



# Appeal Statement of Case

## Site Address:

The Pheasant Pluckers Inn, Burdrop OX15 5RQ

**Prepared for:**  
Mr G Noquet

**Prepared by:**  
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Planning & Architecture

**Date of report:**  
February 2025

This Appeal Statement of Case accompanies the Appeal against Cherwell District Council's refusal of application ref: 24/02664/PIP for Permission in Principle for 3-7 dwellings at The Pheasant Pluckers Inn, Burdrop.

## 1.0 Background

1.1 Application ref: 24/02664/PIP was validated on the 4<sup>th</sup> of October 2024.

1.2 The application was refused on the 8<sup>th</sup> of November 2024 for the following reason:

1. The proposed development constitutes residential development within the built up limits of the settlement. Development of this scale at Burdrop is restricted to minor development, infilling and conversions. The proposed development would not constitute 'infilling' and would result in an urbanising form of development and within an important gap to the character and appearance of Sibford Gower and Burdrop Conservation Area which by reason of its location would adversely impact the rural setting of the village, including designated heritage assets and would result in harm to the rural character and appearance and quality of the area. In addition, the proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future residents would be highly reliant on the private car to meet their day to day needs which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. Further, the proposed 5-7 dwellings would lead to the loss of an existing village service, and no supporting information has been submitted to demonstrate the service is no longer viable or that additional dwellings within the site would not adversely affect the viability of the public house. This identified harm would significantly and demonstrably outweigh the benefits of the proposal, and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole. As such the proposal is contrary to Policies ESD1, ESD13, ESD15, SLE4 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H18, C28, C33 and S29 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1.3 There were no objections to the scheme from Statutory Consultees Sibford Parish Council, Drainage, Environmental Health or Archaeological Services. An objection was raised by the Highways Authority and additional comments were made by members of the local community. (**Appendices 1 & 2**).

## 2.0 Site Assessment

2.1 The appeal site is located at The Pheasant Pluckers Inn (also known as The Blaze Inn Saddles), Street through Burdrop, Burdrop.

2.2 It is located within a Conservation Area. It is not within an Area of Outstanding Natural Beauty (AONB) or the Green Belt.

2.3 There are no listed buildings on the appeal site. There are several Grade II listed buildings in close proximity to the site.

2.4 The appeal site is in Flood Zone 1 (low probability) and is therefore not vulnerable to flooding.

## 3.0 Proposal

3.1 This appeal seeks confirmation that the provision of 3-7 dwellings on this site is acceptable in principle, taking into account policy considerations and other matters affecting the site insofar as the LPA are entitled to consider those matters under an application for PIP.

## 4.0 Compliance with Policy

4.1 The Officer's Delegated Report states that the proposed PIP fails to accord with Policies SLE4, ESD1, ESD13, ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies H18, C28, C29 and C33 of the Cherwell Local Plan 1996.

4.2 The Officer's Report also highlights the figures for the housing land supply in the District. At the time of writing the Council considered the figure to be 5.8 years. However, in their Executive Meeting on the 3<sup>rd</sup> of February 2025 (**Appendix 3**), Cherwell District Council confirmed that they can demonstrate a supply of only 2.3 years.

4.3 The Appellant considers, in light of the Council's inability to demonstrate a 5-year housing land supply, Paragraph 11d of the NPPF is engaged and the tilted balance in favour of sustainable development applies.

4.4 As this is a PIP application and no design details have been submitted, we do not consider Policy ESD1 of the Cherwell Local Plan (2011-2031) Part 1 or Saved Policies CS28, CS29 or CS30 of the Cherwell Local Plan 1996 to be relevant to this proposal.

4.5 Climate Change adaptation as well as layout, design and external appearance and an assessment on the potential loss of an existing village service go beyond the limited scope of the PIP and should be dealt with at Technical Matters stage.

## 5.0 Consideration of Reason for Refusal

**1. Would the proposed scheme positively contribute to the housing land supply in the District?**

**2. Is the appeal site a sustainable location for residential development?**

**3. Will the development fill an important gap in the Conservation Area that would harm the rural character, appearance and quality of the area?**

**4. Is the existing pub business viable?**

**Response 1: Would the proposed scheme positively contribute to the housing land supply in the District?**

5.1. In contrast to the housing numbers supplied in the Officers Report at the time of decision, Cherwell District Council's confirmed on the 3<sup>rd</sup> of February 2025 that they can only demonstrate a supply of 2.3 years. As the Council's housing land supply is significantly below its required 5-year supply, the presumption in favour of sustainable development (Paragraph 11d of the NPPF) is applied and development on sites adjacent to development boundaries should be considered favourably where it provides a positive contribution to housing land supply.

5.2 The proposal for 3-7 units would make a positive, albeit small, contribution to the supply of housing in the district and would be a modest benefit. Paragraph 73 of the National Planning Policy Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

5.3 In summary, the scheme would positively contribute to the housing land supply in the area.

**Response 2. Is the appeal site a sustainable location for residential development?**

5.4 As the titled balance in favour of sustainable development is applied, schemes are assessed against their economic, social and environmental benefits. Therefore, the schemes locational

sustainability and on the edge of sustainable settlements must also be considered.

5.5 Burdrop is a 'cluster' village with Sibford Ferris and Sibford Gower, and across these three settlements there are a range of services and amenities including primary & secondary education facilities, GP surgery, village shop & post office, leisure facilities (including tennis courts and football pitch), pub, church and village hall (with community clubs) that can be accessed without reliance on a car. Therefore, it is classified as a Category A Village.

5.6 Policy Villages 1 of the Cherwell Local Plan states that in Category A Villages, development such as minor developments (less than 10 units), conversions and infill are acceptable in principle. For the purposes of this, infill development is defined as 'infilling refers to the development of a small gap in an otherwise continuous built-up frontage'.

5.7 This scheme is a combination of all three acceptable types of development for Burdrop. The conversion of the disused pub, the infilling of a small gap and a minor development on the edge of the village.

5.8 Even though the site is located on the edge of the settlement and may not be entirely within the development boundary of Burdrop contrary to Policy Villages 1, in the context of the housing land supply shortfall, this reduces the weight to be afforded to conflict with Policy Villages 1.

5.9 As the site is located within and directly adjacent to the Development Boundary of Burdrop it is therefore a suitable location for residential development in principle in light of the current housing deficit and its merits should be assessed against its locational sustainability.

5.10 There are two bus stops located approx. 100m walk from the site, with direct routes to Stratford upon Avon and Banbury which enable residents to access services and facilities further afield without reliance on a car.

5.11 Policy SLE4 requires development to be sited where it encourages sustainable travel modes and reduces reliance on the private car. There are ample day-to-day services within walking distance from the site and buses to services located in further afield settlements. The site is in the centre of the Sibfords and is therefore as close in proximity to every available amenity within the Sibfords than any other location.

5.12 Additionally, Policy SLE4 requires development to be suitable for the roads that serve it and to ensure that a severe traffic impact will not be generated. The proposed 3-7 units is a minor development and would not result in more traffic movements that are feasible for the current use of the site. Therefore, the proposed scheme will not have any significant implications on the safety of the highway and any traffic impact from the scheme would be minimal.

5.13 We do note the objection from the Highways Authority, but would like to point out that the current allowed use is that of a Public House Licenced to trade for 365 days a year: 10am until 11pm Monday-Thursday and 10am until 1am weekends. There are no controls or limits to the number of vehicle movements through-out these times, it could be 100 or more journeys every day and through-out the night. The proposed use is clearly more sustainable when off-setting those possible traffic implications as against the up to 7 dwellings proposed.

5.14 Notwithstanding the above, Paragraph 110 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making. Therefore, it is expected that residents in more rural locations would use private car more so than those living in urban locations, but that this does not mean that they are not sustainable locations.

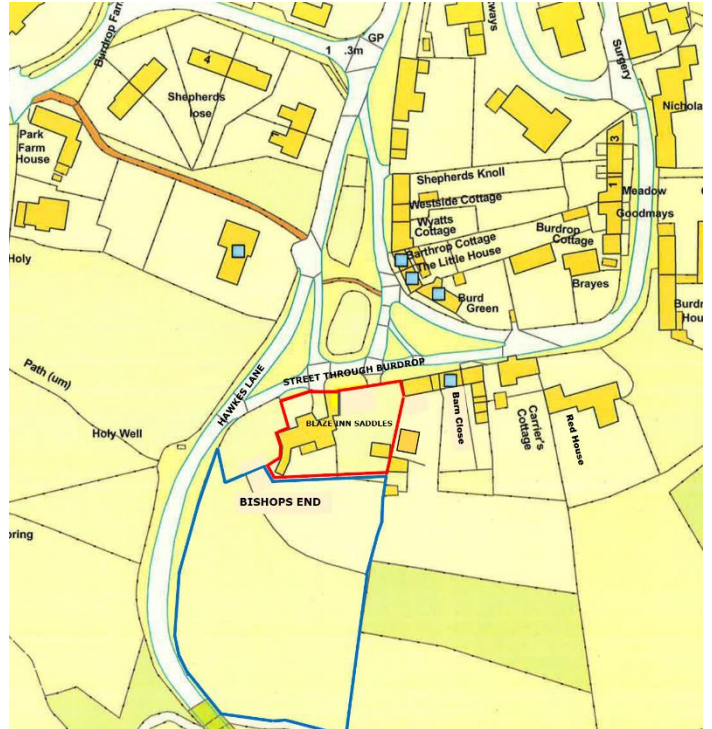
5.15 Furthermore, the Council's inability to demonstrate a sufficient housing land supply should weigh heavily in favour of the scheme. This shortfall, with the limited scale of the development, means that the harm of an increase in travel by private car would be modest and would not be outweighed by the benefits of the scheme.

5.16 In addition to the above, a recent appeal decision in Cherwell (ref: 3329834 **Appendix 4**) notes that the Local Plan does not define the extent of the built-up limits of the settlement and therefore that the determination as to whether the site falls within these limits is therefore a matter of planning judgement.

5.17 The appeal site comprises the building, car parking and garden area of the existing property. It is bordered by residential development on two sides (front and east) and continues the existing residential building line along the road (figure 1). The site extends no further than the existing pub building and does not encroach into the gap between Burdorp and Sibford Ferris.

5.18 Given both its physical and visual relationship to the neighbouring development which forms part of the main built-up area

of the modern settlement, we would argue that the appeal site is within the village envelope, albeit at its edge.



**Figure 1: Site Context and Surrounding Uses**

5.19 As the development is located on the edge of the village envelope and within the limits of the village, Saved Policy H18 is not determinative of this issue.

5.20 There would be small economic advantages of construction of the proposal which would be short term and a further modest benefit from this occupation and associated spending in the locality. There would also be a small benefit being associated with the proposed developments potential to enhance the vitality of the existing community. These benefits must also be taken into consideration when determining the proposals.

5.21 In summary, the scheme when assessed against the NPPF as a whole represents sustainable development.

**Response 3. Will the development fill an important gap in the Conservation Area that would harm the rural character, appearance and quality of the area?**

5.22 Saved Policy CS33 of the Local Plan 1996 states that the Council 'will seek to retain any undeveloped gap of land which is important to preserving the character or a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of a recognised amenity or historical value'.

5.23 Sibford Ferris, Sibford Gower and Burdrop as a cluster village undertook a joint Conservation Area Appraisal in 2012. This sets out the Conservation Area boundaries for the village and any important gaps and vistas/views that they wanted to protect in accordance with Policy CS33. On pg 33. of this Appraisal the gap between Burdrop and Sibford Ferris is highlighted for its importance to the character of the Conservation Area.

5.24 This gap, known as the Sibford Gap, starts to the south of the appeal site beyond the car park and the pub garden the land drops away into the valley. The proposed site will not encroach into this gap and therefore this important gap will not be infilled by the proposed development.

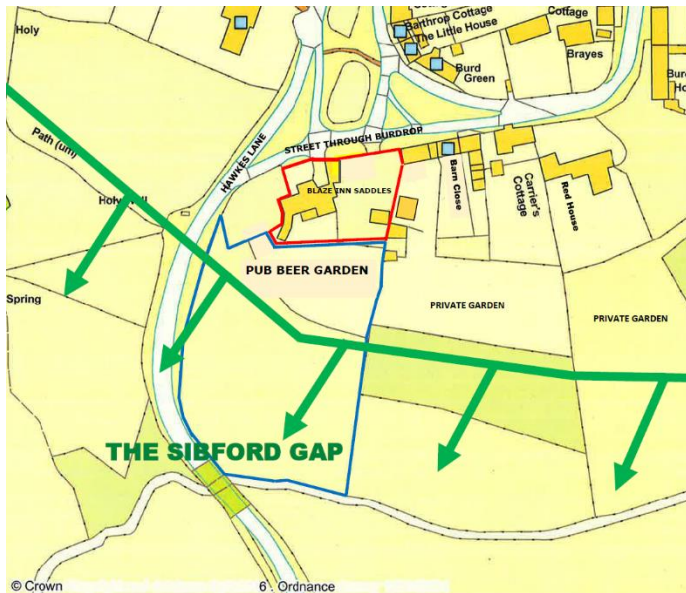


Figure 2: The Sibford Gap

5.25 On pg. 35 of the Appraisal is a map which shows with blue arrows the positive views and vistas which are important to the Conservation Area, these do not include views through the car park of the property.

Therefore, the car park does not constitute an undeveloped, important gap as defined in Policy CS33.

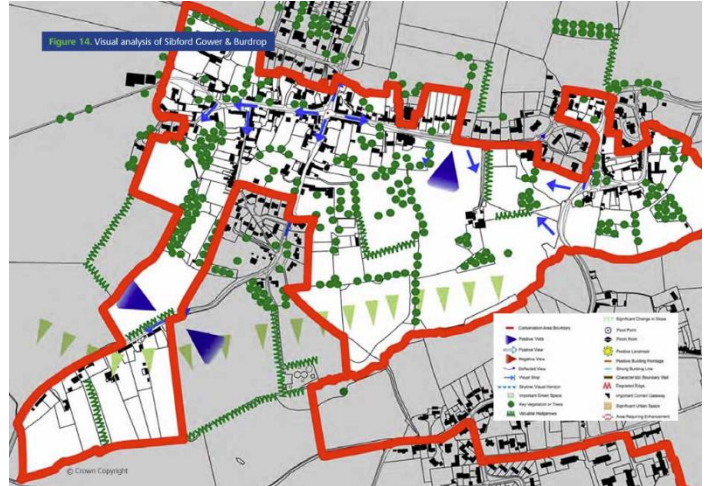


Figure 3: Conservation Area (blue arrows denote positive views/vistas)

5.26 Additionally, a holiday let was approved under application ref: 24/00613/FUL in the gap between the Inn and the neighbouring Grade II Listed dwelling.

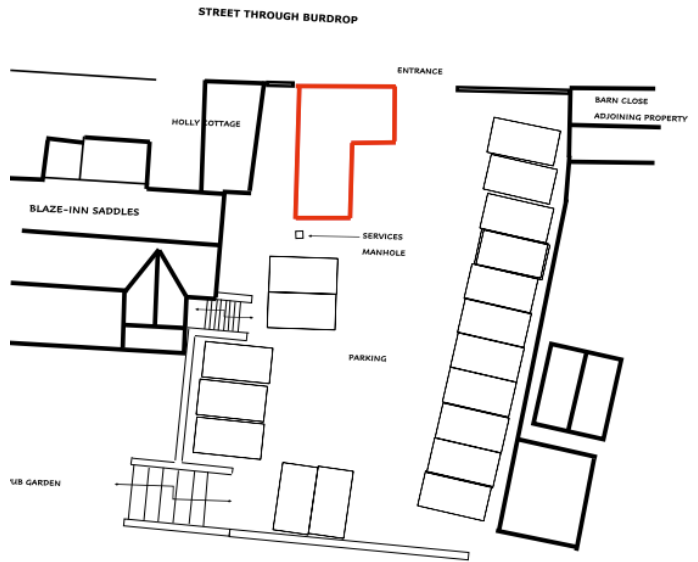


Figure 4: Holiday let approved under application ref: 24/00613/F.

5.27 As part of the assessment for the 2024 application for a holiday let on the car park, the Committee Report (Appendix 5) noted that the scheme would be located within an existing gap in the village,

however as there was previously an appeal permission for a building (ref: 16/02030/F) to be erected within this gap the scheme was considered acceptable.

5.28 The provision of 3-7 dwellings and hardstanding would not materially alter the existing nature of the appeal site and current permissions on the site. The proposed dwellings would be physically and visually related to the surrounding housing and would not extend beyond the rear building line of the existing Inn. As such, the development would be visually contained within the built-up limits and would read as part of the existing village. Thus, the development would not be an unduly prominent or visually intrusive addition to the streetscape.

5.29 As this is a PIP scheme there is no requirement for a site layout plan to be provided. However, it is clear that some of the units are to be provided within the existing building and the others would be sited within the existing car park and pub garden area where existing outbuildings are located and a holiday let building (ref: 24/00613/F) has already been approved to be erected.

5.30 From the other side of the Sibford Gap changes to the view will be seen against the backdrop of the existing settlement edge and would be relatively limited given the height of the established tree screening on the valley slopes. Consequently, despite the localised change, the proposed development would not adversely affect the wider landscape setting or undermine the Council's desire to conserve and enhance the character of the Conservation Area

5.31 The proposed development would not harm the character and appearance of the area, including the setting of the Conservation Area. It would therefore accord with Local Plan Policies ESD13 and ESD15 together with the relevant sections of Saved Policies C28 & CS33.

5.32 Details regarding the design, scale and massing of the scheme will be developed at the Technical Stage in accordance with PIP procedures and therefore only the effects of the location and amount of development on the character of the surrounding area should be considered. From the details required for consideration at PIP stage, it is clear that the Sibford Gap would not be encroached upon, or its views be negatively impacted by proposals.

5.33 In summary, the proposed development would not fill an important gap in the Conservation Area and would not harm the rural character, appearance and quality of the area.

**Response 4. Is the existing pub business viable?**

5.34 The scope of PIP is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters only are to be considered at the PIP stage. All other matters should be considered at the TDC stage. Therefore, we do not consider viability of the existing pub business to be a determining factor in this PIP appeal as it falls outside of the PIP considerations as conversions are supported in principle.

5.35 That being said, we are happy to provide details of the existing pub business and the expertise of the Appellant and his wife (Geoff & Jaqui) to demonstrate that they have tried to make this pub to run as a profitable business for the past 18 years without success and that direct competition from the other pub within the village has made the concurrent running of both businesses unsustainable.

5.36 The Appellant and his wife have been running pubs since 1992 and are well versed in making pubs profitable. The Royal Oak in Bracknell was Mr & Mrs Noquet's first Leasehold Pub in 1992. During their 10-year ownership, in the first six months they increased Weekly Turnover from £1,800 to £6,000. They built a trading area extension from funds generated through profits and the new area was opened for Christmas 1994, within a few months sales rose to £13,000 per week, those figures would equate to at least £40,000 today, using current hospitality pricing comparisons. They sold the lease back to the Inntrepreneur Pub Company in 2002 for around eight times what they had paid for it.

5.37 In 1995 they also operated The Admiral Cunningham in Bracknell for the Inntrepreneur Pub Company holding the Licence whilst new tenants were sought. During that time, they increased weekly sales from £5,000 to an average of £8,000. In 1996 they also operated The Wagon and Horses a rural pub in Twyford, Berkshire, again, holding the pub for Inntrepreneur whilst new tenants were sought. During that period, they increased weekly takings from £3,000 up to £5,000.

5.38 In 2007 Geoff & Jacqui took on a temporary Leasehold of The Royal Oak, a rural country pub in Shurlock Row, Berkshire with Marstons Pub Company. This happened after they had received the objections from Sibford/Burdrop Villagers criticising their management abilities. They decided to employ managers in The Bishop Blaze Inn, in an attempt to distance themselves from the local boycott. In addition, they wanted to demonstrate again that they could transform a rural public house into serious profitability under the right circumstances. The previous tenant had failed and was evicted, the

business was taking hardly anything around £30 per day and in just 3 months Geoff & Jacqui had established a weekly turnover of £4,000.

5.39 In conclusion their history is clear evidence that Geoffrey & Jacqueline Noquet are proven experts in the Public House Hospitality Sector and demonstrates their indisputable abilities. If this very experienced couple could not resurrect the failing Bishop Blaze, then it is extremely unlikely and doubtful that anyone else could!

5.40 The pub business is in direct competition with the other pub in the cluster village, The Wykham Arms, which is used by locals and is adequate provision for the local community. Whilst multiple attempts have been made by the Appellant to generate local interest in visiting the pub (**Appendix 6**) by posting on local social media groups, the business has not been profitable for some time and custom remains with the Wykham Arms.

5.41 The Wykham Arms is a traditional Public House providing more than adequate facilities for the Local Community. It has 2 bars, a large restaurant and ample car-parking, the public trading areas could accommodate at the least 100 customers, probably more. In 2006 it would have been achieving weekly sales of circa £6,000, using Industry pricing increases, it should now be taking around £12,000 per week.

5.42 The selling Agents Christies have current figures that indicate that it is achieving sales of £8,000 per week. In real terms this represents a significant customer loss, in other words, fewer members of the community are using the pub and that is in line with the Licensed Industry Experts analysis of trading trends over the last 2 decades. The Wykham is an extremely well-run public house and there are no valid reasons for any loss in custom. The simple fact is that social habits have changed, and people no longer use pubs as frequently as they used to.

5.43 In the unlikely event that the Blaze-Inn was to re-open as a traditional pub, it would undoubtedly affect the profitability of the Wykham Arms, this concern was raised, by the Inspector as part of the assessment for APP/C3105/W/17/3191365 (**Appendix 7**). He stated that *'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'*. These concerns were expressed 8 years ago when the hospitality sector was more buoyant, since then more than 9,000 pubs have permanently closed and circumstances are significantly worse for pubs.

5.44 The notion that two public houses can now both operate viably serving an adult population of approximately 500 is unreasonable. Social habits were changing, even before the pandemic, and since then, customer levels are significantly lower than ever before. Times have changed and it is time to move on and support and protect the last profitable pub in the village for locals to use and not try to split the small customer base over two pubs, resulting in neither of them being profitable nor viable businesses.

5.45 In addition to the above, an effort to list the property as an asset of community value to ensure that it remained in commercial use was revoked due to improper procedure. This was followed by a second attempt in August 2021 to re-list the Public House as an Asset of Community Value. The application was refused in October 2021 (**Appendix 8**) due to the Parish Council's failure to provide evidence that the premises contributed to the Social Wellbeing of the Local Community or provided their Basic day-to-day needs. The Local Authority did not consider the property to meet the criteria of a community asset stating in their decision *'It was acknowledged by both nominator and owner that current use of Blaze Inn Saddles does not further the social wellbeing or interests of the local community.'* The assessment also included a requirement to demonstrate such use in the recent past with the Authority concluding that the evidence supplied, which only showed a community use until 2006, was not sufficient to allow Cherwell District Council to conclude that the nominated property furthered the social wellbeing or interests of the local community in the recent past.

5.46 This refusal shows that this additional pub is not necessary to support the village, and the Wykham Arms is more than sufficient to cater for the adult populations across The Sibfords & Burdrop.

5.47 In summary, there is ample evidence that the Appellant has done everything within his vast expertise to make the business profitable, but the village is not a sustainable location for two competing pubs and the Wykham Arms is the clear winner. Not allowing the redevelopment of this site, will result in the pub remaining disused and empty. It already does not benefit the local community and forcing it to remain in its current use will not benefit the local community going forwards either. However, the proposed dwellings will provide benefit in that they will contribute towards the housing deficit in the area.

## 6.0 Conclusions

6.1 In summary we believe that the appeal should be allowed. The Council's inability to demonstrate a sufficient housing land supply

should weigh heavily in favour of the scheme. This shortfall, with the limited scale of the development, means that the harm of any increase in travel by private car would be modest and would not be outweighed by the benefits of the scheme.

6.2 There are a range of services and amenities including educational facilities, medical services, and retail that can be accessed without reliance on a car. There are also two bus stops located approx. 100m walk from the site, which enables residents to access services and facilities further afield without reliance on a car.

6.3 The proposed development would be physically and visually related to the existing buildings and would not extend beyond the building line of the existing development. Therefore, it would visually read as part of the existing village. Thus, the development would not be an unduly prominent or visually intrusive addition to the landscape and would not cause harm to the character appearance or quality of the area by filling in the primary important gap (Sibford Gap) or any positive vista/views as listed in the Conservation Area Appraisal.

6.4 The appeal site is a sustainable location for new residential development and material considerations indicate that permission in principle should be granted in this case. Therefore, we respectfully request that this Appeal is allowed by the Planning Inspector.

## 7.0 Appendices

Appendix 1: Statutory Consultee Responses

Appendix 2: Neighbour Comments

Appendix 3: Annual Monitoring Report 2024 3<sup>rd</sup> February 2025

Appendix 4: Appeal Decision 3329834 7<sup>th</sup> May 2024

Appendix 5: 24/00613/F Committee Report

Appendix 6: Facebook Marketing for Pub Events

Appendix 7: Appeal Decision 3191365 4<sup>th</sup> July 2018

Appendix 8: Asset of Community Value Decision ACV066

## 8.0 Supporting Documents

1. Appeal Statement of Case August 2024
2. Application Form 3<sup>rd</sup> October 2024
3. Planning Statement October 2024
4. 24/02664/PIP Decision Notice & Delegated Report

## 9.0 Submitted Plans

1. Location Plan @A4