

Appeal Ref: APP/C3105/W/23/3321715

Appellants Rebuttal to the LPA Statement of Case:

Planning History:

There are 2 very valid reasons for the number of applications that we have submitted, firstly the 17-year Village Boycott as proven in our third-party evidence. Secondly the Enforcement and Eviction Actions instigated by the Council caused us to make other applications. It would seem that Cherwell District Council condone what we believe is a form of mass bullying and continue to ignore what is happening to our family and the harming affect it has had on our business and wellbeing, they have never apologised for making us homeless for 2 years! At point 1.7 the case officer should have said that the Enforcement Officer is no longer employed by the Council.

The Wykham Arms:

Yet again the LPA have not considered the predicament of the Wykham Arms and the real possibility that the Sibfords could find themselves without any public house in the village. We have outlined our current contribution to the Wykham and believe that our new proposal and potential income from our visitors to them would pay their rent and give them a real prospect of long-term viability.

Lack of any Supporting Evidence:

At point 1.17 The LPA have not accepted that our pub is not viable simply because we have not carried out a marketing exercise or provided trading figures. We have stated that our pub business is not viable if reliant on local trade and the LPA have not countered that fact with any of their own supporting evidence. We have no intention of selling our property and consequently have no reason to provide marketing details.

ACV:

In our view the LPA have not properly considered the immense weight of PINS Inspector David Murray's Decision Letter dated 4th July 2018 when he stated the following:

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.

Our pub is no longer designated as an Asset of Community Value and clearly it follows that it does not further the social wellbeing or welfare of the local community.

Furthermore, the village have had every opportunity to instigate their 'right to bid' and have never made any meaningful attempts to acquire the property, and therefore have failed to demonstrate that the pub can be viable in the long term, as advised by David Murray.

The Application:

The application is to change the legal use of the building from Suis Generis (formerly A4) to that of C1. It was not an application to site Shepherd Huts, that will possibly come later if our proposal is allowed, therefore there was no requirement to provide details of positions or drawings of any new mobile accommodation facilities. In regard to the 3 new rooms previously allowed on appeal, the LPA have all of those plans, drawings and other relevant documents on their files. We believe that the LPA's constant claim of lack of information does not carry any weight because they have never asked for floor plans on any other previous change of use applications. Furthermore, there is no intention, at this stage, to provide rooms or facilities within the main building and the Case Officer would have known that by reading our Statement. Regardless of this we would have been more than happy to provide the case officer with any information that she required to fully understand the application if she had indeed bothered to make any such request.

The Application was Valid:

The LPA repeatedly state that the application was not valid when PINS clearly disagree and we are most grateful that they have allowed ourselves to progress this appeal. The LPA's stance was wrong and they did not follow their own protocols or Government Guidance and they have yet to explain why that did not happen? To constantly claim that they did not have enough information was purely their own fault and cannot be blamed on ourselves, our chronology of evidence demonstrates beyond any reasonable doubt that the LPA chose to ignore our emails asking if they required any other information.

Conclusions:

The LPA have made a statement that is completely baseless and unreasonable, they have had every opportunity to acquire more information from us if they had really wanted or needed it. The Shepherds Huts are irrelevant at this stage added to the fact that they are mobile and can be positioned anywhere and arguably do not require planning permissions. So, what real objections do they have to this proposal to bring more tourism to the location and will undoubtedly give significant support to the vulnerable Wykham Arms? The LPA have not justified or provided any real evidence in support of their objection and to the contrary have failed to act in line with their own protocols.

continued

3.

Third Party Rebuttals:

In response to some rather dubious and untruthful comments we respond accordingly:

1. We regularly post our opening times on our face book page and our website just like most other businesses.
2. We have always served food during our opening times, without exception, typically from 9.30am until 4.0pm.
3. We have always provided toilet facilities.
4. There is a covered/weather protected area that seats at least 30 customers.
5. Our venue is open to everyone and we have regularly promoted family food deals on the neighbourhood website. Our last post, promoting the live screening of the Lionesses World Cup Final reached 1100 people and not 1 villager turned-up.
6. We point out that the objection from SGPC was not formally discussed or recorded at any official level or publicised meeting, we are both SGPC Councillors and believe that the SGPC submission should be disregarded as it does not conform with the lawful remit and scope of any Parish Council.
7. The submissions from Butt and his Bogus Support Group should be treated as being Malicious Falsehoods. Butt has never provided any hard evidence that he co-ordinates any group and he has mislead the LPA, Parish Councils and PINS Inspectors for far too many years. His view that we did not run the pub in line with the locals wishes should have read 'That we would not serve them drinks after legal licensing hours and would not condone their habitual drinking and driving'.
8. Any confusion in regard to the validity of our application and this subsequent appeal has been created by the LPA and their failure to request more information, not that we believe they needed any, nor did the LPA post the application in its total form.

Conclusions:

In line with our own evidence there are virtually no valid planning reasons to object to our proposal and we believe that most villagers realise that The Wykham Arms needs more support and our scheme will provide that lifeline. Cherwell District Council have decided that our pub is no longer an Asset of Community Value and does not further the social wellbeing or welfare of the local community. Therefore, our proposal will cause no demonstrable harm to the community and we respectfully ask that our appeal is allowed.

Signed: Geoffrey Richard Noquet

Dated: 20th October 2023