Magistrates Court after a weeklong hearing for failing to comply with a valid Enforcement Notice issued by the LPA (which was confirmed by the Planning Inspectorate on appeal) gave the appellant plenty of time to either reopen the Public House and run it as a Public House and then let the Holiday Cottage or indeed offer the Public House and Holiday Cottage for sale or lease which he has recently done.

3.12 I refer to 3.11 which would solve the problem of Mr. Noquets travel times in respect of the Holiday let.

3.12 Security, we would only make one comment: The appellant moved to Spain for a number of years with his wife leaving the Bishop Blaize without any occupants, the water supply left turned on with NO electricity supply (it was cut off on 27th Oct 2008 by Eon for non payment of the electricity supplied) therefore there was no heating, a frozen water pipe burst in the loft in February 2009 and was running until turned off by the water board on 20th April 2009. We would leave the Inspector to draw his/her own conclusions about Mr Noquets concerns about security.

3.13 Is the Bishop Blaize on the market at a price whereby it will sell? In the Magistrates Court in Oct 2014 the prosecution and the defence agreed the value of the Bishop Blaize at £240,000 to a maximum of £260,000 the current advertised price at Sidney Philips is

£395,000. We do not believe that any potential purchaser (and we know several) would be prepared to live in the Holiday Cottage and let the existing bedrooms as a B&B why? they say because it is far too small for a permanent residence.

4.2 Closing the Bishop Blaize on the advertised trading hours would not have affected his customers in any way. It is up to the individual Pub Landlord to run his/her establishment as they think fit. When the appellant employed a manager (who had no previous experience in the licensed trade) to run the Bishop Blaize it became a popular pub once again despite the restriction the appellant forced on the manager. We would just ask the Planning Inspector to look hard at all of the appellants comments from 4. to 4.8 and make a similar conclusion to the one that we have made.

5.1 If the appeal was allowed the Holiday Let may house one person next to a noisy Public House

5.2 The appellant cannot be sure that any resident of the Holiday Flat would use the local pub or the local shop.

5.3 There are NO current gardens or Grounds attached legally to the Holiday let

5.4 The current situation is 100% down to the appellant and his wife and has been since February 2006. However as he has stated in 4.5 that he and his wife are financially ruined, if the Bishop Blaize is genuinely going to be sold, the situation will change fairly quickly with the holiday let bringing somewhere in the region of £25,000 into the pub finances.

6.1 We cannot see any potential benefits to the local economy whatsoever in fact the opposite is more likely.

6.2 There are plenty of potential housing development possibilities with our area, The Holiday let will provide more accommodation for people on holiday than anyone using it as a permanent residence.

6.3 The Bishop Blaize is a Public House to have a permanent residence so close without having control of it (ie a Holiday Let) would seriously affect the occupants of both properties in a detrimental way.

6.4 If there were not logical reasons for imposing the conditions why did the Inspector impose them? We think the reasons were entirely logical as we have stated before.

The appellant states that the Planning Inspector stated that the Holiday Cottage was not vital to the operation of the Bishop Blaize! That was its previous use as a Bottle store not its current use.

6.5 The Circular 11/95 - states The Use of Conditions in Planning Permissions (1995) Appendix A (model conditions) to be retained, rest of the document to be cancelled when Planning Practice Guidance Suite launched

Not as stated by the appellant

6.6 The determination of the Cherwell District Council that the Bishop Blaize pub was not an asset of community value was because Mr and Mrs Noquet had proceeded to implement change of use to a private residence without securing planning permission and were in residence at the time of the application. The terms of the ACV require there to be no-one in occupation at the time of the application. The most recent ruling by the Inspectorate led to the Noquets having to vacate the property unless it was run as a public house. Since it is now not occupied, a current Asset of Community Value (ACV) application is now under way from the Parish Council.

The BBSG would ask the Inspector to dismiss this appeal and award costs to the LPA

Signed on behalf of the 524 supporters of the BBSG

Richard Butt (Coordinator) 22/11/2015