

BLAZE-INN SADDLES
BISHOPS END
STREET THROUGH BURDROP
SIBFORD GOWER
OXFORDSHIRE
OX15 5 RQ

PLANNING APPEAL: 21/04166/F

We make this Appeal against Cherwell District Councils Decision to Refuse our Planning Application based on the following Grounds.

Grounds of Appeal and Full Statement of Case:

- 1.1 The Case Officer failed to communicate with ourselves for 9 weeks and could have easily resolved the issue or possibility of 2 buildings by way of a condition.
- 1.2 The LPA failed to deal with the application within their given time-frame.
- 1.3 The LPA published Incorrect details in regard to the date of the consultation period.
- 1.4 The Conservation Officers Report was 3 weeks late and contained little valid substance.
- 1.5 The identified and existing lawful parking on the grass verge should not have been used to bolster the reasons for refusal, it is not part of our application or proposal.
- 1.6 The Case Officers Report was, in our view, compiled and likely completed before he finally contacted us on the 17th February 2022. We believe that our proposal was pre-determined regardless of any submissions by us or indeed the Conservation Officer.
- 1.7 The LPA published offensive, false and untruthful Third-Party Comments
- 1.8 The LPA failed to acknowledge or publish our Additional Statements and Rebuttals.
- 1.9 The Proposed Building Frontage has lesser impact on the Street Scene, the design is very similar to what PINS Inspector Hayley Butcher found to be acceptable.
- 1.10 The LPA failed to consider the fact that both Parish Councils indirectly supported the proposal.
- 1.11 Policy: Pub Diversification, the LPA failed to properly consider the benefits of our proposal to both ourselves and the employment potential for the local community.
- 1.12 Policy: Tourism, the LPA failed to properly consider the benefits of increased Tourism to the area and businesses in the Sibfords, The Wykham Arms and the Village Shop.

continued

2.

Statement of Case:

2.1 We firmly believe that the LPA should have either rejected our application based on our Description or alternatively accepted that our proposal was clearly a Trade-Off for the building that was previously permitted. Furthermore, it seems that the LPA was content to allow the application to progress with that 2-buildings issue in place so that they had stronger grounds on which to Refuse the Application. Our Description was very clear, the proposal was intended to replace what was previously granted and the LPA has unreasonably used a Technicality as a justification to Refuse our application. We had no intentions to build 2 structures and the LPA surely knew that and if they had any concerns then they could have easily been resolved with either an Undertaking by ourselves or a Condition. We believe their failure to communicate was intentional and that our treatment from the LPA is utterly unacceptable.

With the matter of only 1 Structure being required and resolved, then clearly the reduced impact on the Street Scene would have been acceptable also taking into account the improved and wider views across the Sibford Gap.

The Case Officer (Wayne Campbell) contacted us by email on the 17th February 2022, 6 days after the Decision Deadline, when he requested an extension of 1 working day so that he could consider all of the submissions before reaching a Decision. It is difficult for us not to believe that Wayne Campbell's Report of 13 pages was already drafted and that the LPA had also predetermined our application beforehand regardless of any other factors. Furthermore, we are concerned that there was no attempt by the LPA to liaise with ourselves and believe that if they had done so, we could have reached a mutually acceptable outcome. Appendices 1.a email from Wayne Campbell

2.2

The Target Decision Date was 11/02/2022 and the LPA did not contact us until 17/02/2022. Appendices 2.a Registration Letter

2.3

The LPA published an incorrect Comments Due Date of 17/02/2022. Appendices 3.a Website

2.4

The Consultation Date for the Conservation Officer was published as being 25/01/2022 and their Report was not published until the 17/02/2022, this gave little, if any, time in which to adequately respond to their objections. Nevertheless, in our view, their concerns carried little weight and we emailed Wayne Campbell with our Rebuttal to their objections of which he decided not to publish.

Appendices 4.a. website

At point 2.2 in The Case Officers Report, he incorrectly states that the proposal is for a 2 storey building, the Application is for only 1 Single Storey Structure albeit with rooms within the attic space.

The Street Scene would be enhanced by the reduced frontage and wider views across the Sibford Gap. The proposed building footprint is marginally bigger and the design is sympathetic and in keeping with the character of other buildings in the immediate area and location. The proposal is not overly domestic because it has no garden and all activity will be conducted from within the confines of our car-park and consequently screened from the street scene. It is not unusual for rural public houses to have separate buildings within their grounds that provide letting facilities.

continued

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2.5

We identified the optional parking on the grass verge purely to demonstrate that there are other spaces close to our site, it is not on our land and therefore is not part of our planning application or proposal. Parking on the grass verge is on the Highway and has been historically and lawfully allowed for decades, it is simply absurd to use this as a legitimate reason to refuse the proposal.

2.6

It is very difficult for ourselves to accept that the Case Officer drafted his 13-page Report in only 1 working day and if he did then we apologise profusely for doubting him. However, we do have good reasons to have concerns about the impartiality of the LPA and their behaviour towards us. This is evidenced in the supplied documents Appendices 6.a. Official Complaint

2.7

It seems that the LPA believe that we are Fair-Game whenever we make a Planning Application. They readily publish any and all of the Bogus, Offensive, Untruthful, Spiteful and potentially libellous comments from Third-Parties. Any application by us Triggers Open-Season on our family. We are requesting a Public Inquiry so that we are allowed to question the credibility of certain Third-Party Objections on a Public Forum, in particular the self-appointed Co-Ordinator of the Bishop Blaze Support Group. Appendices 7.a Third-Party comments Website

2.8

Our Rebuttals to some of these outrageous Third-Party comments have been treated with complete contempt by the LPA and have been either heavily Redacted or Rejected without any acknowledgement of receipt from their Officers. The LPA censorship of our submissions and the allowance of unfiltered third-party comments demonstrates a clear prejudice against us by Cherwell Councils Officers and that must be investigated. Appendices 8.a Rebuttals

2.9

Our supplied Street Scene Sketch clearly shows that the frontage of the proposed new building will have a much-reduced impact on the public view to that of the previously permitted structure. It replicates the same design to that of the building allowed by PINS Inspector Hayley Butcher albeit in a different position. The rear of the building will only be seen from within our car-park and all activities confined to that space and will therefore not impinge on views to the public. Furthermore, our submitted Block Plan Street View and Photographic Options depicts a much-increased view for the local community, enabling far better opportunities to experience the views across Sibford Gap and countryside beyond.

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2.10

The Case Officers Report highlighted all of the negative comments yet failed to identify or mention the indirect supportive submissions from the Sibford Parish Councils.

2.11

The LPA has a clear remit and Policy to Support Rural Businesses in particular Public Houses. In our submission, the LPA has completely ignored the importance of the Proposal and the intention to provide more Sustainable Income Support derived from Diversification of increased Holiday Letting Accommodation. We have proposed a valid scheme that will improve the Pubs viability significantly and the LPA have used a Technicality to wash-out the benefits of the Application.

Local Planning Authorities are supposed to support schemes that will assist in the long-term viability of Public Houses and should not fabricate reasons to Refuse them.

In our view, the Benefits of the proposal with additional income to our business, potential for local employment and financial contribution to the other village businesses far outweighs any harm caused, in essence, by moving a structure that is already Allowed.

2.12

Tourism: Many Local Planning Authorities including Cherwell have robust Planning Policies to Promote and Support Schemes that will bring increased Tourism to Rural Areas. Again, it seems that this LPA does not believe that we should be given any Support with our clear plans to increase visitors to this fairly remote location. The proposal would provide increased income to ourselves, The Village Shop and The Wykham Arms and those clear benefits significantly outweigh any possible harm to the immediate location.

3.1 The 2 Reasons given by the LPA to Refuse our application are flawed based on the following Grounds:

1. The Application is for only 1 Single Storey Structure in the Pub Car-Park. The Street Scene would be enhanced by the reduced frontage and wider views across the Sibford Gap. The proposed building is marginally bigger and the design is sympathetic and in keeping with the character of other buildings in the immediate area and location. The proposal is not overly domestic because it has no garden and all activity will be conducted from within the confines of our pubs car-park and consequently screened from the street scene. It is not unusual for public houses to have separate buildings within their grounds that provide letting facilities.
2. Parking on the grass verge is on the Highway and has been historically and lawfully allowed for decades, it is simply absurd to use this as a legitimate reason to refuse the proposal. We identified the optional parking purely to demonstrate that there are other spaces close to our site, it is not on our land and therefore is not part of our planning application or proposal.

Continued

4.1

Conclusions:

We believe that we have been harshly and unreasonably treated by Cherwell District Councils Planning Department. We have paid a Fee of £462 which has resulted in what we feel is in affect a Hatchet-Job on our Application. There was no communication from the Case Officer until 6 days after the Target Determination Date and that fact does not reflect what the LPA states in their protocols:

CHERWELL COUNCILS PLANNING PROTOCOLS:

PURPOSE OF THIS PROTOCOL

The purpose of this Protocol is to provide clarity and consistency regarding how and when Cherwell District Council will negotiate on submitted planning applications. This is important in order to manage expectations of what can be negotiated during a planning application, to guide the efficient and timely processing of applications, to provide certainty and reliability in decision-making, and to promote the value of effective and meaningful pre-application discussions.

The role of negotiations

The ability to negotiate amendments, clarify issues and provide additional information during the course of a planning application is an important part of the planning process and can contribute to delivering sustainable, high-quality development. This is recognised by Paragraph 38 of the NPPF which states that: Local planning authorities should approach decisions on proposed development in a positive and creative way...decision-makers at every level should seek to approve applications for sustainable development where possible.

4.2

Conclusions:

We have submitted what we believe is a well thought-out, sustainable and valid scheme that fulfils both our requirements and benefits the local community. The proposal is more Environmentally Friendly, Promotes Tourism to the area and will benefit and assist in the long-term viability of a rural public house, all being within the Policies and aims of the LPA. Not only have the LPA completely disregarded the Benefits of the proposal they have also ignored the indirect support of the building from both Sibford Parish Councils.

4.3

Over many years Mr R Butt has persuaded both Parish Councils, Cherwell District Council and several PINS Inspectors that he represents a Support Group of over 500 members. We do not believe Mr Butt and have challenged his Bogus claims many times and the LPA have ignored us. We are not prepared to be subjected to anymore of Butt's malicious falsehoods and personal attacks and therefore to finally put an end to his serial dishonesty we need to demonstrate his deceit by way of a Public Inquiry. Appendices 9.a ACV Re-list

continued

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4.4

More concerningly, the LPA have allowed and published offensive and dishonest third-party comments on their Public Website and we find that insensitive and utterly inexcusable and that is our main reason for requesting a Public Inquiry. The Inquiry will allow us to question and challenge some of the more serious aspects in regard to the third-party submissions some of which we know are Malicious Falsehoods. Hopefully the outcome of the Inspectors Decision will include their opinion on how LPA's should treat objections from possibly bogus Groups and whether they should be vetted and verified by Local Authorities before being allowed to comment on a public forum.

5.1

Final Conclusions:

It is quite wrong that whenever we submit a Planning Application that we are subjected to an onslaught of hateful and hurtful comments that are harmful to our families mental and physical wellbeing. The LPA Guidelines to Objectors are quite specific, they should only address Planning Matters and must not contain personal or offensive comments.

Importantly, if bogus Groups are given a Public Platform without being properly vetted then that might unfairly convince, influence and sway Council Planning Officers when making Decisions.

It is not difficult to request proof by email from anyone purporting to be the Co-Ordinator of a Pub Support Group with over 500 members that has opposed every Planning Proposal that has been made to improve the sustainability and long-term future of the very same Pub.

The LPA should and could very easily protect planning applicants by way of a very simple Document Requiring Details of Members of any Group that must be completed by Third-Party Objection Groups before they are accepted by the Planning Department.

5.2

I believe that our supporting evidence demonstrates beyond any doubt that our Planning Application has been dealt with very unprofessionally and with complete disregard to our mental and physical wellbeing and that is completely unacceptable in this modern age. Regardless of the way in which our application was handled, the proposal was very robust and complied with LPA Planning Policies and the overall benefits far outweighed any harm to the local community or to the immediate location.

Costs:

We will be asking the Inspector to award ourselves costs for what we believe to be an unnecessary Appeal.

For all of the above reasons we respectfully ask that this Appeal is Allowed.

Signed: Geoffrey Richard Noquet

Dated:28/03/2022