

APP/C3105/W/18/3216818

Appellants Rebuttal Statement to third party objections:

1.1

There are just 4 family objections to our Appeal from people living in the Sibfords (The Local Community) those being messers Butt, Hopkins, Dyer and Haynes this represents 0.4% of the adult population. In real terms 99.6% of the local community have no objection to our proposal.

1.2

There are another 3 objections from families that live outside the local community those being messers Taylor, Platt and Boughton.

1.3

There is an objection from Mr H Pidgeon (Chairman of Sibford Gower Parish Council) who is obviously annoyed that we have had the audacity to complain about his previous actions. Mr Pidgeon met with both Planning and Enforcement Officers during the ACV Interim Moratorium Period with the clear intention to persuade them to progress Enforcement/Eviction Action against our family. In our opinion he has abused his new position as Chairman to further his own personal agenda and did not declare his clear conflict of interest when he met with those Officers.

Having questioned Mr Pidgeon's actions and following a complaint against him we received a response from Adele Taylor (Senior Cherwell Council Officer)

I can confirm that officers are not aware of any personal interest or personal agenda of Mr Pidgeon, officers have not been informed of such an interest or agenda by the Councillor or by others.

1.4

Mr Pidgeon has seen fit to respond to our complaint and has produced some of the correspondence between himself and the ACV Officers. He refers to a telephone conversation he had with Kevin Larner (Senior ACV Officer). We have the reply letter from Kevin Larner wherein he informs Mr Pidgeon that the alleged telephone conversation did not take place. Quite clearly Mr Pidgeon is prepared to make false claims in his attempts to discredit ourselves. Regardless of this we believe that because Mr Pidgeon is obviously determined to see our family Evicted that we have every right to defend our position and have produced evidence that questions his integrity and honesty. Mr Pidgeon claims to be 1 of the many supporters of the Bishop Blaze Support Group and yet has not produced a shred of evidence that substantiates the existence of this Group.

continued

2.

1.5

In regard to Mr Butt's claim to be the coordinator of the Bishop Blaize Support Group (BBSG). We have repeatedly challenged the authenticity of this Group and have produced the response from Cherwell Council's Adele Taylor of which follows:

You queried whether a local community support group actually existed and whether the Council had checked this was the case.

I have spoken with the relevant officers and they have confirmed that no confirmation has been sought of the status of the Bishop Blaize Support Group. I can advise that responses on behalf of this group have been received during most applications at the site. Membership has never been substantiated, although again this would not be standard practice to do so. Officers advise that the group has not been given much weight during the consideration of applications, acknowledging that their comments usually replicate those of Mr Butt and usually come from his email address.

1.6

We dispute the last paragraph of Adele Taylor's response for the reason that the LPA have previously and currently relied heavily on the submissions from Mr Butt in particular his alleged offers for our property. The Case Officer in his recommendation to the Planning Committee comments on the fact that we had not responded to Mr Butt's offers and therefore Bob Neville has clearly given weight to Mr Butt's statements.

1.7

It can also be seen that the LPA have accepted much of Mr Butt's evidence in regard to our previous planning applications and in many instances have replicated almost to the letter his own objections and the content therein. We believe that the LPA and previous Inspectors have been misled by Mr Butt and that is now time for the LPA to accept that possibility. We believe that the new Inspector is entitled to request proof from Mr Butt that he has the 544 members in his alleged Support Group and if forthcoming that proof should be made available for our own scrutiny.

continued

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2.

The 2 Sibford Parish Councils have objected without any Local Community support to justify their representations. We produce evidence of the various Parish Council Meetings as follows:

On 9th May 2019 we attended the Joint Sibford Ferris and Sibford Gower Parish Councils Meeting. At that meeting there were representatives promoting their various activities and Special Action Groups: Agenda Attached. Nowhere was there any reference to a Local Community that were interested in acquiring the Public House (ACV).

2.1

On 21st May 2019 we attended the Sibford Gower Parish Council Annual Meeting. Agenda Attached. We sat through the entire Meeting which lasted nearly 2 hours.

Representations were made by 4 Local Community Special Action Groups:

1. The Special Action Group formed to oppose the Housing Development on the Hook Norton Road gave an update to the Parish Councillors.
2. The Special Action Group for Highway Safety also reported to the Parish Council.
3. The Village Pond Special Action Group was represented and gave a lengthy presentation of their proposed restoration programme.
4. There was also a proposal to set up a new Special Action Group dedicated to providing a Children's Play Area.

There were no representations from anyone in regard to the Bishop Blaze/Pheasant Pluckers Inn or from any Special Action or Support Group (BBSG).

2.2

On the 17th June 2019 we attended a meeting held by Sibford Gower Parish Council (SGPC) and declared our intention to record the representations and comments in regard to our pending Appeal. Transcript Available

There were 10 members of the public in attendance apart from ourselves, 5 of whom were there to speak in regard to their own Planning Applications also Mr Butt and 4 other local residents.

Jacqueline Noquet was given the opportunity to address the SGPC Committee Members and voiced her concerns as follows:

In essence Jacqueline asked the members on what basis they were making their decisions to object to our Planning Appeal, was it based on their own personal reasons or was there any local community support to justify their position? She also questioned why there was no historical or recent evidence of a Steering Group that demonstrated that there was any real intention to purchase our property?

continued

4.

2.2

Parish Councillor Allen responded by referring to the Bishop Blaze Support Group (BBSG) without having any proper knowledge or evidence that this body actually existed.

Mr Butt the self proclaimed Co-ordinator of the BBSG made no representations.

Therefore both of the Sibford Parish Councils Objections are not supported by the Local Community, cannot be substantiated and are completely without merit.

3.

Bob Neville (Case Officers) Additional Information supplied to Committee:

Additional emails received from the applicant relating to the following matters (copies can be viewed in full on the Council's website, via the online Planning Register):

Copies of correspondence undertaken at the time of submission of the application with regard to the initial question as to whether the application should be accepted by the Council. Concerns raised by the applicant with regards to the Council's actions both prior and during the application; with regards to meetings that had occurred with Mr Hugh Pidgeon of the Parish Council in relation to potential enforcement issues and not entertaining new applications and further with regards to information not being published on the Council's website.

Confirmation of details of the agent who advised the applicant with regards to the potential disposal of the property and the advice given. This included a pricing recommendation by the agent which was considered should be £375,000 taking into account a 'B&M' value of £350,000 and a goodwill value of £25,000 in relation to the holiday let cottage and shepherds hut. Further concerns expressed by the agent with regards to the ability to sell a pub which had an Asset of Community Value nomination to any private buyer. The applicant further indicated that he was aware that he had the option to appeal non-determination prior to planning committee issuing a decision, and that this might be a route that he would take.

Officer comment The additional comments made on behalf of the applicant are not considered to raise any further relevant planning issues above those originally covered in the officer's report. However, it is noticeable that no 'Goodwill' value is attached with regards to the public house as a business, and it is unlikely that any such sum could be attached given the current lack of business operation.

3.1. Appellants Comments and Rebuttal:

The above document was submitted by the Case Officer to Cherwell Councils Planning Committee prior to their meeting on 22nd November 2018. It should be noted that it does not appear on the Councils website or within the documents supplied to PINS.

continued

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3.2

Mr Neville has not addressed the concerns raised by ourselves in regard to the Councils actions whereby the LPA ignored David Murray's (Inspector) directive to the Local Community to make a considered offer within a reasonable period of time that should not be open ended.

3.3

In our opinion the LPA should had advised the Local Community to comply with the Inspectors Directive and submit a written request to be considered as potential buyers. The ACV Disposal Procedure is quite clear; it requires any Interested Party to make a written request to 'trigger their right to bid'.

Instead of giving proper advice the LPA told Mr Pidgeon in effect that we would not be allowed to make any further COU Applications and that they were taking Enforcement Action against our family. In essence the LPA's comments to Mr Pidgeon were in contempt of David Murrays Decision Letter in which contained a very detailed instruction to the Local Community. Regardless of this we do not believe that there is any Local Community Group interested in acquiring the ACV and that is why there was no written request to be considered as buyers.

3.4

The Additional Information Document is clear evidence that we had instructed Joshua O'Sullivan from Christies to act for us in the ACV Disposal Process. The omission of this proof is somewhat disturbing because it adds immense weight to our statement that our true intention was to allow the Local Community an opportunity to acquire the property (ACV).

3.5

The Case Officer (Bob Neville) commented on the Valuation of our Public House and states

'It is noted that the valuation figure of the property reached by Christies representative is similar to the valuation suggested by Bruton Knowles (£376,740) in their assessment of viability during the previous application 17/01981/F.'

It cannot be argued that the Local Community including Mr H Pidgeon did not have any idea or indication of the Sale Price. We accepted the advice from Joshua O'Sullivan and anyone who submitted a written request for the Sales Details would have been given our agents details and advised to acquire their own Independent Chartered Surveyors BM Valuation.

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6.

As a point of note, In an article published by the Morning Advertiser on 21st June 2019, according to a Fleurets survey of Pub Prices of 2018 from 2008 found that the average price of a Freehold Public House had risen by 18% and is now circa £475k.

3.6

In the Case Officers Statement he refers to the previous decisions made by Inspectors Sara Morgan and Jane Miles and in essence he states that nothing has changed since that time. We disagree and refer to Inspector David Murray's most recent Decision on 4th July 2018 whereby he has considered all of the previous and current evidence and expressed his concerns as follows:

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.

3.7

The Case Officer relies on previous Decisions that have now been superseded by David Murray's up to date Decision. The new chapter in this process is now reliant on what David Murray determined should happen. With full respect to the new Inspector he/she must decide on the importance of what David Murray determined should happen.

continued

7.

4. Conclusions:

Mr Butt has previously claimed, as the Coordinator of the BBSG, that he represents 544 members and yet there are only 4 local community family objections.

Mr Butt has subjected our family to a decade of fabricated objections and support from a likely fictional body that the LPA have subscribed to and relied upon without questioning the authenticity of any group. The LPA should be embarrassed and ashamed of their complicity in Mr Butt's long-term attacks on our family purely because they have accepted much of Mr Butt's claims without questioning the credibility of his assertions.

4.1

Our evidence demonstrates that there is little if any Local Community support for the retention of our public house. The 2 Parish Councils have objected without any Local Community support. In particular the SGPC have objected led by the Chairman Mr Pidgeon who states:

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.

4.2

At no point has the Case Officer acknowledged the existence of the other facilities in the village those being The Wykham Arms, The Village Hall and the Village Shop which fulfil 'the basic day to day needs' of the Local Community. Furthermore the LPA did their utmost to reject our Application and finally relented when their Barrister advised them that our proposal was both credible and valid. They had meetings with Mr Pidgeon during the Interim Moratorium Period which clearly demonstrates their failure to accept the importance of David Murray's Decision and Directive.

4.3

Final Conclusion

The LPA failed to Determine our Application within the given timeframe and have no justifiable reason to recommend refusal. They have not addressed the main issue that being why did the Local Community not 'trigger their right to bid'?

For all of the above reasons we respectfully ask the Inspector to allow our appeal.

Signed: Mr Geoffrey Richard Noquet Mrs Jacqueline Eileen Noquet

Dated: 30th June 2019