

**Objections to Planning Application [16/01525/F](#) :**

**Erection of a two-storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed - The Pheasant Pluckers Inn Burdrop Banbury OX15 5RQ.'**

submitted by Richard Butt for and on behalf of the **Bishop Blaize Support Group**

**The proposed 2 Bed-roomed Cottage:**

As the applicant acknowledges **at Point 1.4** of his submission, this application is a "very similar proposal " to the original application made in 2009 for 'Alterations and extension to barn to provide 4 nos. ensuite letting rooms' Ref **09/01275/F**.

In fact - in so far as it is possible to finally determine from sketched drawings (in the case of both applications) that are almost devoid of accurate measurements – the application for the newbuild cottage element of the original application replicates it in almost every aspect, and as such is directly relevant to the present submission.

The level of replication becomes immediately apparent in a direct comparison for example between the two associated elevation documents:

**05668910.pdf** Extended Front Elevation 'Bishop Blaize'

**08599012.pdf** North Elevation 'Ivy Cottage'

The first is taken from Planning Application **09/01275/F**, 2009

The second is taken from the current Planning application **16/01525/F**, 2016

At the time of the 2009 application, the proposed development was judged by Cherwell District Council to:

- affect the setting of the adjoining Listed Building and to
- affect the character and appearance of a Conservation Area

Following the outcome of a protracted consultation in which a significant number of issues and objections were raised both by the Council and by local residents, on the 30<sup>th</sup> October 2009 the owners withdrew their application [Ref **05711993.pdf** Associated Documents **09/01275/F**].

### **Issues and objections carried over from this first planning application**

It is incorrect to say, as the applicant does at **Point 1.4** of his application, that Shona King regarded the scheme at the time as 'acceptable'. In her e-mail correspondence of the **3<sup>rd</sup> November 2009** [Ref **05711995.pdf** Associated Documents **09/01275/F**] - in which she took issue with the allegations made by the applicant that she had been less than impartial in her dealings with the application – Shona King said only that “the *principle* of an extension and the conversion to provide letting accommodation” was acceptable.

She went on to re-iterate from her original letter of 27<sup>th</sup> October 2009 a significant number of issues that would first need to be addressed, but by then the applicant had already withdrawn his application.

### **The continued development of 'Part One' of the original proposal**

Over the years that followed and in discreet stages, the applicant proceeded anyway to develop the first part of the proposed development as a 'holiday let', putting in retrospective planning applications when required to, and completing the conversion of the barn with an access door opening onto a 'garden' in the car park.

This area, called by the present application in **Point 1.6** a “private garden” now forms the footprint of what is very clearly the second part of the original application to enable the conversion of the now 2 bedroom holiday let into a 4 bedroom cottage, for which the garden is already perceived by the applicant as redundant.

It is our contention that the issues Shona King :

- raised with the applicant on 27<sup>th</sup> October [Ref **05711992.pdf** Associated Documents **09/01275/F**]
- re-iterated in her correspondence with him on the 3<sup>rd</sup> November 2009 [Ref **05711995.pdf** Associated Documents **09/01275/F**] and
- referenced again in her correspondence of 5<sup>th</sup> November 2009

remain unaddressed now as they were unaddressed then.

The 38 objections made at the time [under Public Comments, Associated Documents **09/01275/F**] several, for example, expressing concern about the relative height of the building in relation to that of the main premises of the pub - also remain directly pertinent to the present application, and they too clearly should be re-introduced into the consideration of the council for this present proposal.

On these grounds alone in our view the application should be refused.

### Notes arising from these objections

- The proposal submitted by the applicant in the original 2009 application was explicitly for “Alterations and extensions to provide 4no.en-suite letting rooms”. It should be noted that the proposal in the present 2016 application makes no mention of holiday letting. Permission is sought “for the Erection of a 2 Storey Cottage.....”. No other purpose is stated in the proposal .
- Given the applicant’s acknowledgment in **Point 1.4** of his application that the new submission is “a very similar proposal” to that of 2009, the submission for the 2-Storey Cottage and the work already completed on the one storey and mezzanine-floored ‘Holiday Let’ should be regarded as one and the same building project with obvious and ready access already in place between the two.
- Approval was granted in 2014 for the development of the ‘holiday let’ by the Planning Inspectorate via an appeal but with the conditions that it be used for holidays lets only, remain ancillary to the property Bishops Baize/Bishops End, and not be let or occupied for a period exceeding eight weeks by anyone person or group within a calendar year.

It is noted that the applicant attempted in June 2015 to have these conditions overturned. The consequent appeal: **APP/C3105/W/15/3136680** was summarized by Mrs. Jennifer Vyse for the Planning Inspectorate as seeking “in effect to ‘remove’ the appealed conditions to enable the holiday let accommodation to be occupied as a separate dwelling.” She could not have been clearer.

A detailed and exhaustive judgement by Mrs Vyse finally upheld the original determination of the Council, and the appeal was dismissed on 30<sup>th</sup> March ‘16 **15/01103/F | Removal of conditions 3 and 4 of planning permission 13/00781/F**

Our contention is that the present application tests that Appeal Decision by submitting drawings that exactly replicate the ‘cottage’ part of the original 2009 application Ref **09/01275/F**. Were it to be granted it would then be only one step away from a further Planning Application to join the two properties as a single separate dwelling to complete the original building project of 2009 but now - as already anticipated in the present application - without any reference to letting, and with no reference to it being ancillary to the use of the adjoining property as public house.

### **On the question of the pub's status and its present viability**

**Point 1.1** of the applicants proposal describes it as “vital for the long-term viability and sustainability of the Public House”, the same argument put forward for the retrospective planning application for the creation of the Holiday Let. But the ‘Pheasant Pluckers Inn’ is not open as a pub. According to its own signage and its own website: <http://thepheasantpluckersinn.com> it is open once a week on a Sunday and then only for lunch; that is all.

Over the last 7 weeks since it opened, it has opened its doors for an average of just 3 hours a week. At the time of writing, Sunday 17<sup>th</sup> August '16 it was open for just 2 hours. On Sunday, the 8<sup>th</sup> August '16 it did not open at all. Each week, for the remainder of the week, it remains permanently closed and the house reverts to a domestic dwelling.

It is hard in these circumstances to give any credence to the applicant's concern for the viability of the pub. In any proper sense of the word, there isn't a pub; there is an unreliable, once-a-week pop-up lunch venue.

### **Parking**

The number of parking spaces presently identified on the application is fanciful. Much of the ground identified for parking is presently occupied by a large fixed base caravan - still after two years the subject of an enforcement order - and a significant amount of un-cleared and fenced-off ground. But under these circumstances, the number of car-parking spaces is presently not an issue. The number of cars using it each Sunday has varied from 5 in the first week to 0.

Our concern as a support group for the future of the pub as a viable business enterprise is the preservation of the pub car park as a car park. We entirely reject the argument put forward in this application at **Point 1.7** that because other pubs in the area have little or no parking provision, the same could be said for this. The pub itself is on a steep hill and served by very narrow access roads that also serve as access to the surrounding houses in Burdrop. There is no off-road parking anywhere in the area that isn't already taken up by residents.

### **Change of use**

Whether as a 2 bedroomed cottage or eventually as a 4-bedroomed cottage, the location of the proposed property development in the car park of the pub would in any case require a change of use from A4 to C3, as was the case originally in 2009. There is currently an ACV registered on the entire property which now denies a change of use from Pub use to any other use.

Again on these grounds alone, we believe the application should be refused. Indeed, given the application history and the controversial nature of the present status of the pub, we believe an application as complex as this should be referred to a hearing by the full planning committee.

### **The Garden Shed:**

We remain curious about why the Garden Shed was previously concealed for some time within a larger wooden shed which the Council eventually required to be demolished. It was finally revealed as startling white-painted, and in an Area of Outstanding Natural Beauty can be considered an eyesore as viewed from Sibford Ferris. But in any case, in our view this application should be treated separately from that for the proposed Cottage. It should be brought forward as a retrospective planning application as the shed has already been erected and is in current use.