

Objection to: 17/01981/F | Change of use from A4 to C3 (ACV Listed) | The Pheasant Pluckers Inn Street Through Burdrop Burdrop Banbury OX15 5RQ

Dated 9th November 2017

For the attention of Mr. Bob Neville.

We have referred throughout this submission to the original name of the pub, the Bishop Blaize. For anyone with a childhood memory of the tongue twister 'Pheasant Plucker', they will understand just how offensive to so many people in the village this re-naming of the pub has been, and we have declined to use it.

It is clear that the members of Cherwell District Council Planning Committee are being asked once again to make a decision on a change of use that in disregard of repeated injunctions, determination by the courts, rulings of the Planning Inspectorate and their own enforcement orders, has already long since taken place.

It is an invidious position for them to be placed in, and in our view deeply damaging for the reputation of planning in Cherwell and for the rule of law were it to continue.

We ask that the attached **photographs [1-4]** be brought to the attention of the Planning Committee at their hearing on Thursday, November 23rd, 2017. They were all taken on **Friday, 3rd November 2017** at midday. They evidence the fact that from day to day, week to week, there is now nothing to indicate this is anything other than a private house. A closer inspection of the photograph of the front face of the property [**Photograph 4**] will reveal its name on a small piece of slate tucked inconspicuously out of sight on the ground behind one of the owners' cars: **BISHOPS END**.

All signage that would once have indicated that the building is a pub have been taken down, and even the small pop-sign that would appear over the last few months at intermittent intervals for 2 hours on a Thursday or a Friday purporting to offer chilled wine and bottled beers has now gone.

In our view, the claim to still be running a going concern as a pub on this basis was never more than an attempt to evade the constraining conditions of residence established during the first determination made by the Planning Inspectorate in 2012, and re-iterated by the second in 2016. Ruling or no ruling, Mr and Mrs Noquet continue to live on the premises; and to all intents and purposes, it is a pub no longer, even in name.

Relevant history

The first attempt by Mr and Mrs Noquet to apply for change of use was in August 2006, 6 months after buying the property. The pub was closed a year later in March 2007. They were absentee owners living in Spain or elsewhere for a number of years, and for a period of 7 years the pub remained closed altogether. Together with other attempts to secure a certificate of lawful use for the existing use of the property once it had ceased to function as a pub, throughout that time they have applied for change of use 9 times. This will be their 10th attempt.

The record of applications and appeals over the last 11 years makes clear that the Noquet family have been seeking throughout that time to demonstrate that the pub was neither viable nor saleable as a pub, and on either account to secure a change of use to a domestic residence, the better to profit from its sale once established.

We distinguish here between saleability and viability:

The viability of the property as a public house

The viability of a pub as a going concern from our experience and observation locally has to do with the readiness of the owners and publicans to dedicate themselves to the hard work of developing excellent, well-furnished facilities, good will over an extended period of time and above all a reputation for friendliness and warmth of hospitality.

Our contention, which we hold in common with Inspector Sara Morgan LLB (Hons) MA, in her determination of 2012, is that the Bishop Blaize is entirely viable but not while it is in the hands of the present owners who have entirely lost whatever good will they might once have had.

Sara Morgan ruled, in a substantial judgement that ran to 60 sections, that Cherwell District Council had acted lawfully in imposing an enforcement order on Mr and Mrs Noquet for the material change of use from a public house to a residential dwelling house without planning permission.

We cite Sections 25 and 26 from her report:

“There was little evidence from the appellant to suggest that at the time of this marketing exercise the Bishop Blaize could not be a viable public house in the long term. It had clearly been viable under the previous owners not so very long before. Mr and Mrs Noquet were making losses while the public house was still open but that appears to have been specifically due to a dispute between Mr and Mrs Noquet and the village. That does not mean to say that the Bishop Blaize could not be viable under another operator”

“.....I conclude that the marketing exercise carried out by Fleurets does not show that the public house was unviable at that time.”

The Inspector’s final conclusion was that it had not been shown in the evidence presented that the public would not be viable in the long term, but ***“it seems likely that given the history of Mr and Mrs Noquet’s dispute with the village, for the public house to re-open it would have to be under a new owner”***.

The Noquet’s appeal was dismissed. The enforcement notice was upheld.

In **2012**, Inspector Morgan offered another observation in Section 7 of her report worthy of inclusion in the report to be prepared for the CDC Planning Committee:

“At the time of my site visit the ground floor had been converted almost entirely to residential purposes, the bar and most of the public house fittings having been removed, and the whole building was in occupation as a dwelling house.

In **2014**, Mr and Mrs Noquet were prosecuted for continuing to use the Pub as a house while it was closed.

The same year saw estate agent Mark David attempting to sell off the property as a “former public house with ancillary residential usage” - but without the holiday let cottage, without planning permission, and in complete disregard both of Sarah Morgan’s rulings with respect to both to the ancillary accommodation and the separate use of the holiday let - a ruling that had been upheld and re-enforced by a further inspection report by David Murray BA (Hons) DMS.

In this regard, we ask that the attached **photograph No.5**, being a photograph of the brochure circulated on the market at the time by Mark David, also be provided to the Planning Committee – of interest because of the photographs it contains of the internal premises of the pub at that time.

In **2016**, the conclusion reached by the Sarah Morgan was re-iterated by another Inspector from the Planning Inspectorate, Mrs J A Vyse DipTP DipPBM MRTPI, who had been called to adjudicate yet another appeal, this time concerning the attempt to separate the development of holiday let accommodation from its association with the pub.

In her ruling, Mrs Vyse upheld the conditions established by Sarah Morgan that the holiday let accommodation created alongside the Bishop Blaize should remain ancillary to the property Bishop Blaize/Bishops End. In Paragraph 20 of her report, Mrs Vyse determined that ***“Residential occupation of the pub is permissible where it is ancillary to use of the premises as a public house. It is occupation of the building wholly for residential use that would be unlawful.”***

We believe it is right that the Planning Committee be provided with this historical reminder that the present application for change of use is part of a sequence of repeated disregard of Council judgments and rulings made by the National Inspectorate, and that application is once again being made for a change of use that has already long since taken place

The saleability of the property as a pub

The saleability of a pub has, of course to do with its reputation, and especially whether at the time of sale it is a going concern. But the market is not determined by estate agents, ‘expert’ or not. It is determined by the willingness of potential buyers to buy at the price offered. Again, it is our contention that the pub is entirely saleable – at a realistic price.

Mr and Mrs Noquet purchased the Bishop Blaize when the market was high and marketed it in 2006-7 when it was peaking. The price sought in 2009 was initially £600,000, reducing to £580,000. **In the observation of Sara Morgan, this price was “unrealistically high”, given the economic conditions of the time, and had been informed principally by an attempt, acknowledged later in court in 2014, to market the pub’s ‘hope value’ of achieving a material change of use to residential use consequent to the sale.**

With the significant number of offers that have been made for the pub, including from the nearby Hook Norton Brewery, that many of our supporters have cited in their individual submissions for the consideration of the Planning Committee, we have to conclude that the reason for the pub no longer being on the market is not that it is not saleable, but that the present owners do not want to sell it as a pub.

The applicants have added nothing new in their application of substantive significance since their last attempt to apply for change of use.

We ask that the Planning Committee reject this application just as they did the last, and bring this whole sorry process to an end.

Signed Richard Butt
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