

**CHERWELL DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**

Appeal by Mr Geoffrey Richard Noquet against the decision by Cherwell District Council to refuse planning permission for change of use from A4 to C3 (ACV Listed) of The Pheasant Pluckers Inn Burdrop.

Appellant : Mr Geoffrey Richard Noquet  
Appeal Site : The Pheasant Pluckers Inn  
Street Through Burdrop  
Burdrop  
LPA Reference : 17/01981/F  
Planning Inspectorate Reference : APP/C3105/W/17/3191365

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## **1 THE COUNCIL'S CASE**

- 1.1 The site and its context are set out within the officer's planning committee report (PCR) and this has not significantly changed since the assessment of the application and preparation of the report. The policy context is also set out in PCR and this has not changed since the preparation of the report. The PCR has already been sent with the Questionnaire, it is therefore not considered necessary to repeat these elements within

the body of this statement.

- 1.2 The Council wishes to rely on the information contained within the PCR to support its case against the refusal of planning permission for the change of use, from A4 to C3 (ACV Listed), of The Pheasant Pluckers Inn, Burdrop. However, the Council would also like to respond to a number of matters raised within the applicant's appeal statement dated 25/01/2018, as set out below.

## **2 COMMENTS IN RESPONSE TO THE APPELLANT'S STATEMENT OF CASE**

- 2.1 The following comments are provided in the same order and referenced in the same manner as they appear in the Appellant's Statement of Case (ASoC).
- 2.2 Paragraph 1.1 of the ASoC suggests that the refusal failed to give due consideration of 'Expert Valuations and Marketing Exercise' evidence provided to the Council in support of the application. The evidence was a material consideration during the determination of the application (PCR paragraphs 8.23), but was considered lacking in substance and detail to support and demonstrate that a robust marketing exercise had been undertaken at a realistic valuation. The valuation figures provided during the application were not detailed. It is unclear as to what the valuation was based upon; whether this was based on bricks and mortar or whether it included the business as an on-going concern.
- 2.3 Whilst some limited financial details were submitted, no detailed certified accounts were provided to the Council during the application. The lack of detail and a request for further information was expressed to the appellant (at the time of application) during a site visit and in email correspondence. Limited financial details were provided by the applicant in response to such requests and this is detailed in the PCR at para. 8.24.
- 2.4 Paragraph 1.4 of the ASoC refers to the CAMRA Viability Test (attached at Appendix (i)) and suggests that the Council failed to give due consideration this test. Whilst a useful tool in guiding an assessment of viability of Public Houses, this document has not been formally adopted by Cherwell District Council (CDC).
- 2.5 In light of the lack of any up-to-date viability assessment being submitted by the applicant at the time of application the Council commissioned its own viability assessment, carried out by Bruton Knowles (BK) a firm of national property consultants. The assessment carried by BK (report attached at Appendix (ii)) in many respects follows similar principles in its assessment as those set out in the CAMRA Viability Test.

- 2.6 Paragraph 2.1 of the ASoC states that: *“The BK Viability Report clearly states at 11.2 that the Public House is NOT VIABLE as it currently stands....”*. This statement is factually incorrect. Paragraph 11.2 of the BK report refers to negative factors, including the lack of a properly fitted, working bar service area (with the original bar having previously been replaced by the applicants), that weigh heavily against the Public House being viable in its current format. These negative factors are discussed in the PCR at Paragraph 8.25.
- 2.7 The BK report (Para. 11.3) indicates that an extension of the tradable area of the Public House would allow sufficient space for viability. In this respect the Council has previously been supportive of the expansion of the property in 2006 granting approval for a single storey extension (~28m<sup>2</sup> of additional floor space) under ref. 06/00248/F; albeit that this permission was never implemented. Whilst the appellant’s comments are noted in respect of additional parking requirements of any subsequent increased floor space, it should be noted that in permitting the 2006 application the Council were accepting of the level of parking provision, subject to an increase of two additional parking spaces.
- 2.8 Council officers see no reason why a scheme for a similar sized single storey extension would not be supported in the current policy context, and could be achievable within the context of the site, subject to the existing parking area being cleared of obstructions currently in place and with a minor extension of this area.
- 2.9 Paragraph 2.10 - 5.6 of the ASoC comments on comparisons with other Public Houses within the area. It is unclear whether the figures quoted for the Chandlers Arms at paragraphs 2.12 and 2.13 are certified audited accounts of that Public House or the appellant’s estimation of such. Notwithstanding this, the Chandler’s Arms and the Bell at Shenington are highlighted as being of comparable sized businesses in similar contexts to that of the Pheasant Pluckers Inn, that appear to be currently operating viably; with no substantiated evidence to the contrary being submitted with the application or this subsequent appeal.
- 2.10 Paragraph 6 - 6.3 of the ASoC refers to third party objections and suggests that the case officer’s opinion that there remains significant support for the Public House is incorrect. There were 33 individual items of correspondence received in objection (and further follow-up comments made by some of the individuals in addition to this number) to the proposals (a matter of public record) during the application, this coupled with the Parish Council’s comments in relation to the Public Meeting held 20th June 2016, at which

approximately 100 residents were present, is considered sufficient evidence to demonstrate significant continuing local support, that has been sustained over the numerous applications that have been made by the applicants, over what is now a twelve year period.

### **3 CONCLUSION**

- 3.1 Rural pubs are, important in terms of the social fabric of the community, a fact recognised by the NPPF and the Councils Development Plan policies, and they can also provide economic benefits to rural areas through the attraction of visitors.
- 3.2 As noted by previous inspectors in reaching their decisions in dismissing appeals (APP/C3105/C/12/2170904 in 2012 (attached at Appendix iii) and APP/C3105/A/13/2190714 in 2013 attached at Appendix iv)) against previously refused applications at the site, the proposed change of use of the Pheasant Pluckers Inn has been consistently considered contrary to the provisions and aims of saved Policy S29 of the Cherwell Local Plan 1996 and policy guidance within the NPPF, and aside from the passage of time and changes in the economic climate, it is considered that there has been no significant change in the context of the site since these previous decisions. It remains the opinion of the Council, supported by local views of the Parish Council and local residents, that there is still a desire within the local community to see the Pheasant Pluckers Inn (formerly Bishop Blaize) retained as a public house and become once again a valuable community asset.
- 3.3 The Pheasant Pluckers Inn is clearly not viable whilst being run under the current business model, with limited offerings and irregular opening hours and regrettably the owners appear to have lost the support of the local community, as has previously been noted in previous inspector's decisions, and the lack of viability of the existing business would clearly impact on the valuation of the property as an on-going concern.
- 3.4 It is the Council's opinion that the application, subject of this appeal, failed to satisfactorily demonstrate that the public house has been appropriately marketed with a clear detailed independent valuation and failed to satisfactorily demonstrate that the existing use could not be viable. The Council considers that the Public House has been an asset in the past and has potential to be an asset in the future if run on a more commercial basis.
- 3.5 Notwithstanding the external alterations that have previously taken place at the site,

which detract from the building clearly announcing itself as a Public House, the Public House is in itself considered an important feature that adds to the local distinctiveness and character of the surrounding Conservation Area and the general ambience of this rural village location.

- 3.6 It is considered that the limited benefit in replacing the existing ancillary residential accommodation with that of a residential dwelling, does not outweigh the harm that would be caused through the loss of the Public House as a community facility, and Designated Asset of Community Value, and further impacts on the character of the area as identified within the PCR and above.
- 3.7 For the reasons set out in the Council's decision, and justified in the officer's planning committee report, and information above the Inspector is respectfully requested to dismiss the appeal.

#### **4 SUGGESTED CONDITIONS**

- 4.1 Without prejudice to the preceding statement, if the Inspector is minded to allow this appeal, the District Council do not consider that there would be the need for any conditions to make the proposals acceptable in planning terms.

**Officer:** Bob Neville

**Dated:** May 2018

Appendix (i) - CAMRA Viability Test

Appendix (ii) - Bruton Knowles Viability Assessment Report





