

**Press statement published by Cherwell District Council (see <http://www.cherwell.gov.uk/index.cfm?articleid=10257>)**

A couple who turned a public house into a residential dwelling without planning permission will have to pay more than £17,000 in court costs after being found guilty of failing to comply with a planning enforcement notice.

At Oxford Magistrates' Court on Monday (29 September), District Judge Stephen Day ordered Jacqueline and Geoffrey Noquet to each pay £8,527.50 in legal fees and be subject to a 12 month conditional discharge for the offence relating to the Bishop End - formerly the Bishop Blaize - in Burdrop.

At a previous hearing in August, Gary Grant , prosecuting on behalf of Cherwell District Council, told the court that between 21 June 2013 and 19 September 2013, the married Noquets had ignored a planning enforcement notice which prohibited the premises being used solely as a residential dwelling following the closure of the pub in 2007.

Speaking at the August hearing, Mr Grant said: "By the time the enforcement notice was issued the whole of the building had changed to use as a residential dwelling house. There is no convincing evidence that the Noquets were ready willing and able to open for business after that closure."

The defendants' first planning application for a change of use relating to the site was refused in 2006 and since then six subsequent applications for a change of use have all been refused.

In 2007 the pub ceased trading and in February 2012 Cherwell issued the enforcement notice which was upheld on appeal in October the same year. It was for this notice that the couple were found to be in breach of after an investigation in 2013 found they had been using the property as a residential dwelling.

During the course of the case the court heard claims from Graeme Sampson, defending, that Mr and Mrs Noquet had suffered "boycotts" from members of the Bishop Blaize Support Group (BBSG) and no longer lived in the village. Furthermore, since purchasing the site Mr Sampson claimed Mr and Mrs Noquet had suffered significant financial loss and had made unsuccessful attempts to sell the property.

Mr Sampson added the couple had spent "considerable sums fighting this case" over the years which equated to a figure of about £30,000.

"This isn't a case of two guilty people flouting the planning laws to make a financial gain," said Mr Sampson.

"They are two hard working people of good character who came into the most bizarre and tragic situation which ruined their lives."

In delivering his decision on the case, District Judge Day said he was taking the "unusual step" of not fining the couple but would be sentencing them to the conditional discharge and ordering them to repay the council's legal costs. In imposing his sentence, District Judge Day had regard to the defendants' previous good character and the likelihood they had not gained financially from the offence.

"The criminal case isn't concerned with boycotts or parish councils," he said.

"I'm therefore left with the duty to evaluate the evidence and apply the law. It was clear Mr and Mrs Noquet had been in occupation of the premises in the period. The notice had been served and was valid. Mr and Mrs Noquet feel badly treated by the community but fortunately I don't have to adjudicate on those matters.

"In assessing the penalty for this sort of offence there is a statutory duty to consider the financial benefit that has been accrued or likely to accrue as a result of this offence. There seems to be very little prospect of financial benefit; the real penalty in this case is the costs."

Cllr Michael Gibbard, lead member for planning at Cherwell, said: "This case should serve as a severe warning that failing to comply with the planning system, including enforcement notices, is a serious offence which can prove extremely costly. Planning permission is not optional nor can it be ignored and it is important that enforcement notices are adhered to in order to protect the integrity of the planning system. The defendants in this case were fully aware they did not have permission to change the use of this building but did so regardless and although they are fortunate to have avoided a fine, they have now paid a heavy price in legal costs."