

Planning Application:

The Pheasant Pluckers Inn
Street through Burdrop
Sibford Gower
Oxfordshire
OX15 5RQ

Application Description:

Permission is sought for Change of Use of an A4 (ACV listed) Public House to that of C3 Residential Use.

1. Application Statement:

This new Application is based on Fresh Evidence that clearly demonstrates that the local community has failed to respond to David Murray's (Planning Inspector) conclusions in his Appeal Decision dated 4th July 2018.

2. Inspectors Decision:

Planning Balance:

20. In bringing this conclusion on the main issue into the wider planning balance, the conflict with the development plan suggests that the appeal should not be allowed. However, I have to say that the balance of considerations in favour of the development plan policy is marginal.

I have serious concerns about whether there is enough adult population in 'the Sibfords' to sustain another pub and also that a move towards a 'gastro-pub' may put the appeal site premises in direct competition with the Wykham Arms in Sibford Gower.

21. However, to my mind a critical event in the overall judgement is the Designation of the building as an ACV. The appellant recognises that the main purpose of such designation is to allow the community to make a reasonable bid to buy the property if and when it comes onto the market. The representations submitted on the appeal do not suggest to me that that has happened in a clear and positive way. To the contrary, the representations indicate clear local tensions between the appellant and his wife and many others in the local community. The allegation that the premises have been boycotted by the locals in the past will not help secure the reinstatement of the pub. Notwithstanding this, I consider that the onus now lies with the local Community to demonstrate that the pub can be viable in the long term and make a considered offer to purchase. Further, the scope for such a solution should not be open-ended and the local community should in my view be able to complete this activity within a reasonably short period.

continued

2.

2.1

We received David Murray's Decision on 4th July 2018 and as a consequence on 5th July 2018 we Notified Cherwell Council's ACV Officer that the Public House was available for sale. On the same day we contacted an expert and new Agent and arranged to meet with him on Tuesday 10th July 2018.

2.2

Our Expert Agent reviewed the Decision Letter and advised us as follows:

2.3

He said that if and when we were notified by Cherwell Council that they had received a written request from a Community Interested Group (CIG) to bid on the property then he would take control of the process of disposal. He advised that because of previous concerns raised by the Inspector in regard to the Property Valuation that he would advise any CIG Party to instruct a Fully Qualified Chartered Surveyor to undertake their own valuation. This would produce a mutually agreed Sale Price that would enable both parties to proceed on a positive basis. Further he said that he had previous experience in the Disposal of ACV listed Public Houses and he thought it would be pointless to Market the property whilst there was an Interim Moratorium in place. He said that the Fees he required to Market the Pub were an unnecessary expense until we had received a written interest from a CIG triggering their right to bid.

3. Conclusion:

We have fully complied with David Murray's wishes and have given the Local Community an opportunity to trigger their 'Right to Bid'.

A Public Notice was posted at the front of our property by Cherwell Council on the 5th July 2018. The Notice invited any Interested Parties to make their interest known in writing to the Council by 15th August 2018.

The Council was obligated to notify ourselves of any written interest as soon as practical possible. We have not received any notification from Cherwell Council and therefore conclude that there has been no written request from any Local Community Group.

The onus was placed on the Local Community by THE INSPECTOR to progress their interest in acquiring the property and clearly they have not done so.

For all of the above reasons this Application should be Granted.

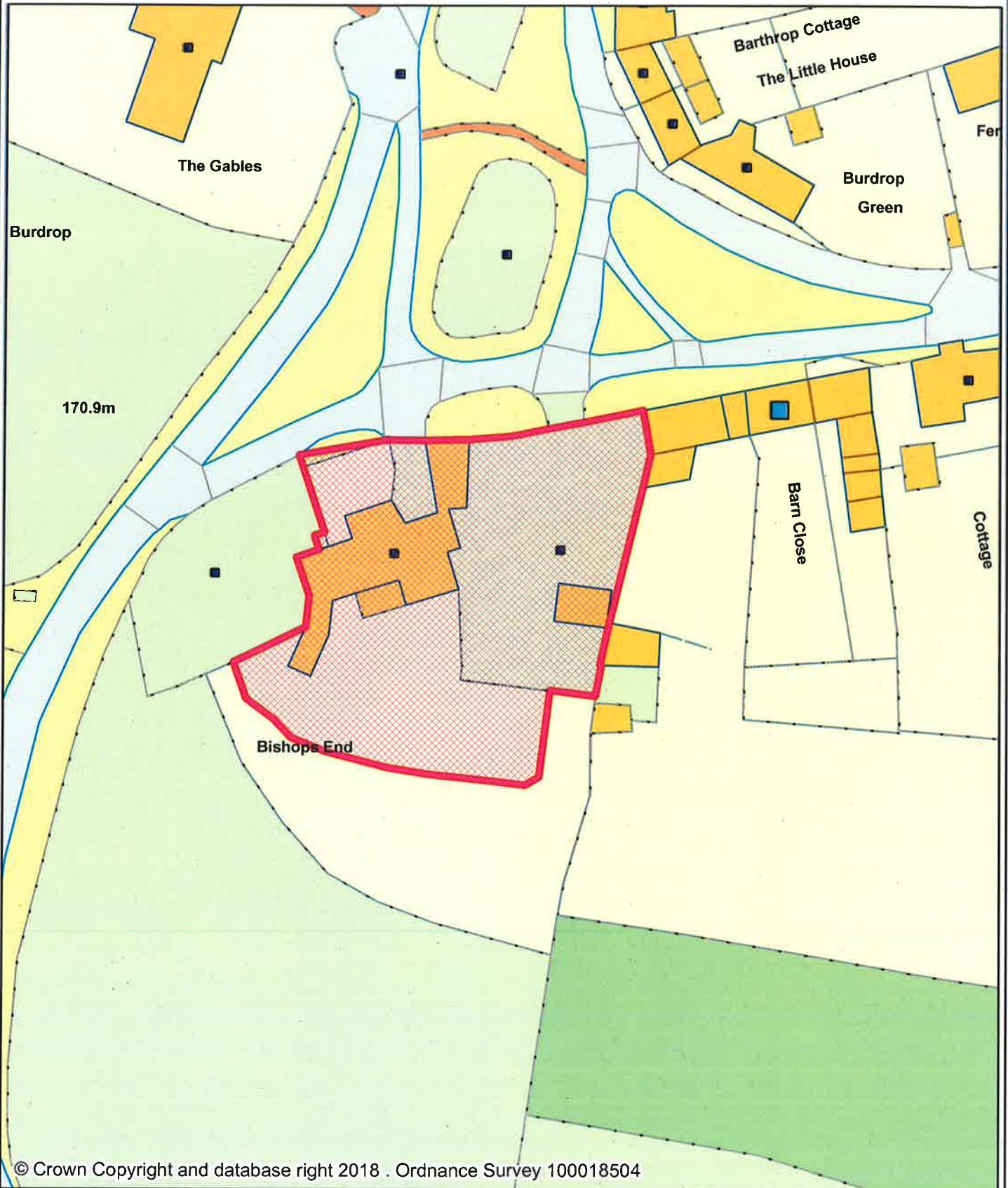
Signed

Dated 20th August 2018

Geoffrey Richard Noquet

Not Set

Not Set



Organisation	Cherwell District Council
Department	Department
Comments	Not Set
Date	01/10/2018
PSMA Number	100018504

Planning Application: 18/01501/F

**The Pheasant Pluckers Inn
Street through Burdrop
Sibford Gower
OX15 5RQ**

Additional Statement of Case:

1. Inspectors Decision Letter Dated 4th July 2018.

Planning Balance

20. In bringing this conclusion on the main issue into the wider planning balance, the conflict with the development plan suggests that the appeal should not be allowed. However, I have to say that the balance of considerations in favour of the development plan policy is marginal. I have serious concerns about whether there is enough adult population in 'the Sibfords' to sustain another pub and also that a move towards a 'gastro-pub' may put the appeal site premises in direct competition with the Wykham Arms in Sibford Gower.
21. However, to my mind a critical event in the overall judgement is the designation of the building as an ACV. The appellant recognises that the main purpose of such designation is to allow the community to make a reasonable bid to buy the property if and when it comes onto the market. The representations submitted on the appeal do not suggest to me that that has happened in a clear and positive way. To the contrary, the representations indicate clear local tensions between the appellant and his wife and many others in the local community. The allegation that the premises have been boycotted by the locals in the past will not help secure the reinstatement of the pub. Notwithstanding this, I consider that the onus now lies with the local community to demonstrate that the pub can be viable in the long term and make a considered offer to purchase. Further, the scope for such a solution should not be open-ended and the local community should in my view be able to complete this activity within a reasonably short period.

1.1

David Murray (Inspector) reviewed the history of the site including the previous LPA and Inspectors Decisions. He took into account relevant Policies and found that the Case for Refusal was Marginal and he had serious concerns as to there being enough adult population in the Sibfords to support 2 pubs. Further he believed that a move towards a Gastro style pub might put the Pheasant Pluckers in direct competition with the Wykham Arms.

1.2

We fully concur with the Inspectors serious concerns and believe this adds weight to our previous submissions that there is only enough trade to support 1 pub in this small community. Further 2 Gastro Pubs in direct competition is a disaster waiting to happen and in our opinion both pubs would not be sustainable in the long-term.

continued

2.

1.3

There is now a very New Chapter in the planning history of the site whereby an Inspector has reviewed all of the recent and current evidence. David Murray has reached an extremely sensible and reasonable Decision that contains a solution and ultimatum to ourselves, the local community and the LPA.

1.4

David Murray's solution was simple, intelligent and inspired, he decided the onus was on the Local Community and not ourselves, to demonstrate Viability by making a considered offer to purchase. In effect the Inspector has released us from any further obligation to provide evidence of non-viability and has placed the burden of proof on the Local Community.

2. Disposal of the Property:

2.1

On the 4th July 2018 David Murray issued his Decision Letter.

2.2

On the 5th July 2018 we notified Cherwell Councils ACV Officer that our public house was available to purchase. The SGPC/Local Community should have then been notified by the Council that the ACV was available to acquire. Further a Public Notice was placed by the Council at the front of our premises that gave any interested parties 6 weeks until the 15th August 2018 to make a written request to be considered as potential buyers.

2.3

On receipt of Notification that we wished to dispose of the ACV Sibford Gower Parish Council should have advised themselves and the Local Community to make a written request to 'trigger their right to bid'. What actually happened following the Inspectors Decision was that Mr Hugh Pigeon (Chairman) inconceivably responded by taking it upon himself to aggressively pursue Enforcement/Eviction Action against ourselves.

2.4

We have evidence that shows there was Meeting on the 15th August 2018 between Mr Pigeon and LPA Officers. Both the LPA and Mr Pidgeon had by that time received the Inspectors Decision and therefore we submit that their Meeting was in complete contempt and disregard to the Inspectors Decision and directives. The meeting clearly undermined the Authority and wisdom of the Planning Inspector David Murray.

continued

3.

2.5

At that meeting LPA Planning and Enforcement Officers told Mr Pigeon that they would not be entertaining any further applications for Change of Use from ourselves and that they would be progressing Enforcement Action against us.

2.6

That meeting and the outcome is undeniable proof that shows that the LPA and Mr Pidgeon had no intention of accepting or adhering to the Inspectors ultimatum to the Local Community to make a considered offer to purchase.

2.7

Mr Pigeon might well believe that he is acting on behalf of the community nevertheless his actions are questionable at the very least. Why is he so determined to evict us and what purpose would that serve? His claims that the community wished to buy the business is unsubstantiated, there have been no recent SGPC meetings that substantiates that statement. His very first unofficial act was to lobby Cherwell District Council Officer's with the intent of progressing Enforcement Action against our family.

2.8

David Murray has given his Decision that clearly anticipated a further Application from ourselves if his ultimatum to the Local Community was not met.

3. SGPC Intentions not to Acquire the ACV:

Records show that after our property was listed as an ACV in 2016 the nominators SGPC publicly stated that they had no interest in acquiring the Asset or indeed operating the business. However they did offer their support to any Community Interested Group (CIG) that might come forward to acquire the property.

3.1

At a Public Meeting on June 16th 2016 attendees were advised by Tim Huckvale (Chairman of Sibford Ferris Parish Council) to organise a consortium/group to be ready to 'trigger their right to bid' if and when the property came up for sale.

3.2

The pub had been on the Market with Sidney Phillips since October 2015 and remained so until September 2017 (2 years).

By including the Interim Moratorium Period from 5th July 2018 until 15th August 2018 there have now been 3 windows of opportunity for any Community Interest Group (CIG) to 'trigger their right to bid'. Bearing in mind the Inspector's Directive to the Local Community and in the absence of any 'CIG trigger' this clearly demonstrates that they have no intention of acquiring the business and never did.

continued

4.

3.3

As part of our evidence we have attached the flyer that preceded the Public Meeting in July 2016 and since that time there has been no attempt to form a Consortium, CIG or any other group. The ACV nomination is a 'Red Herring' thankfully the Inspector has given us an opportunity to demonstrate this fact.

Conclusions:

4. The Key Issue:

David Murray has identified the key issue as being the Viability of the Public House and has placed the onus and burden of proof on the Local Community to demonstrate that the pub can be viable in the long term by making a considered offer to purchase. Further, the scope for such a solution should not be open-ended and the local community should in his view be able to complete this activity within a reasonably short period. We rely on the Inspectors Decision and solution that gives immense weight to our Application.

4.1

The Local Community had been given 6 weeks in which to express their interest in writing to acquire the ACV. They have chosen to ignore the Inspector's Directive and therefore it must be concluded that they had no intention of acquiring the ACV. Further we submit that this fact demonstrates that there is no real belief from the local community that this pub can return to viability.

4.2

The Case Officer should focus on the fact that we have complied with the Inspectors Decision and the local community has not.

4.3

We have acted in a clear and positive way and have fully complied with our obligation to the Inspector in the most robust and transparent manner possible. We have allowed the Community an opportunity to make a considered bid to buy the property. Furthermore we have adhered to the Asset of Community Value Disposal Procedures to the Letter of the Localism Act and Government Regulations 2012.

4.4

Mr Pigeon met with Cherwell Council Officers at their Bodicote Headquarters on the 15th August 2018, the last day of the Interim Moratorium Period. It would have been very easy for him to draft a written request to be considered as potential bidders on behalf of the Community and deposit the document in the ACV Officers in-tray. This act would have protected the Community's position and given them another circa 18 weeks in which to progress the purchase. On receipt of his request he would have been given our Agents details and possible negotiations could begin. Mr Pigeon obviously thought that he had no need to 'trigger any right to bid' because he had just been told that we could not make any further Applications and Enforcement actions were imminent.

continued

5.

5. Sibford Gower Parish Council Meeting:

On 18th October 2018 a meeting was held to discuss 4 Planning Applications 1 of which was our own. In total there were 12 members of the public in attendance including 4 Applicants and Mr Butt. Surprisingly Mr Hugh Pigeon was not in the Chair and we were not informed why? None of the public attendees expressed their views on or about our Application except Mr Butt. He told the PC that he had made 2 offers on our property, the most recent posted on the Planning Website as being circa £250k. He gave no reasons for not acting within the Interim Moratorium period and he did not provide any evidence that substantiated the existence of any Community Interest Group.

5.1

In our view the Parish Council Members did not fully understand the importance of the Inspector's Decision Letter and his ultimatum and directives therein. What they tried to imply was that because there were no sales details available that they could not 'trigger their right to bid'.

5.2

The SGPC has not understood the ACV Legislation Procedures whereby they must submit a written request to be considered as potential bidders. Ignorance of the Law/Regulations is not a Legal Defence.

5.3

In summary there was only 1 objector, Mr Butt, to our Planning Application that was prepared to attend the meeting. There were no other public or community voices that opposed our Application. Therefore the SGPC had absolutely no basis, community support or valid reasons on which to oppose our Application.

6. Valuation of our Property:

Whilst we have accepted the major part of David Murray's conclusions we are in difficulty as to his opinion in regard to the sale price of the pub when he stated the following:

Nor do I find that the pub has been offered for sale at a realistic competitive price reflecting current market conditions.

With full respect to the Inspector he had no LPA expert evidence before him to support that view. Our new Agent who represents the largest Organisation in the UK with over 50 Offices Nationwide has put his Expert Valuation at £395K. Quite obviously if we had put that figure to the LPA or any CIG/Consortium they would have accused us of Over-Valuing the property as they have done so before. That is why our Agent suggested that he would advise any Group that came forward to gain their own valuation from a fully qualified Chartered Surveyor. He was very confident that a Chartered Surveyor would put a similar valuation on our property and possibly a significantly higher figure.

continued

6.

Pub Closures:

6.1

Some of the Objections state that nothing has changed since our last Application. Clearly they have and our submitted evidence is proof that Licensed Premises are now closing at an unprecedented rate of 8 per day - 56 each week.

Business Telegraph By: Oliver Gill

11th SEPTEMBER 2018

PUB CLOSURES

The rate at which pubs and other licensed premises are closing has doubled over the last three months with the future of the traditional "local" increasingly under threat. Britain has 3,116 fewer pubs, bars and restaurants compared with 12 months ago - something industry leaders labelled "deeply concerning".

Final Conclusion:

6.

The Local Community has failed to accept or respond to the Inspectors Decision, his Solution and Directives. Therefore In the absence of any written interest from the Local Community to demonstrate that the pub is viable in the long term by making a considered offer to purchase, this Application should be granted.

Signed:

Dated: 22nd October 2018.

Geoffrey Richard Noquet

Application 18/01501/F

Dated: 30th October 2018.

Applicants Rebuttal to Objections:

Sibford Gower Parish Council (SGPC)

1. SGPC Objection extract:

The current application is based in two clauses (paras 20 & 21) **abstracted** from the Appeal Inspector`s Report, date 4th July 2018, taken out of context and ignoring the Report`s conclusion (para 22) with regard to long term financial viability and identified conflict with local and national planning constraints.

1.1

Applicants Rebuttal:

The SGPC do not understand the difference between a Report and a Planning Inspectors Decision which now becomes the Precedent and Benchmark for any further submissions.

The following is part of the Inspector`s Decision Letter which is not a Report, it is a Lawful Planning Decision in which contains a Directive, Solution and ultimatum to ourselves and the local community:

20. In bringing this conclusion on the main issue into the wider planning balance, the conflict with the development plan suggests that the appeal should not be allowed. However, I have to say that the balance of considerations in favour of the development plan policy is marginal. I have serious concerns about whether there is enough adult population in ‘the Sibfords’ to sustain another pub and also that a move towards a ‘gastro-pub’ may put the appeal site premises in direct competition with the Wykham Arms in Sibford Gower.

21. However, to my mind a critical event in the overall judgement is the designation of the building as an ACV. The appellant recognises that the main purpose of such designation is to allow the community to make a reasonable bid to buy the property if and when it comes onto the market. The representations submitted on the appeal do not suggest to me that that has happened in a clear and positive way. To the contrary, the representations indicate clear local tensions between the appellant and his wife and many others in the local community. The allegation that the premises have been boycotted by the locals in the past will not help secure the reinstatement of the pub. Notwithstanding this, I consider that the onus now lies with the local community to demonstrate that the pub can be viable in the long term and make a considered offer to purchase. Further, the scope for such a solution should not be open-ended and the local community should in my view be able to complete this activity within a reasonably short period.

continued

2.

22. As the proposal stands, I conclude that it has not been demonstrated that the public house premises cannot be made financially viable in the long term and that the proposed change of use of the building to a dwellinghouse from its lawful use as a public house would conflict with the provisions of saved policy S29 of the 1996 Local Plan, CLPP1 Policy BSC12 and the national policy in the Framework. This conflict is not outweighed by any other consideration and this indicates that the appeal should not be allowed.

1.2

We submitted this new proposal to the LPA on the 21st August 2018 and initially they declined to register our Application. When we challenged their position the LPA sensibly instructed Legal Counsel to advise them on the lawful aspect and credibility of our Application based on fresh evidence of (paras 20 & 21). The LPA's Barrister obviously advised them that our proposal based on those two paragraphs, was indeed in context, valid and was not ignoring para 22 and that is why they eventually and we say, reluctantly accepted our Application.

1.3

The SGPC assertions are not only wrong they clearly outline their failure to understand the importance of David Murray's Decision, Directives and Solution.

1.4

Prior to the 4th July 2018 the Inspector had no evidence before him that demonstrated that the local community would not positively respond or adhere to his Directive and solution within a reasonably short period.

As this new proposal now stands the evidence is very different to that available to the Inspector when he arrived at that initial conclusion.

The LPA now have fresh evidence before them that shows that the local community have not made a considered offer to purchase by following the

ACV procedures as set out in Government Regulations 2012. Therefore the local community have not demonstrated that the pub can be viable in the long term as required by David Murray.

continued

3.

1.5

Mr H Pidgeon (New Chairman of SGPC)

Mr Pidgeon has vehemently opposed any proposal that we have ever made in regard to our Public House and he is 1 of the 3 members of the BBSG. It would be naive for the Case Officer to accept that Mr Pidgeon does not have a personal agenda and a very clear conflict of interest.

As Chairman Mr Pidgeon was fully aware that our Pub was available to purchase and he had also received the Inspector's Decision and directives. He responded by lobbying the LPA to take Enforcement -Eviction Action against our family.

1.6

The following are extracts from objections submitted by Mr Pidgeon in regard to our planning applications Ref: 17/00020/F - 16/02030/F –

13/00781/F

It is pertinent to this application for the proposed change of use to a 'holiday cottage' (already assumed as given in the plans) that both the provision for parking for the holiday cottage and provision for parking for the proposed new licensed premises make claim to the small area in front of the pub – which is already entirely filled by 3 of the applicants' own 4 cars. It is all part of the same elaborate and extended

sequence to consolidate the predicted final application for change of use from licensed premises (which no doubt will be short-lived) to private house and now unhindered further development on the adjoining land. By condoning this application, the Council will be colluding in advancing the whole sequence, bringing the possibility of further development one step closer and putting at risk the entire reputation and standing of the Cherwell District Council itself to prevent any of it. I urge the Council to see this application for what it is, and reject it outright.

Important: Our Application 13/00781/F was Allowed on Appeal.

1.7

I no longer trust any application from the present owners to be what it appears to be. I urge you as case-officer to investigate thoroughly the peculiar, inexplicable and confusing contradictions contained in this application and presented I think clearly in the submission made today on behalf of the many supporters of the Bishop Blaize Support Group, of which I am one.

Important: Our Application 17/00020/F was Allowed on Appeal.

continued

4.

1.8

From Hugh Pidgeon, 'Burdrop Green', Sibford Gower, Banbury, Oxon OX15 5RQ
I write to you as one who lives directly opposite the site of the pub the owners are now calling the Pheasant Pluckers Inn, and who stand with my family to be directly affected by the decision the District Council make on this application.

Important: Our Application 16/02030/F was Granted.

1.9

On the 15th August 2018 the last day of the Interim Moratorium Mr Pidgeon attended a Meeting at Cherwell Council's Bodicote Offices. He had every

opportunity to lodge a written request on behalf of the local community to 'trigger their right to bid', why did he not?

The answer is quite simple, at that meeting Mr Pigeon urged the LPA to take Enforcement Action against us and he was told by Cherwell Council Planning and Enforcement Officers that that was going to happen.

1.10

Mr Pidgeon had no idea that we would uncover the existence of that meeting and his real motivations, his rather weak excuse for not progressing a 'bid' is now blamed on us for not displaying our Agents Board outside the pub. The truth is very obvious; he had no intention to progress any purchase of the ACV. Furthermore there is no believable evidence that a Community Interest Group exists and there never has been.

1.11

Mr Pidgeon was not elected by the community to represent them, there were no Declared Candidates. In the absence of anyone wanting to be voted onto the Parish Council, he simply put his name forward.

continued

1.12

In Mr Pidgeon's objection to our previous Application Ref: 17/00020/F

he said: *'I no longer trust any application from the present owners to be what it appears to be. I urge the case-officer to investigate thoroughly the peculiar, inexplicable and confusing contradictions contained in this application and presented.'*

We have no knowledge of whether the Case Officer investigated thoroughly Mr Pidgeon's accusations; suffice to say that our Application was Granted.

2. Mr Butt and the BBSG

From at least 2012 Mr Butt has claimed that he was the coordinator for the Bishop Blaze Support Group with some 500 plus members. He gave that possibly and very likely misleading information to Inspector's Sara Morgan and Jane Miles. In February 2017 Mr Butt claimed he had 544 members.

2.1

To our knowledge there are only three declared members of the BBSG, those being Mr H Pidgeon, Mr R Butt and Mr Haynes. If there are indeed 544 members how difficult would it be for a coordinator to persuade his members to email a Planning Objection?

We have repeatedly challenged the unsupported comments submitted by the BBSG and so far we have not received any factual evidence from Mr Butt or Mr Pidgeon that proves there is a Support Group with anymore than three members.

2.2

In our Planning Appeal Statement: Ref: APP/C3105/W/17/3191365

We raised our concerns to the Inspector when we said the following:

'It really concerns us that someone can state that they represent a Support Group without producing any evidence and be allowed to very possibly continue misleading Public Authorities without being exposed to any legal action.'

continued

6.

2.3

Our complaint about Mr Butt's unsubstantiated claims on a Public Forum have at last been seen for what they really are, very likely dishonest.

Mr Butt is no longer brave enough to provide numbers of his supporters as evidenced on his most recent objection on behalf of the BBSG. Copy attached.

2.4

What can be seen within all of Mr Butt's objections is an onslaught of rather ridiculous accusations and personal attacks on our honesty, integrity and capabilities. At point 1 of his objection dated 19/10/2018 he states the following:

1.The applicant has stated that the property is once again for sale without releasing the agents who are selling it details or a price for the Public House!

2.5

There is a very sound reason for us not releasing the name of our Agent at this stage, Mr Butt has a track record of emailing our previous Agents in a very menacing and intimidating way. We have supporting evidence of those emails from Mr Butt that we will produce if required. Nevertheless we are prepared to give our Agent's details to the Case Officer and he will verify the contents of the advice he gave to ourselves on 10th July 2018.

2.6

We have never believed in the existence of any Community Interest Group (CIG) that wanted to buy the ACV and David Murray has given us the opportunity to prove that as being a fact. We relied on the advice of our Agent

who felt that his fees of £1,750 to produce sales details during the Interim Moratorium (locked in period) was an unnecessary expense until we had received a written request from a CIG expressing their interest.

2.7

The vast majority of the community are sensible and intelligent people and they realise that It is ridiculous to believe that a Community owned Pub would not affect nor harm the viability of The Wykham Arms and the Village Hall.

continued

7.

2.8

Mr Butt and his friend Mr Pidgeon have never provided any evidence that should or could convince the Case Officer that a CIG exists, nor have they proven that there are more than 3 members of the BBSG.

If anyone should be investigated thoroughly in regard to this new Application we leave that to the Case Officer to decide.

2.9

We reiterate, there is no CIG or BBSG, 3 members is not a group it's a trio, and we respectfully ask that the Case Officer disregards any submissions from Mr Butt or his BBSG as being unsubstantiated. It would have been very easy for the Case Officer to request proof from these supposed CIG or BBSG groups to provide their evidence of membership within a few days and as yet to our knowledge he has never done so?

If indeed there is any evidence of a Support Group or CIG, that evidence surely would be on the coordinators data base and he could have provided that information immediately.

2.10

We have attached our analysis of the third party comments; this shows that there are only 11 Objections from families that live in the 'Sibfords'

This represents just 1.35% of the local community demonstrating that close to 99% has no objection to our proposal.

2.11

As this new proposal now stands, in the absence of any local community considered offer to purchase, we have demonstrated that the villager's have no interest in acquiring the asset and therefore our Application should be Approved.

Signed: **Geoffrey Richard Noquet.**

***Abstracted**

Definitions: Inattentive, Preoccupied, Vague, Distant, Distracted, Absent-minded.

Application 18/01501/F

Analysis of Third Party Objections:

30 comments posted and at least 3 are duplicated leaving 27:

7 Butt	Sibford Gower
2 Woolgrove	Australia
2 Taylor	Shutford
2 Duggins	Burdrop- Sibford Gower
2 Davis	Sibford Gower

SUB-TOTAL 15

SIBFORD GOWER - BURDROP

Allen
Mulley
Haynes
West
Davis
Duggins

SIBFORD FERRIS

Hopkins
Thomas
Etherington-Smith
Bryan
Gould

9 FROM PERSONS LIVING OUTSIDE THE SIBFORDS INCLUDING AUSTRALIA, BIRMINGHAM, PLYMOUTH & BANBURY.

THERE ARE JUST 11 OBJECTIONS FROM FAMILIES LIVING IN THE SIBFORDS (THE ACTUAL LOCAL COMMUNITY) DEMONSTRATING THAT ACCORDING TO NATIONAL STATISTICS THAT ONLY 1.35% OF THE ADULT POPULATION

HAVE OBJECTED AND 98.65% HAVE NOT. CLOSE TO 99% OF THE LOCAL
COMMUNITY HAVE NO OBJECTION TO OUR PROPOSAL.

Signed: Geoffrey Richard Noquet

Dated: 30th October 2018.

From: geoff noquet
Date: 30 August 2018 at 23:56:11 BST
To: Amy Sedman
Subject: Re: The Pheasant Pluckers Inn, Planning Application.

Dear Ms Sedman,

Thank you for your email.

Possibly you and your colleagues may have already decided to reject our new Application and are waiting for Senior Officers to sign off on that decision. Hopefully that is not the case and you have decided to accept our Application.

Regardless of either possibility we feel that it is important for us to make some further observations and comments in regard to previous Judicial Judgments before your Council makes their final and right decision.

The Judgments that we have researched all relate to structures that have been built and the Appellants/Claimants are desperately attempting to stave off demolition. Therefore the act 70 serves the purpose of denying many bites of the cherry to delay the process.

Many, if not all, of the few Case Law Precedents are in regard to Retrospective Applications, our New Application is clearly not.

We are no longer in breach of any Enforcement Notice and therefore it cannot be seen that we are attempting to delay any further Enforcement Actions because we are now in compliance. If your Council is intent on progressing any further Enforcement Action against ourselves then our defense is obviously the Inspectors Decision Letter.

David Murray (Planning Inspector) has reviewed all of the history of the site and has now decided that the solution is quite simple.

The onus was placed on the local community to make a considered offer to purchase. Further that option should not be open ended and should take place within a reasonably short period of time. Quite clearly David Murray anticipated a further Application if the ultimatum was not met.

In all of the recent Legal Judgments the Judicial bodies have given great weight to the Planning Inspectors Decisions.

We firmly believe that any Judge would be concerned maybe annoyed that the LPA had not followed the Inspectors solution.

If your Council is minded to ignore the Inspectors directive then obviously we will have to consider another legal option.

Kind Regards

Geoff Noquet

From: Amy Sedman

Sent: 30 August 2018 19:41

To: geoff noquet

Cc: Heather Nesbitt; Jim Newton; Adrian Colwell; Nigel Bell; Paul Seckington; Yvonne Rees; David Morren

Subject: RE: The Pheasant Pluckers Inn, Planning Application.

Dear Mr Noquet,

Further to my email below, sent yesterday, advising you that a full response would be sent by the end of the week. I am writing to update you that the full response with a final decision will now be with you by Monday, this is due to annual leave commitments of Senior Officers who need to review and sign off the final decision.

I apologise for the delay.

Kind regards

Amy Sedman

Enforcement Team Leader (Cherwell)

Cherwell District Council & South Northamptonshire Council

Direct Dial: 01295 221564

amy.sedman@cherwellandsouthnorthants.gov.uk

www.cherwell.gov.uk

www.southnorthamts.gov.uk

Find us on Facebook www.facebook.com/cherwelldistrictcouncil or

www.facebook.com/southnorthantscouncil

Follow us on Twitter @Cherwellcouncil or @SNorthantsCouncil

Please note, I do not work on Fridays.

From: Amy Sedman

Sent: 29 August 2018 11:21

To: geoff noquet

Cc: Heather Nesbitt; Jim Newton; Adrian Colwell; Nigel Bell; Paul Seckington; Yvonne Rees; David Morren

Subject: RE: The Pheasant Pluckers Inn, Planning Application.

Dear Mr Noquet,

Thank you for your email. I did advise your wife on the telephone that I would be reviewing the planning history of the site and bringing myself up to speed, I am currently in the process doing this. I also advised that I did not know the full history and therefore could not comment on why the previous two applications were allowed to be determined and that I would be reviewing the case history to make a decision on whether we would be accepting the most recent planning application. As I advised your wife, I need to discuss the case with legal before making a final decision. I am due to meet them shortly. I will provide a full response, with a decision, by the end of this week.

Kind regards

Amy Sedman

Enforcement Team Leader (Cherwell)

Cherwell District Council & South Northamptonshire Council

Direct Dial: 01295 221564

amy.sedman@cherwellandsouthnorthants.gov.uk

www.cherwell.gov.uk

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www.facebook.com/southnorthantscouncil

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Please note, I do not work on Fridays.

From: geoff noquet

Sent: 29 August 2018 09:48

To: Amy Sedman

Subject: The Pheasant Pluckers Inn, Planning Application.

Dear Ms Sedman,

Without Prejudice

We refer to your telephone conversation of last week with Jacqueline.

During that conversation you told Jacqueline, in words to the affect, that you were viewing our new Application and the history of the site as if from a helicopter. You also said that the 2 previous Applications should not have been processed by Cherwell District Council.

Further you said in essence that it was your position that our new Application should not be Determined using the LPA's powers of Discretion.

We respectfully point out the following facts for your consideration before your Council makes any hasty or wrong decision in regard to our new Application:

JUDGEMENT

Councils have had the power, in their discretion, to refuse to register a repeat planning application where a similar proposal has previously been refused planning permission either by itself or on appeal. A recent High Court case has produced useful guidance on the proper approach by councils to this situation.

In 2010, Richmond upon Thames Council issued an enforcement notice against a two-storey houseboat that was kept at Phoenix Wharf. His appeal was refused on its planning merits as the Inspector determined it would harm the character and appearance of the conservation area. He then obtained a report from the Heritage Collective which supported his second application for planning permission. The council refused to register the application because it was the same or similar to the proposal that had been refused on appeal.

The judge ruled that the proposal was the same as the one that had been refused permission previously, but that the council had wrongly exercised its discretion to refuse to entertain the application. Guidance had been set out in Circular 08/2005 that the reason why this discretion had been given to councils was "only where they believe that the applicant is trying to wear down opposition by submitting repeated applications. If an application has been revised in a genuine attempt to take account of objections to an earlier proposal, the local planning authority should determine it."

The council's decision was therefore perverse, and the claimant's costs were awarded in full.

In our submission our Application 17/01981/F was revised in a genuine attempt to take account of objections to an earlier proposal and therefore the local planning authority should have determined it. The revisions included the reinstatement of the property to that of a public house as accepted by Inspectors Haley Butcher and David Murray who both found the premises was open as a public house albeit for limited hours. Furthermore the Pub had been on the Market for 2 years and there had been no offers from any individual, pub company or community interest group to acquire the business. Regardless of whether you believe the Application should not have been Determined by your Council, clearly it was and therefore we respectfully submit that the LPA is bound by David Murray's Decision and his clear anticipation of a further Application by ourselves if his ultimatum to the local community was not met.

In addition this new Application contains evidence of a revision of a clear and genuine attempt by ourselves to overcome the Inspector's concerns and complied with his directive to enable the Local Community to make a considered offer to acquire the public house.

For all of the above reasons we respectfully request that the LPA uses it's powers of discretion and Determines this new Application.

Kind Regards

Geoff Noquet

From: geoff noquet
Sent: 30 August 2018 22:56
To: Amy Sedman
Subject: Re: The Pheasant Pluckers Inn, Planning Application.

Dear Ms Sedman,

Thank you for your email.

Possibly you and your colleagues may have already decided to reject our new Application and are waiting for Senior Officers to sign off on that decision. Hopefully that is not the case and you have decided to accept our Application.

Regardless of either possibility we feel that it is important for us to make some further observations and comments in regard to previous Judicial Judgments before your Council makes their final and right decision.

The Judgments that we have researched all relate to structures that have been built and the Appellants/Claimants are desperately attempting to stave off demolition. Therefore the act 70 serves the purpose of denying many bites of the cherry to delay the process.

Many, if not all, of the few Case Law Precedents are in regard to Retrospective Applications, our New Application is clearly not.

We are no longer in breach of any Enforcement Notice and therefore it cannot be seen that we are attempting to delay any further Enforcement Actions because we are now in compliance. If your Council is intent on progressing any further Enforcement Action against ourselves then our defense is obviously the Inspectors Decision Letter.

David Murray (Planning Inspector) has reviewed all of the history of the site and has now decided that the solution is quite simple.

The onus was placed on the local community to make a considered offer to purchase. Further that option should not be open ended and should take place within a reasonably short period of time. Quite clearly David Murray anticipated a further Application if the ultimatum was not met.

In all of the recent Legal Judgments the Judicial bodies have given great weight to the Planning Inspectors Decisions.

We firmly believe that any Judge would be concerned maybe annoyed that the LPA had not followed the Inspectors solution.

If your Council is minded to ignore the Inspectors directive then obviously we will have to consider another legal option.

Kind Regards

Geoff Noquet

From: Amy Sedman

Sent: 30 August 2018 19:41

To: geoff noquet

Cc: Heather Nesbitt; Jim Newton; Adrian Colwell; Nigel Bell; Paul Seckington; Yvonne Rees; David Morren

Subject: RE: The Pheasant Pluckers Inn, Planning Application.

Dear Mr Noquet,

Further to my email below, sent yesterday, advising you that a full response would be sent by the end of the week. I am writing to update you that the full response with a final decision will now be with you by Monday, this is due to annual leave commitments of Senior Officers who need to review and sign off the final decision.

I apologise for the delay.

Kind regards

Amy Sedman

Enforcement Team Leader (Cherwell)

Cherwell District Council & South Northamptonshire Council

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From: Amy Sedman

Sent: 29 August 2018 11:21

To: geoff noquet

Cc: Heather Nesbitt; Jim Newton; Adrian Colwell; Nigel Bell; Paul Seckington; Yvonne Rees; David Morren

Subject: RE: The Pheasant Pluckers Inn, Planning Application.

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Kind regards

Amy Sedman

Enforcement Team Leader (Cherwell)

Cherwell District Council & South Northamptonshire Council

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Sent: 29 August 2018 09:48

To: Amy Sedman

Subject: The Pheasant Pluckers Inn, Planning Application.

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Kind Regards

Geoff Noquet

From: geoff noquet
Sent: 02 September 2018 22:28
To: Amy Sedman
Subject: The Pheasant Pluckers Inn

Dear Ms Sedman,

The Government Guidance on Planning Decisions is outlined below. Whilst obviously it applies to Committee Members we believe that the LPA should be aware of the implications of its directive:

At the point of making a decision, Planning Officers must carefully consider all of the evidence that is put before them and be prepared to modify or change their initial view in light of the arguments and evidence presented. Then they must make their final decision with an open mind based on the evidence.

A distinction can be drawn between pre-determination and pre-disposition. Members must not have a closed mind when they make a decision, as decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.

We have provided you with robust evidence of the Inspectors directive and his ultimatum to the Local Community that obviously anticipated a further application by ourselves if his solution was not acted upon. If your Council is not minded to accept the Inspectors Lawful Decision then we will obviously challenge your rejection to our application in Court..

Kind Regards

Geoff Noquet

From: geoff noquet
Sent: 24 August 2018 09:54
To: Amy Sedman; Yvonne Rees; Jim Newton
Subject: Fwd: The proper grounds for refusing to consider a repeat planning application — Graham Gover Solicitor

Sent from my iPhone

Begin forwarded message:

From: Jackie Noquet
Date: 23 August 2018 at 18:06:46 BST
To: Geoff
Subject: **The proper grounds for refusing to consider a repeat planning application — Graham Gover Solicitor**

<http://grahamgover.co.uk/news/2013/6/30/the-proper-grounds-for-refusing-to-consider-a-repeat-planning-application>

The proper grounds for refusing to consider a repeat planning application

[Graham Gover](#) June 30, 2013

Councils have had the power, in their discretion, to refuse to register a repeat planning application where a similar proposal has previously been refused planning permission either by itself or on appeal. A recent High Court case has produced useful guidance on the proper approach by councils to this situation.

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discretion to refuse to entertain the application. Guidance had been set out in Circular 08/2005 that the reason why this discretion had been given to councils was "only where they believe that the applicant is trying to wear down opposition by submitting repeated applications. If an application has been revised in a genuine attempt to take account of objections to an earlier proposal, the local planning authority should determine it." The council's decision was therefore perverse, and the claimant's costs were awarded in full.

From: geoff noquet
Sent: 29 August 2018 08:59
To: amy.sedman@cherwellandsouthants.gov.uk
Subject: FW: Local Planning Authority decision to decline to determine a planning application under section 70C Town and Country Planning Act 1990 quashed | News | Landmark Chambers | Barristers Chambers London

Dear Ms Sedman,

Please find the attached Judicial Decision for further consideration .

Kind Regards

Geoff Noquet

From: Jackie Noquet
Sent: 23 August 2018 17:03
To: Geoff
Subject: Local Planning Authority decision to decline to determine a planning application under section 70C Town and Country Planning Act 1990 quashed | News | Landmark Chambers | Barristers Chambers London

<http://www.landmarkchambers.co.uk/news.aspx?id=4463>

Local Planning Authority decision to decline to determine a planning application under section 70C Town and Country Planning Act 1990 quashed | News | Landmark Chambers | Barristers Chambers London

Local Planning Authority decision to decline to determine a planning application under section 70C Town and Country Planning Act 1990 quashed

DATE: 10 Nov 2016

On 8 November 2016 Mr Justice Hickinbottom allowed an application for judicial review of a Local Planning Authority's decision to decline to determine an application for retrospective planning permission.

The Court held that the LPA, in following the recommendation of its Planning Officer, had acted unlawfully in misconstruing the intention of an Inspector, who had allowed an appeal against enforcement under Ground G so as to extend time for a revised application to be submitted. The decision of the Inspector, when viewed as a whole, anticipated a re-submitted application for retrospective planning permission, which was complete and capable of validation. The LPA had erred in exercising its discretion under Section 70C on the basis the Inspector had required an application for a different development.

[Click here](#) for the judgment.

Rota Seventeen De Vere Gardens (Management) Limited v Royal Borough of Kensington and Chelsea. [Christopher Jacobs](#) acted for the successful claimant.